United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, WEDNESDAY, FEBRUARY 11, 1998 *No. 10*

House of Representatives

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 11, 1998.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

With gratitude and humility, with praise and appreciation, we offer our words of thanksgiving, O God, and seek Your blessings upon us and what we do.

Most earnestly this day we pray for those in this assembly to whom great responsibility has been given and from whom the critical decisions must come. For wisdom in the right use of power, we pray; for insight into the serious judgments that must be made for the welfare of all people, we pray; for discernment and knowledge in the search for peace in our world, we offer our petitions and our hopes.

May Your abiding presence, O God, encourage us in all things, so that justice rolls down as water and righteousness like an ever-flowing stream. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. GUTIERREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ 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.

APPOINTMENT AS MEMBERS TO CENSUS MONITORING BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 210(c)(1) of Public Law 105–119, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Census Monitoring Board:

Mr. J. Kenneth Blackwell of Ohio and Mr. David W. Murray of Virginia.

There was no objection.

APPOINTMENT AS MEMBERS TO COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 3162(b) of Public Law 104–201, the Chair announces the Speaker's appointment of the following Members on the part of the House to the Commission on Maintaining United States Nuclear Weapons Expertise:

Mr. Robert B. Barker of California and Mr. Roland F. Herbst of California.

There was no objection.

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 955(b)(1)(B) of Public Law 105–83, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts.

Mr. DOOLITTLE of California and Mr. BALLENGER of North Carolina.

There was no objection

APPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99–498, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term.

Mr. Henry Gibbons of Missouri.

There was no objection.

TRIBUTE TO DONNA WEINBRECHT

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

Mrs. ROUKEMA. Mr. Speaker, I rise enthusiastically on behalf of the United States Congress and the people of New Jersey to congratulate the Olympic legend, Donna Weinbrecht of West Milford, New Jersey. Donna has been the foundation of the U.S. freestyle team for 11 years, and over her career she has won an Olympic gold medal, seven U.S. titles and 5 World Cup championships. These championship performances are what has earned her the international reputation as the Queen of the Moguls.

But Donna Weinbrecht is more than the winningest skier in U.S. history. She is a mentor and road model for our young people and a credit to our Nation for the excellence in all she does. This young woman from New Jersey is an inspiration to both athletes and

non-athletes alike. Her sterling character, hard work, unending dedication and thorough mastery of her sport has made her a role model for young people across the Nation.

But her impact on her sport goes beyond trophies and honors. She has also served as a sports goodwill ambassador, and has brought the energetic promotion of freestyle skiing, or the ''bumps,'' as they are known, to Olympians all around the world.

Carolyn and Jim Weinbrecht, her parents, had to stay home this time because of illness, but her brother and sister, Jim and Joy are there, and they are a family that has always been there for each other.

My colleagues and I now join Donna's family, the residents of West Milford, the citizens of New Jersey, and, indeed, of our whole Nation, in saluting our Olympic champion. Donna has always been a gold medal champion in our hearts, and always will be. She has carried our flag proudly.

ALLOW PUERTO RICO SELF-DETERMINATION

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in support of H.R. 856, a bill allowing the people of Puerto Rico to exercise their right to self-determination.

After 99 years of being disenfranchised citizens, the 3.8 million U.S. Citizens of Puerto Rico have earned their right to define their relationship with the rest of the Nation. Puerto Ricans have valiantly and honorably served in the U.S. Armed Forces and have been involved in every major armed conflict, starting with World War I. Many Puerto Ricans have sacrificed their lives to preserve the goals of the United States. Currently there are 146,000 war veterans residing in Puerto Rico. The number of Puerto Rican men and women serving in the Armed Forces has exceeded the number of soldiers serving from many larger States.

The Korean War in particular highlights the noteworthy sacrifices of the people of Puerto Rico. In per capita terms, Puerto Rico ranks second in the Nation with respect to the number of men and women who died in that war. Moreover, the 65th Infantry Regiment, composed entirely of Puerto Ricans, was the most highly decorated regiment in the world, receiving the Presidential Unit Citation, the Meritorious Unit Commendation, two Republic of Korea Presidential Citations, and the Bravery Gold Medal of Greece.

Clearly, Puerto Rico has made critical contributions with the blood and sweat of its own to defend democracy and freedom throughout the world.

The Puerto Ricans have been diligent in serving the Nation when called. Should not the U.S. Congress be diligent in granting their earned right to self-determination?

I urge Members to support H.R. 856.

PRESIDENT'S BUDGET AN AFFRONT TO AMERICAN TAXPAYERS

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

Mr. HEFLEY. Mr. Speaker, there are many reasons that I oppose the President's recently submitted budget request, but none more important than the fact that it raises taxes. It raises taxes a lot.

Mr. Speaker, you would think that the White House would have learned its lesson from the last time it raised taxes on the American people in 1993. You would think that the White House would have learned its lesson from the recent race for Governor in Virginia. You would think that the White House would have learned its lesson from the outrageous level of taxation in Europe and all the economic misery that has caused. You would think the White House would have learned its lesson from its own economic report, which shows that the current level of taxation in this country is at the highest peacetime level ever.

But I guess not. The budget contains billions and billions of dollars in tax increases.

Mr. Speaker, this budget is an affront to the American taxpayer.

VERIFYING CITIZENSHIP BEFORE VOTING IN CONGRESS

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

Mr. GUTIERREZ. Mr. Speaker, Republicans are proposing to disenfranchise, degrade and demonize millions of American citizens. Under their legislation, H.R. 1488, certain voters will be singled out, purged from the voting rolls, and forced to prove that they are truly citizens.

I believe Members of Congress should go through the same humiliating exercise. After all, using the Republicans' own logic, we must assume that any votes cast in this body could be tainted until we check the status of those who vote here.

Therefore, I am urging that any further congressional votes be suspended until we verify the citizenship of every single Member of the U.S. House. I ask that the Sergeant at Arms revoke the voting card of any Member of Congress who cannot immediately produce an Immigration Service or Social Security document proving that he or she is indeed a citizen of the United States.

If the Republicans want to protect the integrity of the voting process in precincts around the country, we should start with the voting process here in Congress. It does not seem to bother the GOP when the rights of millions of American voters are at stake. Maybe they will think differently if their rights are at stake, at risk, and their character under attack.

ACCURACY IN CAMPUS CRIME REPORTING ACT

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

Mr. DUNCAN. Mr. Speaker, 2 days ago, USA Today, in its lead editorial, strongly endorsed the Accuracy in Campus Crime Reporting Act. This bill, H.R. 715, is one that I introduced, which now has 65 cosponsors, divided almost equally between Republicans and Democrats. As USA Today said, ''As long as campus courts operate in secret, students committing crimes get a privacy right denied to the rest of adults.''

That is what this bill is all about. It is about opening up the records of crimes being committed at campuses. A college or university that does not have a crime problem should have no objections to this bill. But parents and students should be allowed to know if certain colleges are lax about law enforcement.

Many colleges prefer to discipline student criminals in secret campus courts. They use a warped interpretation of Federal privacy laws to treat these crimes as private academic records that may not be released to the public.

No one has any business knowing about a student's grades or financial aid records, but it is wrong, however, when the definition of privacy is used to protect rapists and murderers.

USA Today summed it up best by concluding ''It is a sad state of affairs when an act of Congress is necessary for the Education Department to protect students' safety.''

I encourage my colleagues to cosponsor H.R. 715, a bipartisan bill that will change the definition of privacy to exclude campus criminal activity.

USE AMERICAN TROOPS TO GUARD AMERICAN BORDER

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

Mr. TRAFICANT. Mr. Speaker, the Immigration and Naturalization Service in some of their offices have error rates as high as 99 percent in reviewing applications, according to a recent study. In addition, 13,000 immigrants bought citizenship with illegal payoffs and bribes.

Now, if that is not enough to compromise your disgust, check this out: The INS says keep the military off the borders, Congress.

Unbelievable. These same bungling, incompetent nincompoops who have allowed heroin and cocaine to be easier

to get than aspirin, who have our borders overrun with illegal immigrants, now want the border all to themselves.

Beam me up. The American people want Congress to secure our borders. Let me say this, Congress: If American troops can guard borders for the United Nations all over the world, American troops can guard the American border at home for the American people.

I think we should investigate those bungling nincompoops at the INS.

I yield back the 1 percent positive rate they have.

CAMPAIGN FINANCE REFORM

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

Ms. HOOLEY of Oregon. Mr. Speaker, after more than a year of stalling, the Republican leadership has finally agreed to schedule a vote on campaign finance reform this spring. I am thrilled about that. The question, though, is a vote on what? Will it be a vote on real reform, which includes a ban on unregulated soft money and more disclosure, like the American people want? Or will it be a vacant or destructive bill that is soft pedaled as reform?

Mr. Speaker, I rise today to urge you to do the right thing by bringing a bill that includes real reform to the floor for a vote. The American people will not settle for anything less.

CALLING FOR A VOTE ON CAMPAIGN FINANCE REFORM

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

Mr. KIND. Mr. Speaker, I want to commend my colleague, the gentlewoman from Oregon, (Ms. HOOLEY) for her tenacity on an issue that I think is one of the most important issues that this body, this Congress, in this session should be working on, and that is campaign finance reform.

We have had numerous conversations with the Speaker, trying to get a promise from him to bring this measure up. TRENT LOTT in the Senate has agreed to allow the McCain-Feingold bill to come forward.

We have the perfect vehicle on the House side. A freshman task force has been working for the better part of a year, six Republicans, six freshman Democrats, in trying to get the poison pills out of a good finance reform bill, and believe we have done that.

We have numerous cosponsors from across the aisle, and I am asking today for the Speaker and the leaders in this House to at least allow us to bring this issue up for a full debate and for consideration and for a vote on this bill this spring.

I hear from my constituents in western Wisconsin that they do not expect me to take no for an answer, and figure out a way to get big money and the influence of money out of politics.

□ 1515

I think now is the day that we should act. The time has come, and I commend my freshman colleagues who have been working for the better part of a year to make that day a reality.

''1–800–CAR–FIND ACT''

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

Mr. ROTHMAN. Mr. Speaker, this morning New Jersey's families woke up to a story in the Bergen Record newspaper that is becoming all too familiar. Car thefts are up once again. This time it is at Newark Airport, a growing international airport that we are counting on to spur North Jersey's economy well into the 21st century.

The 83 percent increase in stolen cars at Newark Airport means that 83 percent more New Jersey families traveling via Newark Airport are dealing with the possibility that their car will be stolen. Beyond the personal trauma and the hassles of getting their lives back in order, these families will have to bear significant costs. That is why I am urging my colleagues to take up the ''1–800–CAR–FIND'' bill that is currently awaiting action in the Subcommittee on Crime of the House Committee on the Judiciary.

As a member of that subcommittee, I can assure my colleagues that I will strongly support the ''1–800–CAR–FIND'' bill. It sets up a national system to track stolen cars more efficiently, and the bill will return the cars to their rightful owners more quickly. It will provide lower insurance premiums for our families.

The rise in car thefts at Newark Airport and the other of our Nation's airports is a serious matter, it is a national concern, and it requires a national solution. Congress must not delay any further action in taking up ''1–800–CAR–FIND'' any longer.

CAMPAIGN FINANCE REFORM

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

Mr. SNYDER. Mr. Speaker, this morning on a local radio station a little girl called in with the joke of the day and the joke was, ''What do you call a boomerang if it doesn't come back? A stick.''

We are confronting here the issue of campaign finance reform, and the fear of many people in America and the fear of many people in this House, is that we will have a bill presented before this body that will be called campaign finance reform but will, in fact, be just an empty stick with none of the clout of a true campaign finance reform fill. I am one of the cosponsors of the freshman campaign finance reform bill, and, at a minimum, it must be one that bans soft money and severely restricts these huge, unlimited donations to the parties.

In addition to that, our campaign finance reform bill must have no poison pills, and by that I mean to have provisions in the bill that would mean large numbers of this body would have to vote against it. There are options out there with bipartisan support that this House and the American people would support without such poison pills and I encourage the Members of this body to support them.

DISTRICT OF COLUMBIA IS ON A ROLL

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

Ms. NORTON. Mr. Speaker, expect to see me on the floor often reporting on the condition of our capital city. An extraordinary turnaround is in the making. At a hearing today, the District reported an almost $200 million surplus. My colleagues heard me right: surplus.

This signifies another breakthrough. The District has balanced its budget 2 years ahead of the congressionally mandated year. This progress comes before the historic revitalization package we passed last summer has been felt. I will be coming to the floor on a regular basis in what are sure to be similar improvements on the way. This progress sets in motion the day when the District will soon regain the home rule it has lost. Get ready for it. We are on a roll, Mr. Speaker.

NO BAILOUT FOR THE IMF

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

Mr. SANDERS. Mr. Speaker, I rise in opposition to this Congress voting 1 penny of future funding for the IMF, let alone the $18 billion requested unless a number of conditions are met:

First, the taxpayers of this country should not be forced to bail out the large multibillion-dollar banks like Chase Manhattan, Citibank, and Bank America, who have made billions of dollars investing in Asia, but now that their loans have gone sour, they are running to the United States Congress and the taxpayers of this country to be bailed out. That is wrong.

Further, we should not be bailing out people like General Suharto, the dictator of Indonesia, whose family is worth $30 billion. The taxpayers of this country should not be bailing him out.

Further, I believe that we need a study to determine how effective the IMF has been in developing the global economy. My impression is that the middle class of this country is shrinking, unemployment is too high in Europe, poverty is increasing in Latin

America, the economy remains dismal in Africa, and now we are seeing an economic collapse in Asia. I think we need to question the whole concept of the centralized global economy and the role that the IMF is playing.

BIPARTISAN CAMPAIGN FINANCE REFORM

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

Mr. ALLEN. Mr. Speaker, we are back in session and some of the stories in the paper are the same old stories. There are stories about too much money in politics, about investigations that go on and on.

The Washington Post editorial this morning said it well. Many of the Senate Republicans who have criticized the Democratic fund-raising in 1996 will now vote against significant campaign finance reform. We cannot let that happen in the House. We need a campaign finance reform bill on the floor of this House in March. It should be a bipartisan bill.

The Republican majority has been questioned as to whether or not they are really serious about campaign finance reform, but there are some Republican freshmen who have stood with Democratic freshmen to put together a bill, H.R. 2183, the bipartisan Campaign Integrity Act of 1998. It bans soft money, it improves issue advocacy disclosure, it tightens candidate reporting requirements.

That is the bill we ought to bring to the floor of this House, a bipartisan campaign finance reform bill with no poison pills, no effort to get one side or the other, or the backers of one side or the other. We need real campaign finance reform; we need it now.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. UPTON) laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, February 10, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 15 U.S.C. 1022, attached is the Economic Report of the President together with the Annual Report of the Council of Economic Advisers.

Sincerely,

WILLIAM J. CLINTON.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–176)

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 Joint Economics and ordered to be printed:

To the Congress of the United States:

For the last 5 years this Administration has worked to strengthen our Nation for the 21st century, expanding opportunity for all Americans, demanding responsibility from all Americans, and bringing us together as a community of all Americans. Building a strong economy is the cornerstone of our efforts to meet these challenges.

When I first took office in 1993, the Federal budget deficit was out of control, unemployment was unacceptably high, and wages were stagnant. To reverse this course, we took a new approach, putting in place a bold economic strategy designed to bring down the deficit and give America's workers the tools and training they need to help them thrive in our changing economy.

Our strategy has succeeded: the economy has created more than 14 million new jobs, unemployment is at its lowest level in 24 years, and core inflation is at its lowest level in 30 years. Economic growth in 1997 was the strongest in almost a decade, and the benefits of that growth are being shared by all Americans: poverty is dropping and median family income has gone up nearly $2,200 since 1993. We also saw the biggest drop in welfare rolls in history. Many challenges remain, but Americans are enjoying the fruits of an economy that is steady and strong.

THE ADMINISTRATION'S ECONOMIC STRATEGY

From the beginning, this Administration's economic strategy has had three crucial elements: reducing the deficit, investing in people, and opening markets abroad.

Deficit reduction. In 1993 this Administration's deficit reduction plan set the Nation on a course of fiscal responsibility, while making critical investments in the skills and well-being of our people. When I took office, the deficit was $290 billion and projected to go much higher. This year the deficit will fall to just $10 billion and possibly lower still. That is a reduction of more than 95 percent, leaving the deficit today smaller in relation to the size of the economy than it has been since 1969. And this year I have proposed a budget that will eliminate the deficit entirely, achieving the first balanced budget in 30 years.

Beyond that, it is projected that the budget will show a sizable surplus in the years to come. I propose that we reserve 100 percent of the surplus until we have taken the necessary measures to strengthen the Social Security system for the 21st century. I am committed to addressing Social Security first, to ensure that all Americans are confident that it will be there when they need it.

Investing in our people. In the new economy, the most precious resource this Nation has is the skills and ingenuity of working Americans. Investing in the education and health of our people will help all Americans reap the rewards of a growing, changing economy. Those who are better educated, with the flexibility and the skills they need to move from one job to another and seize new opportunities, will succeed in the new economy; those who do not will fall behind.

That is why the historic balanced budget agreement I signed into law in 1997 included the largest increase in aid to education in 30 years, and the biggest increase to help people go to college since the G.I. Bill was passed 50 years ago. The agreement provided funds to ensure that we stay on track to help 1 million disadvantaged children prepare for success in school. It provided funding for the America Reads Challenge, with the goal of mobilizing a million volunteers to promote literacy, and it made new investments in our schools themselves, to help connect every classroom and library in this country to the Internet by the year 2000.

The balanced budget agreement created the HOPE scholarship program, to make completion of the 13th and 14th years of formal education as widespread as a high school diploma is today. It offered other tuition tax credits for college and skills training. It created a new Individual Retirement Account that allows tax-free withdrawals to pay for education. It provided the biggest increase in Pell grants in two decades. Finally, it provided more funds so that aid to dislocated workers is more than double what it was in 1993, to help these workers get the skills they need to remain productive in a changing economy.

But we must do more to guarantee all Americans the quality education they need to succeed. That is why I have proposed a new initiative to improve the quality of education in our public schools—through high national standards and national tests, more charter schools to stimulate competition, greater accountability, higher quality teaching, smaller class sizes, and more classrooms.

To strengthen our Nation we must also strengthen our families. The Family and Medical Leave Act, which I signed into law in 1993, ensures that millions of people no longer have to choose between being good parents and being good workers. The Health Care Portability and Accountability Act, enacted in 1996, ensures that workers can keep their health insurance if they change jobs or suffer a family emergency. We have also increased the minimum wage, expanded the earned income tax credit, and provided for a new $500-per-child tax credit for working families. To continue making progress toward strengthening families, the balanced budget agreement allocated $24 billion to provide health insurance to up to 5 million uninsured children—the largest Federal investment in children's health care since Medicaid was created in 1965.

Opening markets and expending exports. To create more good jobs and increase wages, we must open markets abroad and expand U.S. exports. Trade has been key to the strength of this economic expansion—about a third of our economic growth in recent years has come from selling American goods and services overseas. The Information Technology Agreement signed in 1997 lowers tariff and other barriers to 90 percent of world trade in information technology services.

To continue opening new markets, creating new jobs, and increasing our prosperity, it is critically important to renew fast-track negotiation authority. This authority, which every President of either party has had for the last 20 years, enables the President to negotiate trade agreements and submit them to the Congress for an up-or-down vote, without modification. Renewing this traditional trade authority is essential to America's ability to shape the global economy of the 21st century.

SEIZING THE BENEFIT OF A GROWING, CHANGING ECONOMY

As we approach the 21st century the American economy is sound and strong, but challenges remain. We know that information and technology and global commerce are rapidly transforming the economy, offering new opportunities but also posing new challenges. Our goal must be to ensure that all Americans are equipped with the skills to succeed in this growing, changing economy.

Our economic strategy—balancing the budget, investing in our people, opening markets—has set this Nation on the right course to meet the goal. This strategy will support and contribute to America's strength and providing our people with the skills, the flexibility, and the security to succeed. We must continue to maintain the fiscal discipline that is balancing the budget, to invest in our people and their skills, and to lead the world to greater prosperity in the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1998.*

RANDOM DRUG TESTING FOR MEMBERS AND STAFF

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

Mr. BARTON of Texas. Mr. Speaker, I just returned from the Republican Members' retreat at Williamsburg, Virginia, and at that retreat the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH), unveiled goals for our generation, of which the No. 1 issue is a drug-free America.

To honor that goal, the gentleman from New York (Mr. SOLOMON) and I have been attempting for the last year to institute random drug testing for Members of Congress and their staffs, and the gentleman from New York (Mr. SOLOMON) and myself intend in the next month and a half to actually implement the rule that was established at the start of this Congress that there shall be such a random drug testing plan for Members of Congress and their staffs.

Mr. Speaker, if we are going to have a drug-free America, the House of Representatives must set the positive example and must take such measures as necessary to ensure that the Congress itself is drug free, and in my opinion, random drug testing must be a part of that plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4 p.m.

Accordingly (at 3 o'clock and 28 minutes p.m.), the House stood in recess until 4 p.m.

□ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 4 o'clock and 4 minutes p.m.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2604

Mr. BERMAN. Mr. Speaker, pursuant to rule XXII, clause 4, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2604.

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

There was no objection.

WELCOME BACK TO MS. HELEN SEWELL

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

Mr. SOLOMON. Mr. Speaker, as we welcome everybody back, I would like to make note that back in the kitchen, in the Republican cloakroom on this side, we have a wonderful woman who has been an employee of this House of Representatives for more than 65 years. Sixty-five years. She was sick over the break and she has returned in good health and we just want to welcome Mrs. Helen Sewell back. A wonderful, wonderful woman.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That it shall be in order at any time on Wednesday, February 11, 1998, or on Thursday, February 12, 1998, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from my State of New York (Ms. SLAUGHTER), 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, the rule before us today makes in order at any time on Wednesday, that is today, February 11th, and Thursday, February 12th, for the Speaker to entertain motions that the House suspend the rules. The resolution further provides that the Speaker or his designee shall consult with the minority leader or his designee on any suspension considered under this rule.

This rule is necessary in order to provide for the expeditious consideration of some noncontroversial legislation which is before the House this week. It would be impractical to bring this legislation up under separate resolutions from the Committee on Rules.

Mr. Speaker, the majority attempted to work with the minority to reach a unanimous consent agreement to allow for suspensions, that means the expediting of noncontroversial measures today and tomorrow. However, the minority objected to that request, for whatever reason, and without the unanimous consent agreement, this rule is necessary to allow us to take up this legislation today and tomorrow.

Mr. Speaker, earlier this week many Members of both the majority and the minority participated in legislative planning sessions for this coming year. Members used this time to thoughtfully come up with solutions to many of the challenges our Nation faces this year.

Republicans are intent on achieving a drug-free America, which is very, very important to me, make a safer and healthier environment for all of our children and our grandchildren. We plan on providing the best education system for America's students by providing parental choice in education, education savings accounts, and opportunity scholarships for students in the District of Columbia. But above all, we intend to make sure that this Federal Government does not dictate educational curriculum to States and local school districts.

We will also take a careful look at America's retirement system by creating a national commission on retirement, thus providing greater security for the future of our retirement system.

Finally, Mr. Speaker, Republicans intend to modernize, we intend to privatize and to downsize government in

order to reduce the total tax burden. For starters, this Congress will complete consideration of the Portman-Kerrey IRS bipartisan reform bill and send the legislation to the White House for the signature of the President.

In addition, we will address the difficult tax burden Americans face, particularly by providing marriage tax relief and death tax relief. There will also continue to be a debate on what type of tax system is the most fair for the American people. We may even consider a proposal to sunset the entire Tax Code. And won't that be exciting, Mr. Speaker?

The passage of this rule simply allows the House to move forward with a compelling agenda for this second session of the 105th Congress. I urge support for the rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from my home State of New York (Mr. SOLOMON) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

House Resolution 352 would allow the House to consider bills on the suspension calendar on Wednesday and Thursday of this week instead of the normal Monday and Tuesday consideration. Because both the Democratic Caucus and the Republican Conference held their annual retreats on this week's normal suspension days, the resolution seems like a reasonable housekeeping rule.

However, the resolution itself does not include the usual protection for Members that is often included in such resolutions; the requirement that Members be notified at least one hour in advance that a bill would be called up on the suspension calendar. While the majority has given us a list of three bills to be considered, we have no assurance that we will not be surprised by additional legislation.

Two of the three bills on the calendar do not meet the usual criteria for suspension of the rules, which is noncontroversial bills with agreed-upon language, thereby obviating the need for floor amendments.

H. Con. Res. 202 was introduced less than a month ago. The committee of jurisdiction held no hearings and had no markup. The Children's Defense Fund has sent a memo to each House office outlining factual errors in the resolution's original language. We are now told that there may be a manager's amendment which may or may not correct these errors, but as of midday today, Members have not been given the final language on which they will be asked to vote this evening.

As important as the care of our children is to each of our families, why are we rushing to pass this sense of Congress resolution? Would not the usual process of hearings in a markup by the committee of jurisdiction help to ensure that we are not forced to vote on a resolution which may contain factual errors? Is the issue it attempts to address a new or time-sensitive issue? Is it so pressing that the committee could not have had the benefit of public testimony and perfecting amendments? I think not.

H.R. 1428, another bill to be considered under suspension, is a more egregious example of shoddy legislative work. Referred to three committees, none have marked up this bill. Only one of the three held hearings. Again, as of midday, the final text of the bill on which we will ask the House to vote tomorrow was not available to Members, yet this bill could make unprecedented changes in our electoral system and overturn citizens' privacy act protections.

This kind of far-reaching change should certainly be carefully scrutinized and subject to amendments both at the committee level and on the floor, yet we are told it will be brought up on the suspension calendar, which allows no amendments and only 40 minutes of debate. Why use this process on a bill that is so controversial? Why are we putting at risk a core right of our citizenship, the right to vote, without having a full and free debate?

The lack of due deliberation on this bill is shameful and not worthy of this House. The scheduling of these controversial, flawed bills on the suspension calendar is damaging both to the comity of the House of Representatives and its legislative procedures. Mr. Speaker, I ask Members to carefully consider the important process issues that I have outlined before voting on this rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to the inclusion in the rule of H.R. 1428 and to the process, or lack thereof, by which this bill was brought to the floor.

This is a very sad day in the history of the House. Although on even relatively simple bills we have generally taken time to carefully deliberate on issues and ensure that ample committee and subcommittee review has taken place in order to prevent excessively flawed bills from taking up our limited floor time, unfortunately, the process by which this bill has been considered has been markedly different.

There has only been one hearing in the Subcommittee on Immigration and Claims and this bill is now on the floor. There have been no hearings on the Subcommittee on the Constitution to determine what effects this bill may have on Voting Rights Act protections. There have been no hearings before the Ways and Means Subcommittee on Social Security to determine if citizenship verification proposed in the bill is a practical idea.

Because this bill has been not properly considered, we have no idea where the money will be found to create what some have estimated to be a multibillion-dollar bureaucracy.

□ 1615

Does this mean that we are so interested in solving a problem that may not even exist that we will have to make major cuts in Social Security programs for the elderly and disabled? None of these questions have been answered, and we are still proceeding head over heels into a land of uncertainty and frolic. This process has been extremely irresponsible with the tax dollars and Social Security benefits of the American people.

Considering our negligent lack of process, it is very difficult to dignify the substance of this bill. However, I will do my best to add my voice to the colleagues of mine who will be speaking against the bill tomorrow.

First of all, considering that turnout for elections is now at an all-time low in this country, I find it odd that we put so much fervor into creating new barriers to voting instead of strengthening motor voter and other voter encouragement initiatives which actually inspire people to take part in this great democracy.

Furthermore, this country's not-so-distant past of discriminatory enforcement, of facially neutral election laws should give pause to any knee-jerk efforts to strike important parts of the Voting Rights Act, the only shield we have from our despicable heritage of poll taxes, literacy tests, and a host of over facially neutral schemes that are designed for one reason, and one reason only, to intimidate and prevent minorities from voting.

Although we had anti-discrimination laws and the 15th Amendment in the Jim Crow south, it still took the 24th Amendment, which banned poll taxes, and the Voting Rights Act to finally arm citizens with an ample set of tools to fight against discrimination in the fundamental exercise of voting.

Today we stand poised to eradicate a delicate and important part of our hard-fought voting rights protections for an unworkable system supposedly intended to fix a nonexistent problem. Both the Social Security Administration and the INS have said that the information necessary for this proposed verification system does not exist. Moreover, who would want to empower some new, big government bureaucracy with the almighty ability to say, who can vote and who cannot, based on records which do not exist or are inaccurate? We can do better than this.

And therefore, Mr. Speaker, we should not include H.R. 1428 in this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to perhaps respond a little bit.

I was surprised to hear both my good friend the gentlewoman from Rochester, New York, (Ms. SLAUGHTER) and my good friend the gentleman from Virginia (Mr. SCOTT) stating that this rule brings certain bills to the floor. That just is not the case. This bill does not bring any bill to the floor. This rule does not. It simply creates two suspension days.

Suspension days means that bills can be brought to the floor without necessarily having gone through a committee or through our Committee on Rules. It can be brought to the floor for debate, they cannot be amended and have an up-or-down vote. There can be a manager's amendment, but that is subject to a vote of this House. So every Member has to approve that.

Secondly, I am just surprised to hear people complaining about a bill like day care fairness for stay-at-home parents. That is so terribly, terribly important today. As a matter of fact, I have 5 children and 6 grandchildren, and my wife was good enough to voluntarily stay home with those 5 children all through their life until they went away to college; and that was the best thing that ever happened to those children. Because I was away more than half the time during the week all that time. And I think if we had more spouses that could stay at home and take care of children like that, I think we would have a better America and a better world today.

This one bill simply states that day care fairness for stay-at-home parents will be brought to this floor. Even if these bills are voted on today, it is going to take a two-thirds vote. That is the difference when you go through the regular process, go through our Committee on Rules, and then bring it to the floor. Then a simple majority of 50 percent plus 1 vote can pass a bill. But these bills cannot pass with 50 percent plus 1; they require two-thirds. So it is fair.

So I point out again that this rule does not waive any other rules whatsoever. All it does is create a suspension day, and then the bills that my colleagues were just referring to come to the floor under regular order. Nothing is changed.

Now, having said that, let me just keep my friend, the gentleman from Pennsylvania (Mr. GOODLING), waiting here for just a minute to talk about the question of utilizing this day. All of this week, both the Republican and Democratic parties have been in private caucus among themselves talking about their priorities for their legislative agenda.

Next week we will be in recess, in work periods back in our districts, and that will take us through about two-thirds of the month of February. We will then return. And as my colleagues know, committees are meeting, but they have not had a chance to generate really important legislation on this floor yet.

So I want to point out to the membership just how short this legislative period is between now and the October 1st scheduled deadline for adjournment for the end of this Congress, the 105th Congress. We will actually be considering legislation on this floor from March 1st until October 1st. How many weeks is that? Twenty-eight weeks.

Now, 10 of those 28 weeks we are going to be back in the districts; we are going to be back for work periods just like the one coming up this week. We will be back for Easter. We will be back for Memorial Day. We will be back for the 4th of July. Ten of those 18 weeks we are going to be back home, where we should be, with our constituents. That leaves 18 weeks.

How many days are there, floor days, in 18 weeks? Seventy-eight. So now we are down to only 78 days on this floor when we can pass important legislation. But my colleagues have to remember that Tuesdays are suspension days, like this one that we are considering today. So noncontroversial matters will be coming up on those Tuesdays. There are 21 Tuesdays and other suspension days out of those 78. So subtracting 21 from 78 leaves 57, Mr. Speaker.

Now, that means that we are going to spend an awful lot of time back in our districts, where we should be finding out how our constituents feel about legislation, but we have only 57 days on this floor to pass a budget, to pass a supplemental, to pass a reconciliation bill, and to pass 13 appropriations bills.

Now, we all know these appropriators can use 57 days all by themselves just to pass 13 bills. So then comes all the other legislation that my colleagues and I are interested in. Whether it deals with education, whether it deals with a drug-free America, whether it deals with the very important issue of Iraq or Bosnia or these other issues, we have got to squeeze all that into 57 days on this floor. That is why we are here today, asking to create these 2 suspension days so that we can get by some of the noncontroversial issues.

So I hope I have given my colleague a little education lesson here, my good friend from Rochester (Ms. SLAUGHTER), just how important this is.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, let me thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding.

I came down to the well today to express my concern about this rule. I am concerned because this rule makes in order H.R. 1428, a bill that I think is probably one of the worst examples of legislation that I think I have seen since I have been here. I say that not as a matter of overstatement, but really just stating a fact.

The fact is, number one, the bill is unnecessary. We have current laws regarding voter eligibility. When a voter registers or when a prospective voter registers, he signs at the bottom that he is a U.S. citizen. That system of self-certification has worked for decades. We have a system to create criminal penalties if, in fact, someone is lying. It is called voter fraud. It is punishable today. We do not need a new law. This bill is unnecessary.

But second and probably most important, what I think repels me the most is that this bill is vindictive. It is an attempt by the Republicans to intimidate and discourage Hispanic, Asian, and other minority voters. Under this bill, it is not enough that we sign and say that we are American citizens. Now this bill would allow local boards of elections to, quote, ''verify us.''

How does this verification process work? Well, it works like this: The local board can decide who and whether they want to verify individuals. They do not have to verify everyone; that might make some sense. They can pick and choose who they want to verify. When do they verify us? That is not specified in the bill. Potentially, we could come up on election day seeking to vote and be told, ''Well, we have got to verify you first.''

That is why it intimidates, that is why it discourages voters. And it is mainly being done because they tried to oust one of our own Democrats, the gentlewoman from California (Ms. SANCHEZ), and they were unsuccessful in doing so. They tried to suggest that there was voter fraud and they were not able to prove it. So now they come back with this vindictive bill to say, ''Well, what we need to be able to do is verify people's eligibility.''

Well, they say what we could do is, we could get the INS and Department of Social Security to verify people. Well, I have had experience with these agencies, and I can tell you that, though they do good work, they are ill-equipped.

My experience with INS and Social Security is that they are both well-intentioned agencies, but that they are ill-equipped to perform this verification process. They already have a backload performing the duties associated with their legitimate tasks.

INS certainly has more work than it can handle, seeking to find illegal aliens. We do not need them to be voter patrols, and that is what they would become.

Under this system, Americans would be intimidated, just as African Americans were intimidated years ago by attempts to thwart their voting rights. We do not need a bill like this. It is totally unnecessary.

People can certify themselves as Americans under the threat of criminal penalties. That is sufficient. It has worked in the past. I believe it will continue to work.

The only reason the Republicans are addressing this bill and advancing this bill is because they want to try to get back at a group of people that they could not defeat at the polls, and I think that is shameful.

So I hope today that we will, if we accept this rule, certainly when this bill comes up, H.R. 142, send it back where it belongs, and that is back to the back room of politics.

Mr. SOLOMON. Mr. Speaker, one of the outstanding Members of this body is the chairman of our Education and Workforce Committee. He is the gentleman hailing from Pennsylvania (Mr. BILL GOODLING).

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

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

I wanted to point out that, as a matter of fact, the resolution that I am bringing here today has been around for at least 2 weeks, and the fine-tuning of the statistics were in the hands of the Democrats as of 6 o'clock last evening.

But the fine-tuning from statistics really does not amount to anything anyway because the resolution simply says, if this Congress is going to discuss child care, they will discuss it in relationship to all children. It does not tell how they should do it. It just says, since 70 percent of preschool children are not in a formal day care setting, we should also think about the parents of those 70 percent.

So even if we fine tuned the statistics, it does not matter because the resolution simply states that if the Congress is going to consider child care in this particular session, it should consider all children, it should consider all parents. The resolution is that simple.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has 20½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 19½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, that is what I have always admired about the gentlewoman from New York. She gets the job done in a hurry, and I appreciate that. And, therefore, I am not going to let her outdo me. I am going to get the job done, too.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

Mr. SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution are postponed until 5 p.m.

THE PRESIDENT'S PROPOSED NEW TAX INCREASES

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

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. SOLOMON. Mr. Speaker, I will not bother taking the well, but I just wanted to say that last week President Clinton proposed a budget with $106 billion of new tax increases in it.

While all taxes punish personal thrift and freedom, the President's proposal to raise taxes on financial products which encourage long-term investment and savings are particularly ill-conceived.

It is incredible that the President, who is fully aware of the impending crisis in Social Security, would propose to hike taxes on the products that American families and businesses use to plan for their own retirements. Millions of American families use this very life insurance product to save for retirement, adding to the supplemental Social Security check that they might receive.

Mr. Speaker, surveys show that many moderate-income families use private sector retirement products such as annuities to plan for their future. In fact, many of the owners of annuities are women. They are women, 55 percent of whom are married, while 28 percent of them are widowed.

☐ 1630

They are the people that control most of these small annuities in America.

The President proposes to increase the tax burden on these same annuities—annuities that 85% of the owners intend to use as the fundamental source of their retirement savings. Why should government discourage these families from saving their money?

Mr. Speaker, this is an irresponsible and ill-advised proposal for the many Americans struggling to get by and yet still plan for the future.

I urge my colleagues to reject President Clinton's tax increases on America's families and their future. The future of the American family deserves better.

EDUCATING AMERICA ON COLORECTAL CANCER

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

Ms. SLAUGHTER. Mr. Speaker, today I filed a resolution with 20 of my cosponsors, a bipartisan resolution, connected with colorectal cancer. We have spent a lot of time in the House talking about breast cancer and other forms of cancer and how important it is to be screened, but we have neglected colorectal cancer.

Mr. Speaker, in my State of New York, we are ninth in the number of fatalities. We have 55,000 people that die each year from an absolutely curable or preventable disease.

We think it is terribly important. We have asked Secretary Shalala of HHS if they will help formulate an educational process for both medical professionals and their patients to make sure Americans are screened for this disease. It is terribly important for women, because women have a feeling that this is a man's disease, but it is an equal-opportunity killer. We have some Members of this House who are recovering from colorectal cancer who are sponsoring this bill, and I invite all my colleagues to join us in what I think is one of the most important health issues facing America. This disease is over 92 percent preventable. No one need die from colorectal cancer. It is up to us to educate.

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 32 minutes p.m.), the House stood in recess until approximately 5 p.m.

☐ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 5 o'clock and 1 minute p.m.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The pending business is the question of agreeing to House Resolution 352, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 191, not voting 22, as follows:

[Roll No. 12]

YEAS—217

Aderholt	Combest	Goodling
Archer	Cook	Goss
Armey	Cooksey	Graham
Bachus	Cox	Granger
Baker	Crane	Greenwood
Ballenger	Crapo	Gutknecht
Barr	Cubin	Hall (TX)
Barrett (NE)	Cunningham	Hamilton
Bartlett	Davis (VA)	Hansen
Barton	Deal	Hastert
Bass	DeLay	Hastings (WA)
Bateman	Dickey	Hayworth
Bereuter	Dreier	Hefley
Bilbray	Duncan	Herger
Bilirakis	Dunn	Hill
Bliley	Ehlers	Hilleary
Blunt	Ehrlich	Hobson
Boehlert	Emerson	Hoekstra
Boehner	English	Horn
Bonilla	Ensign	Hostettler
Brady	Everett	Houghton
Bryant	Ewing	Hulshof
Bunning	Fawell	Hunter
Burr	Foley	Hutchinson
Burton	Forbes	Hyde
Buyer	Fossella	Inglis
Calvert	Fowler	Istook
Camp	Fox	Jenkins
Campbell	Franks (NJ)	Johnson (CT)
Canady	Frelinghuysen	Johnson, Sam
Cannon	Gallegly	Jones
Castle	Ganske	Kasich
Chabot	Gekas	Kelly
Chambliss	Gibbons	Kim
Chenoweth	Gilchrest	King (NY)
Christensen	Gillmor	Kingston
Coble	Gilman	Klug
Coburn	Goode	Knollenberg
Collins	Goodlatte	Kolbe

LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Morella
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
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—191

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

NOT VOTING—22

Callahan
Diaz-Balart
Doolittle
Eshoo
Gonzalez
Harman
Lantos
Linder
Miller (FL)
Mink
Myrick
Nadler
Poshard
Ros-Lehtinen
Sawyer
Schiff
Sensenbrenner
Smith (OR)
Smith, Linda
Stearns
Waters
White

□ 1723

Mr. MURTHA changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on the second 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.

If a recorded vote is ordered on the first motion, relating to House Concurrent Resolution 202, that vote will be taken after debate has concluded on that motion.

If a recorded vote is ordered on the second motion, relating to Senate 927, that vote will be postponed until Thursday, February 12, 1998.

DAYCARE FAIRNESS FOR STAY-AT-HOME PARENTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 202) expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children, as amended.

The Clerk read as follows:

H. CON. RES. 202

Whereas studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

Whereas most parents meet and exceed the aforementioned criteria, circumstances allowing, often parental care marks the best form of child care;

Whereas the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is ''what is happening at home and in families'';

Whereas a child's interaction with his or her parents has the most significant impact on their development, any Federal child care policy should enable and encourage parents to spend more time with their children;

Whereas nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

Whereas a large number of low- and middle-income families sacrifice a second full-time income so that the mother may be at home with her child;

Whereas the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with two incomes;

Whereas only 30 percent of preschool children are in paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

Whereas child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

Whereas any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for their young child: Now, therefore, be it

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

(1) many American families make enormous sacrifices to forgo a second income in order to have a parent care for their child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many legitimate forms of child care to meet their individual needs -- an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) child care needs of at-home parents and working parents should be given careful consideration by the Congress;

(5) any quality child care proposal should reflect careful consideration of providing financial relief for those families where there is an at-home parent; and

(6) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, I rise today to support House Concurrent Resolution 202, the equitable child care resolution, which I introduced on January 27, 1998, to ensure that any child care proposal that this Congress may consider this year addresses the needs of parents who choose to stay at home to care for their child. Almost all of the child care proposals in Congress focus solely on expanding commercial child care, despite the fact that only 30 percent of preschool children are cared for by paid child care providers. And of that 30 percent, an even smaller percentage are in commercial child care. We know the majority of preschool children are cared for by their mother or father who stay at home for that purpose. Yet Federal child care proposals would indicate that we should not consider those who stay home as child care providers. It is inconceivable to me that the Federal Government would tell

families that institutional care is the only way to rear their children.

If we want to help families with their child care needs, we should help give parents more time to spend with their children and give them back more of their own money so parents can afford the child care that best meets their needs.

This resolution, the Equitable Child Care resolution, sends a clear signal to the American people that we, the Congress, recognize there are a lot of families out there making huge sacrifices so that one of the parents can remain at home to care for their child.

□ 1730

Federal child care policy should no longer discriminate against at-home parents. We already have the problem with the marriage penalty in our income tax. Federal child care policy should not discriminate. Parents make big sacrifices if they stay at home in order to rear their children. It is time we recognize those sacrifices.

The resolution does not deny or discredit families where both parents are working hard to support their families, rather the purpose of the resolution is to simply recognize that at-home parents are child care providers also and should not be forgotten in any kind of child care discussion that may go on this year.

No child care proposal that discriminates against families based on their particular choice of child care should be actively considered. Families should be treated equally, and I would urge my colleagues to make sure all families with child care needs are treated fairly and to make sure that at-home parents are not forgotten in any child care debate.

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

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

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

Mr. MARTINEZ. Mr. Speaker, this is a nice resolution but it is just a resolution, not a solution. I rise in protest not to the content of the resolution but to the manner it was brought to the floor.

The bill itself is innocuous. Mr. Speaker, we have a bill before us today which has never been marked up in a committee; has never been the subject of a hearing. Only 2 weeks ago the resolution was scheduled to be marked up by the Committee on Education and the Workforce. In fact, just prior to the consideration of the bill, the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, postponed the markup subject to the call of the chair.

Unfortunately, people on that side of the aisle are now disregarding the committee process by rushing this resolution to the floor. I think that is very wrong. It puts us in a position of this side and that side. Consideration of this bill should be bipartisan in nature. Our consideration of this bill under suspension of the rules denies the members of the committee and the House an opportunity to amend this legislation and include other child care priorities.

I am confident that all the Members in this body are deeply concerned about the quality of child care received by our Nation's children, and discussions about this topic are a worthwhile endeavor. However, the narrow theme of this legislation is certainly one of the many topics which should be discussed when we are talking about child care. This resolution's narrow focus highlights none of the vital issues which should be a part of a national debate on child care.

I, along with the gentleman from California (Mr. MILLER), had intended to offer amendments to the bill which would include those topics. We were not able to because it was not marked up in the committee.

The families that we consider for child care are not those who choose to have one parent at home, as the resolution deals with; these are families in which both parents must work in order to afford the expenses of daily life. There are families coping with the transition from welfare to work who need child care. These are the families truly in need of child care assistance; these are the families to which we should be directing our attention. Unfortunately, the procedures under which this legislation has been brought to the floor denies us an opportunity to discuss that.

Our committee has traditionally operated in a bipartisan fashion, but the consistent manner and movement in which the majority is now moving legislation to the floor, without proper committee consideration, is becoming a frequent practice. I can assure the chairman that I consider this a blatant override of the committee's process, and it is irresponsible and unjustifiable. I can only assume Election Year politics has once again gripped the majority and incited their need to create an agenda.

I urge all Members, whether the majority or minority, to protect the process which this House uses for thoughtful consideration of legislation.

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

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), a gentleman I worked very closely with last year to make sure that Republicans provided far more money than the President asked to make sure that child care was available so that the transition from welfare to work would work.

Mr. SHAW. Mr. Speaker, I thank the gentleman for his very generous words.

President Clinton's $22 billion child care initiative creates the impression there is a national child care crisis and that the Federal Government needs to intervene even further than it has in local child care markets. The facts are that 73 percent of preschool children are cared for primarily by their parents or relatives and that the Federal Government already sponsors a host of child care programs. Five of these programs also provide direct payments or subsidies for child care totaling about $11 billion this year. At the same time only about 30 percent of American families with preschool children use paid child care while parents work. Consequently, around 70 percent of the families, many with low incomes, who are struggling to provide quality care for children at home, would receive no support from the Clinton child care initiative.

If there is money to spend, it should go to all families with children. We should acknowledge that all mothers work, whether they decide to work at home with their children or remain employed outside of the home.

As part of the 1996 welfare reform law, we made two major reforms to child care programs: First, block grants totaling several major programs so that the States and localities would have flexibility in using Federal child care money; second, giving States $20 billion over 6 years to help pay for child care for poor and low-income families.

CBO estimates that between 1997 and 2002 spending on child care will increase by 38 percent without any additional legislation. In response to the changes made by the welfare reform, States are now revamping and expanding their child care programs, especially to make them more effective in helping mothers who leave welfare. Let us give the States a chance to get their child care systems in place.

The child care credit in the Tax Code is open-ended spending available to all Americans who pay Federal taxes. This source of Federal support for child care is also expected to grow substantially without the need for additional Federal legislation.

The child care market is working well. Most parents report that they are satisfied with their current child care arrangement. The bottom line is that if there is money to be spent by helping families raise their children, it should be available to all families with children and not mandated from Washington.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY), the ranking member of our committee.

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

Once again the Republican majority is running roughshod over House procedures. The resolution before us today was never considered by the Committee on Education and the Workforce. It was rushed to the floor to produce sound bites for the 6 o'clock news.

This resolution focuses on the child care needs of at-home parents, parents that, as the resolution states, have

foregone a second income to stay at home with their children. Certainly the issue is worthy of discussion, however it ignores the great needs of working families where both parents work, it ignores the need to expand the Family and Medical Leave Act, and it ignores parents who are transitioning from welfare to work.

If this resolution were fair, it would reflect the priorities of working parents as well as the at-home parents. Unfortunately, Mr. Speaker, the majority's abuse of the legislative process bars us from having this discussion today.

Last Congress, Mr. Speaker, the Republican majority voted to cut Head Start, to cut child nutrition programs and to eliminate the school lunch program. The Republican majority on our committee last Congress actually voted to cut child care by $2.5 billion, despite the chairman's boasts of the Republican accomplishments in the field of child care.

Mr. Speaker, now the Republican majority offers only empty resolutions instead of real solutions to the Nation's child care needs. Instead of just passing resolutions, this Congress should be acting to ensure that all children, including those children whose parents must work, receive affordable, high quality day-care. Instead of passing empty resolutions, we should be taking up President Clinton's call for investing $21 billion in helping all Americans meet the challenge of raising a family.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds, just merely to say that the free lunch program continues primarily because of the present chairman of the Committee on Education and the Workforce who had to fight constantly to make sure that they did not do away with the amount of money that comes from, quote, the paying customer. Otherwise the school lunch program ends if providers do not get that money and then there are no free lunches. So I want to make sure of that.

And secondly, again I want to repeat, we Republicans gave $4 billion more than the President asked for in the whole child care effort last year.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RIGGS), a member of the committee.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to respectfully and politely take issue with the comments of the ranking member of the full committee who just a moment ago said Republicans are not concerned about helping working parents.

To the contrary; that is why we made the House's top priority House bill 1, the compensatory time bill, which would allow working parents to exchange overtime for time off in lieu of wages or income. It would give them more flexibility to meet the demands of their personal family situation and would give them the same rights that their public sector counterparts have had for years.

Secondly, the Republican-led Congress have provided tax relief for working families through a $500 per child tax credit that we would like to expand in this session of Congress, at the same time eliminating the marriage penalty in the Tax Code.

But the real reason for this resolution, Mr. Speaker, being on the floor tonight, is the Clinton administration's proposal shows a predisposition in favor of institutionalized day-care, a continuation of paternalistic government, nanny government, and a discrimination against families, working families where one spouse chooses to be at home.

We submit, Mr. Speaker, that as a matter of public policy we want to make it more simple, not more difficult, for families who choose to have one spouse remaining in the home for the benefit, for the welfare, for the nurturing, for the upbringing of their children, we want to make it a little easier for families to do that rather than to continue this dependency on big government; rather to continue to believe that paternalistic nanny government is the solution rather than policies that are truly family friendly.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. Mr. Speaker, today we are being offered a resolution in support of parents who stay at home with their children who are young. There is no dispute about the benefits a parent staying at home with his or her children can bring to that family, and on that basis alone this resolution should, and will, pass with a bipartisan majority.

What is most notable and most troubling, however, are the issues not addressed in this resolution. First and foremost is the issue of wages. Too many Americans are not earning enough to support their families with just one income. Half of America's families with young children earn less than $35,000 per year. This includes families in which both parents work full time at the minimum wage and earn only $21,400.

These are the families who have been left behind in the boom economy, families whose salaries have been flat-lined and benefits have been cut back while the stock market and the CEOs' salaries have skyrocketed. These are the families who are forced to send both parents into the work force, the many single parents who are forced to work more than one job.

Temporary employment agencies report that most of our employees are second breadwinners in the family and that 75 percent of the people they employ are working because they have to.

□ 1745

Families are in a bind over child care because they simply cannot earn enough despite working so hard. It is true that where the second family income is marginally helpful to the family, then a small boost in a tax credit or some other form of assistance may help. But since the reality for most families is that a second income is essential, it is essential for buying basic needs like food, rent, and health care, than a small payment to stay-at-home parents will not resolve the problem of most working families, that both parents must work, and that child care is either too expensive, too far away, or too low quality, there are only two places that workers can go to get assistance and basic family needs, either from the wages their employers pay to them or from the government.

But with this resolution, the Republicans once again are opposing the requirement that wages be sufficient to provide for the essentials of a family.

This resolution is also further puzzling because in recent actions of the Congress to eliminate Federal welfare assistance, Congress voted last year to stop paying poor mothers to stay at home with their children, instead to go out and get a job, because we believe that the mothers of the children of our country would be better off. But now the Republican majority wants to use another tax-based subsidy to pay mothers or fathers to stay at home, and these are parents that are much better off than the working poor or those mothers that are on welfare. Somehow there is a consistency gap here.

Focusing on stay-at-home parents is part of an effort to deceive the public into thinking that providing a small taxpayer subsidy to parents to stay at home is the equivalent of providing a small taxpayer subsidy to working parents that need that money to provide for child care so they can stay in the work force.

In the first solution, the additional income is not enough to keep parents from having to work. But in the second instance, the additional support is crucial if these parents are going to be able to hold on to the jobs that provide the wherewithal for their families.

So while I welcome this opportunity to work together on child care, I wonder why it is that the majority cannot grasp the larger picture of the child-care needs of America's families.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. GEKAS), my neighbor.

Mr. GEKAS. Mr. Speaker, I thank my neighbor and colleague from Pennsylvania for yielding this time to me, and I congratulate him on bringing this issue to the floor.

It is an important issue. And if we accomplish nothing more during this debate than to notify the public and to spread the word that we are concerned about child care, and particularly about those families that sacrifice in order to have one parent remain home with the children, then we have succeeded. No matter what the opposition

might say or what final vote may be cast against this resolution, the American people will know more following this about our concern about child care than would otherwise be the case.

In every issue that we have ever had concerning taxation or its subordinate tax credits, the cry of the American people is, is it fair, is there an element of fairness in what you are about to do? Well, when we start to consider tax credits for child care, the American people will immediately recognize that those individuals who choose to have their children at home who will not be benefiting from a child-care tax credit program immediately will cry foul, it is not fair play. After all, a family who sacrifices should not be put in a worse position than a family who chooses a professional, commercial child-care situation to care for their children.

In the name of fairness, in the name of avoiding foul play, we ought to support this resolution.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I am sorry to see this resolution on the floor today because I think that it would have benefited from the Committee on Education and Workforce markup that was scheduled and then canceled.

Since other members of the committee and myself had amendments to offer to H.Con.Res. 202, I truly had assumed that the committee would mark up and have it rescheduled. Silly me. I should have known that the majority would not give members of the committee an opportunity to improve the resolution so that it would actually acknowledge the importance of all families.

Certainly we should honor families who can choose to have one parent at home with their young child. Certainly we should honor families where parents get up and go to work every day, but cannot afford child care. And we should also honor the people that were covered in my amendment, those who give up or would be forced to give up their sole source of income because of the lack of child care, keeping them from fulfilling their work requirements under the new welfare law.

Had there been a committee markup, I would have offered an amendment expressing the sense of Congress that we must increase from age 6 to age 11 when a single parent would be forced to leave a child home if they were unable to find an appropriate child care.

Mr. Speaker, our current law allows this exception only for single parents with children under 6 years of age. This means that some parents with children as young as age 6 are forced to leave their children home alone before and after school, during school vacations, and all summer long. Or if the parents choose to stay at home with their young children, they lose their temporary assistance for needy families.

As we take time today to applaud the lucky parents who can stay at home with their children, I wish we were also protecting working parents who risk the loss of their sole source of income because they do not have child care.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I rise in support of this resolution.

Let us review some facts about child-care options available to today's parents and what they are choosing. Fifty percent of parents choose to have one parent stay at home to raise their children, most often the mom. Twelve percent of parents tag-team by staggering their jobs so one parent is always at home. Thirteen percent of parents have grandparents, aunts, or uncles care for their children. Eleven percent pay neighbors, nannies, and informal day-care providers. Only 16 percent of parents choose formal day-care centers.

Washington must not discriminate against the 50 percent of parents who sacrifice a second income so one parent can stay home to raise their children. These parents are making financial sacrifices. Two-parent families, where one parent stays home to care for the children, have an income that is $20,000 per year below their two-earner counterparts. But those families choose to pay that price because they know it is important to their children. Clearly, most parents prefer informal day care or staying at home with their kids.

I am troubled by the President's proposal. It discriminates against stay-at-home parents.

A December 12th, 1997, New York Times article discusses new trends in the 1990s that we must take into account. The article states, ''While the story of the 1960s, 1970s and 1980s was married women stampeding into the labor market, the demographic sea of change is now in the process of reversing.'' There are still twice as many two-income marriages as one-earner families, but the gap is narrowing and ''it is a long-term trend.'' Richard F. Hokenson, chief economist at the brokerage firm Donaldson, Lufkin & Jenrette, believes that growth already has been substantial enough to explain some otherwise puzzling business developments. After the last fall in mortgage rates, in his view, families used the savings to allow one earner, usually the wife, to work part-time or leave the job market altogether.

Let us give parents what they want. Let us reduce the tax burden so parents can care for their children as they see fit.

If the child tax deduction had kept pace with inflation over the past 30 years, it would be worth more than $7,500 per child today instead of $2,400. Let us pass this resolution.

Mr. MARTINEZ. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, this resolution draws our attention to an important need. Unfortunately, it could divide instead of uniting us. Our purpose should be to ensure that all children should have the best care, whatever the economic and family situations of these children are.

The administration has shown its commitment to quality care for children. In 1996, early versions of welfare reform bills were vetoed in part because of inadequate attention to child care. This year, the administration has proposed a series of child-care initiatives. It has signaled its willingness to work together on a bipartisan basis to address the issue of stay-at-home parents. Indeed, a number of us are working on ways to provide further assistance to families that would make it easier for a parent to stay at home with a young child.

Perhaps because the Democrats' report on the importance of family care for children is clear, the real purpose of this resolution may be to protect a weak political flank of the majority.

One example of this vulnerability occurred when we battled over the long-standing program of SSI for families with severely disabled children. All of us agreed that we needed to get rid of abuse in the program, but there were some in the majority who tried to end a modest cash payment to families with a truly handicapped child, even when the clear effect of that modest help allowed one parent to stay at home with the child.

Let us not create an artificial wedge that pits working parents against those who stay at home with their children. I urge Democrats to vote for this resolution, but I also urge Republicans to join us in trying to improve child care wherever it is needed.

I look forward to working with my colleagues on both sides of the aisle to enact meaningful, comprehensive child-care legislation that addresses the needs of both working and stay-at-home parents and their children. This is not an either/or proposition. In this respect, America should be one family.

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, just again to remind everyone in the Chamber and anyone listening that it was the Republicans last year who saw the need to increase funding for child care in order to make the transition from welfare to work. We provided $4 billion more than the President asked for. And you cannot rebut that no matter how many times you go down in the well.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of House Concurrent Resolution 202 introduced by my good friend and colleague, the gentleman from Pennsylvania, Chairman

BILL GOODLING. And I commend him on this important initiative in behalf of America's families.

For millions of American families where both parents work or single parents work, finding quality day care is always a great challenge and often a great expense. When parents make the day-care choice, it is not done lightly or without serious financial planning. That fact is clear or should be clear to every Member of this body.

However, the fact that we are often not clear on this is when parents elected the other option. The other option is taking care of their children at home, the option that most American families choose. That decision is also not made lightly, nor is it made without serious financial planning, because in most cases, this is the most expensive option. Giving up a second income is a great financial burden to any family.

So I strongly agree with my colleague and friend from Pennsylvania that when we talk about providing financial relief to parents of young children, we must not discriminate against those who bear the greatest cost.

And House Concurrent Resolution 202 recognizes the importance of at-home parents and their financial sacrifices. And I urge my colleagues to vote in favor of this resolution.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 6 minutes remaining. The gentleman from California has 8 minutes remaining.

Mr. MARTINEZ. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, the legislation before us suggests that those who choose to stay at home with their children, do so, and I agree. But we should remember that some parents just cannot do that.

We have single heads of households that have to go to work and have to leave their child in day care. In fact, it was not that long ago that we all agreed and decided to have our people who were on welfare go to work and have to use day care.

We should also remember that an increasing number of couples both work because they want to carry out that American dream of owning their own home.

□ 1800

In short, what we are talking about, what we really need to do, is make sure we have child care safer, better, and more affordable. If you doubt this, consider the figure that I think is absolutely correct, and that is 60 percent of mothers who have children under the age of 6 do work outside the home. I am planning on introducing legislation for day-care to improve access to quality child care for parents in my home State and across the Nation. What we really should be talking about here is care for children, good care for children, safe care for children, whether they are at home or in day-care.

Mr. GOODLING. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania, (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, the intent of the Goodling resolution is to ensure that any future child care initiatives recognize that all parents have child care needs regardless of whether they choose to have an at-home parent, grandparent, neighbor, nanny or day-care center, care for their child.

The intent is to simply bring at-home parents into the child care dialog. There is no intent to favor at-home parents over child care centers.

Seventy percent of preschool children are in families that do not pay for child care. Many of these children are low- to middle-income families that struggle to provide home care for their children. Child care initiatives should focus on families that pay for child care as well as at-home parents who provide child care.

Parents should not be penalized for the type of child care they choose. Circumstances do not always permit many parents, especially low-income parents, to be at home with their children, and Republicans have supported and were successful in earmarking $4 billion more over the 6 years, $20 billion total, for States to provide for child care. This is a great first step.

The House, of course, will revisit this issue with regard to tax credits and, of course, the child development block grant, but the Goodling resolution is a great first step, and I hope Members will support H. Con. Res. 202.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, we were so fortunate in our family that my wife Libby could stay home with our two young daughters during their youth, pursuing her graduate degree and devoting most of her time to them. There is no doubt that that is the most important investment that our family has ever made. There is absolutely no complete substitute for the care of a loving parent to a child.

But, increasingly in this country, we find single parent families and we find two parent families where both parents face economic barriers, and the only way they can provide for their children is to both be out in the work force. And I know very few families in this country, certainly not mine, where a spouse is willing to stay home, and able economically to stay home for 18 years.

So it is that we come to this very strange resolution. You see, the President and our Democratic Caucus has had the courage to come forward and recognize that not all American families are like mine or any other individual family. There are many families with diverse needs, but there are few families in this country who do not at some time in their life need child care. And there is a vast void in America and shortage across America in quality child care to meet the needs and to support loving parents.

Mr. Speaker, this particular resolution has one thing in common for all parents, whether they are stay-at-home, single-parent, or two working-parent families: This resolution will do absolutely nothing for any of those families. It is a true do-nothing resolution. It seeks to create a false dichotomy between families in this country and to pit one group against another, which is your typical Republican approach. It does nothing in terms of assuring families, whatever their status, any additional support or assistance, direct or indirect.

We have nearly a child care crisis in parts of this country. It is a crisis for any working family that cannot find quality child care, as is true of millions of families across this country. Instead of dealing with this crisis in a bipartisan way, this Republican leadership is simply coming through with another phony resolution instead of a real solution.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Delaware, (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time. I have some prepared remarks, but I would just like to focus for my minute on what we are dealing with here, because I am becoming increasingly concerned about what the Federal Government's role in child care should be.

I support the intent of this resolution to make sure stay-at-home parents are part of the child care debate, but I am increasingly bothered by the fact that the President will come forward and say that we need to spend an additional $21.5 billion on child care, and we just spent some $22 billion over 5 years in the welfare reform bill. I am concerned that we are putting stay-at-home parents with child care needs up against those that have out-of-home child care needs, and we are going to get into some sort of battle which we are going to escalate higher and higher in terms of the cost of what we are doing.

I hope we as a Congress will sit down and not get divided on a political basis in this particular circumstance, but sit down and try to determine what the real child care needs of Americans are, both at home and those who are not in the home, with respect to helping the kids. Keep it within a cost basis that we can manage within our balanced budget and go forward from there. I urge all of us to think carefully about what we promised to deliver, lest we raise expectations unrealistically or throw our balanced budget out the window.

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

Mr. Speaker, I would like to remind Members that the welfare bill reported out of our committee in 1995, under the leadership of the chairman, would have left 800,000 children without child care and cut $2.5 billion in funding.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in honor of the mothers and fathers who have the financial means or who make the financial sacrifice necessary to stay at home with their children. I regret that this resolution has chosen to focus on one group of parents, while excluding the families who, in order to provide for their children, must have both parents in the work force. This resolution sets up a false conflict between working parents and stay-at-home parents.

More than 3 million children whose parents stay at home choose to send their young children to preschool. They want their children to benefit from the social and intellectual growth that preschool can provide. Talk to most any parents, whether working or at home. Their concern is about finding and affording safe, high-quality educational care for their children.

We need to support all parents in their child care choices. Helping parents who need to find good child care so they can work and helping parents who stay at home should be complementary and not competing efforts.

Last October, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and I introduced a resolution honoring the child care givers who provide safe, educational care for children of working and stay-at-home parents. Its companion was introduced in the Senate by, among others, Republican Senators ROBERTS and JEFFORDS. That bipartisan resolution, which has twice as many House cosponsors as the resolution we are discussing today, is designed to recognize and promote high-quality care used by stay-at-home and working moms and dads.

Why has the Republican majority refused to move that resolution forward? Why has it chosen to pit one group of parents against another?

Whether parents stay at home or go to work, quality child care is a crucial issue. Parents know their children need safe educational care. CEOs know that high educational care must be important for their work force and a strong economy. Police officers know that high-quality child care provided early in life and before and after school reduces juvenile delinquency and chronic crime. Across our Nation, churches and synagogues donate classrooms to make quality child care more affordable and more accessible to millions of families. Parents, business leaders, law enforcement officers and religious communities across this country recognize the importance of safe, educational child care. We in this Congress must do that as well.

Mr. Speaker, I urge Members on both sides of the aisle to stop the divisive practice of setting up parents against each other. Let us work together. Let us pass legislation this year that helps provide parents with the best possible educational care for all of the children in this country who need it.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut, Mrs. JOHNSON.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is an important resolution because in the process of making public policy in Washington, we have focused a lot of time, attention and resources on the cost of day-care, making day-care affordable for women coming off of welfare, helping families with the cost of day-care through, for example, the dependent care tax credit, but we have given entirely too little attention to the struggle of young families to try to stay home and take care of their own children.

For those of you interested in this resolution, I hope you will take a look at the tax bill I introduced that would provide to stay-at-home moms during the years when their kids are 0 to 3, 50 percent of that tax credit for staying at home, so they get some economic relief for staying at home and providing that very important educational quality of care that is necessary to the strong development of children in their early years.

Mr. Speaker, I support this resolution, and thank the gentleman from Pennsylvania (Mr. GOODLING) for bringing it to the floor.

Mr. MARTINEZ. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE.)

The SPEAKER pro tempore (Mr. UPTON). The gentlewoman from Texas is recognized for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is pain in this Chamber today. The reason being, there are gentlemen here, and women, who have come and advocated on behalf of families and children. We would want to be able to stand on the floor of the House and say that any resolution that comes before us dealing with the need of millions and millions of American families, those that work and those who have made the sacrifice to stay home, is the kind of resolution that we would like to support.

But, frankly, I am disturbed, because what this resolution does, albeit Members will decide for themselves, is it pitches one group against another. It pitches those single parents and working families who cannot do anything else but work hard, long hours and get up on the buses at 4 a.m., and they need child care.

Do you know who else it talks about? It talks about those welfare mothers that we debated 2 years ago when we said they do not need to stay home with their children, they simply need to get up and get out.

Now all of a sudden, Mr. Speaker, we are concerned about those parents who want to stay home with their children, and I am as well. As a member of the Congressional Children's Caucus, we join together to say we promote children as a national agenda. Therefore, I support the idea of making sure we have the right kind of child care.

This resolution, however, is a divisive one. I would much prefer that we came to the floor of the House and had the kind of structure and structures to make sure we have quality child care, so that anyone who works part-time, stays at home, who may ultimately need child care, cannot worry about their child having a loss of life or being injured.

Yet what we say in this one is we negate what the President has done with the billions of dollars for child care for working parents, and we put a resolution that falsely represents to those that this is something good for them if they stay home.

I want parents to be able to stay home. I applaud those who can stay home and sacrifice. But I find it divisive that we did not give the same care and tenderness to those welfare mothers who need to stay home as well.

I hope we can resolve this in a manner that promotes child care and families and children and mothers together in unity and not dividable.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time to close this discussion.

Mr. Speaker, first of all, I want to make sure that it was not the author of this resolution that pitted one group against another; it was the President of the United States. It was the President of the United States who proposed $22 billion additional dollars only for paid day care. He said nothing about the parent that stays home.

☐ 1815

My resolution does not tell anybody we must do something about child care. Nor does it say we should not do anything about child care. It does not say, this is the way you do it. All this resolution says is that if someone is going to discuss child care, if there is going to be child care legislation, then let us think about all parents, let us think about all children. That is all the resolution says. Since the President only talked about those families who pay for child care, this resolution merely says think about the families also.

So I would hope everyone would support the resolution because it has nothing to do with much of what we have heard; it has only to do with the fact that all parents and all children should be considered in any debate, any discussion, any legislation that we may enact this year.

Mr. FRANKS of New Jersey. Mr. Speaker, this afternoon, Congress will vote on DayCare Fairness for Stay-at-Home Parents, a resolution recognizing the importance of stay-at-home parents and the care they give their kids.

I plan to support H. Con. Res. 202, because I believe that the Federal Government has for too long discriminated against parents who choose to stay at home to raise their children. We as lawmakers need to recognize the sacrifices these parents make to be at home with their kids, and encourage the kind of care that only they can give.

But a sense of Congress means nothing unless we back these words up with action. We should pass legislation that brings real tax relief to parents who stay at home.

The keystone of our child care effort should be to reverse current federal tax policy which effectively discriminates against parents who choose to stay at home to raise their children.

That is why I am introducing legislation today that will universalize the Dependent Care Tax Credit (DCTC) to give stay-at-home parents tax relief equal to that received by parents who choose to leave their children with an outside caregiver. Under my bill, parents who stay at home with their pre-school age children will receive credit on $2,400 of expenses for one child, and $4,800 for two or more children.

The Dependent Care Tax Credit (DCTC) is currently available only to working parents for expenses related to non-parental child care. In effect, the DCTC subsidizes parents to leave their children in the care of others. In my view, this is a fundamentally misguided and harmful policy.

While I support H. Con. Res. 202, parents who sacrifice a second income to stay at home with their kids deserve more than just a pat on the back. Let's show stay-at-home parents that we mean what we say. Support extending the Dependent Care Tax Credit. American's families and our children will be better off for it.

Mr. GILMAN. Mr. Speaker, I support H. Con. Res. 202, legislation designed to ensure that parents who choose to stay home and provide child care are not excluded from any future child care tax credits.

Our children are our most important resource for the future. Studies show that quality child care from a loving and interactive caregiver is imperative to the growth and emotional development of infants and young children. Parents are the most significant influence on their children. They are often the best caregivers, combining love and attention in the comfort of the child's home.

Parents who choose to stay at home and care for their children often sacrifice a much needed second full time income. The average income of two parent families with a single income is $20,000 less than the average income of two parent families with two incomes. At least 70 percent of preschool children are in families that do not pay for child care and many of these families are struggling to make ends meet. These families should not be discriminated against for their decision to put their children first. Any congressional proposal that increase child care funding should also provide financial relief to families that choose in order that a parent stay home and care for their young child.

Therefore I support H. Con. Res. 202, a resolution that will protect a families' choice to have one parent stay at home and care for a small child. I urge my colleagues to join in support of H. Con. Res. 202.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of the resolution offered by Chairman GOODLING.

Each and every day, Americans struggle to balance the competing demands of work and family. That's why this Congress has a responsibility to address the growing child care crisis in America in a common-sense, fiscally prudent, ''real-world'' way.

But as we move to craft legislation that addresses the needs those families who must have both parents work due to economic necessity, we also must be careful to recognize those families who have decided to pursue on another course.

This resolution makes sense for the American people. It is important that we acknowledge the importance of stay-at-home parents and we should not discriminate against families who make the economic sacrifice to stay at home with their children.

There can be no doubt. In this day and age such a decision carries and economic price. If a mother stays at home there has got to be some recognition in the tax code for her contribution.

For my way of thinking, we need to make it more attractive for a family to make the decision for one parent to stay at home. It is a struggle, but one that is worthwhile.

Stay-at-home parents are carrying on the traditions of our mothers and grandmothers. Those of us who were fortunate enough to have enjoyed the luxury of having our mothers stay-at-home realize what a great gift this was. This is our opportunity to show the value we place on the loving care that only a parent can provide.

I chose to stay-at-home full time with my children. We need to help make such a choice available. While there are many who are not able to afford allowing one parent to stay-at-home, we must help make it more equitable for those trying to be full time homemakers.

We need to remember both the parents who must place their child in care outside the home, and the parents who are struggling to afford keeping their child in care in the home.

This is only the beginning of what I believe will be a constructive debate on this subject of those who need affordable quality child care.

Support the Goodling resolution.

Lets not forget the stay at home moms.

Mr. GALLEGLY. Mr. Speaker, I am proud to be an original cosponsor of H. Con. Res. 202, the Equitable Child Care Resolution, which ensures that all families with children will be included in future discussions on child care proposals.

It is important to recognize that all parents have child care needs, whether they choose to stay home, depend on a family member or utilize a day care center for their child. The fact that more than seventy percent of children are cared for by an at-home parent or relative, while most of the proposals before Congress focus solely on commercial child care, reveals the need for such a resolution.

Furthermore, this resolution states that any financial relief considered for parents who work outside the home should also be contemplated for families with at-home care givers. There should not be a bias against at-home parents, who many times forego a second salary to be home with a child.

This resolution will start the child care debate off on the right path by emphasizing the fact that there are many forms of child care. In seeking a federal policy, we should not favor one form of child care over another.

Ms. DUNN. Mr. Speaker, as a working mother, I can identify with the millions of parents across this country who find themselves torn between the competing responsibilities of work and family. For many families, there is no choice harder to make than whether to work, and put your child in the care of others, or to forego a second income to care for your child yourself.

The majority of mothers I have talked with would prefer to work part time, or not work at all, in order to care for their children. Unfortunately, that choice is not financially feasible for most Americans. High taxes limit parents' freedom and ability to address the needs of their families. Mothers and fathers don't need experts and polls to tell them what they already know in their hearts to be true. What parents really need is more time to spend with their children, and more money to meet the financial needs of their family.

President Clinton has proposed a child care package that ignores these fundamental concerns of parents. His plan creates a bias against mothers who have sacrificed an income to raise their children at home. Instead, we should make it possible for as many children as possible to enjoy the benefit of full-time parental care during their early years. Non-parental care is second-best for young children and in some cases can even be harmful. This resolution is a first step toward making sure Congress passes laws that are good for children, not bureaucrats.

Families should not be penalized by Washington, DC for the personal choices they make, since parents—not bureaucrats—know what is best for their children.

As responsible legislators, we should not take away the choice of parents to stay home and take care of their children. We ought to enable an average family to survive in ordinary comfort on a single income. We can no longer guarantee this choice, however, because of the crushing tax burden on families raising children. To the extent that our tax policies are squeezing parents and forcing both into the work place, we are inflicting real harm on children.

I encourage this Congress to continue in our efforts to give all families the flexibility, choice, and freedom they need to provide for their families and raise their children in the manner they see fit, and we can only do so by promoting policies of equity that place value and trust in the ability of parents to do what is right for their children.

Mr. PAYNE. Mr. Speaker, I would like to raise some concerns I have regarding House Concurrent Resolution 202. This year President Clinton has brought to public debate the most pressing dilemma for American families. That dilemma is finding and affording appropriate child care. In the State of New Jersey, an estimated 56 percent of all women with children ages 6 and younger are employed and 75% of mothers with children between the ages of 6 and 11 work outside the home. Unfortunately, the cost of affordable care can be between $4,000 and $10,000 annually. We must also take into account the fact that if both parents work at full time minimum wage jobs they together will earn only $21,400 a year. The need for some type of guidance and relief could not be more apparent in New Jersey and nationwide.

Unfortunately, the resolution we will consider today does not address the issue of access to quality child care. Instead it requires that we focus our attention on parents that choose to stay at home rather than go to work. I am pleased that some parents have such an option and I salute their commitment to their families. However, this resolution does not address the real problem that most concerns parents which is affordable child care. I believe we must first address the need of those parents who do not have a choice to stay home and supply them with the best options to find appropriate child care. I am also

concerned that this resolution includes a misrepresentation of facts that does not accurately reflect the reality of the child care dilemma in this country. It also largely ignores those who are committed to caring for children who are relatives but not immediate family members. These individuals are also important and deserve recognition by Congress in child care legislation. For example, a study conducted by the Department of Commerce found that grandparents and other non-parental relatives provide about 35% of the primary care for African American and Hispanic families. This resolution only focuses on stay at home parents and ignores other individuals that have a need to be compensated for their commitment to caring for children.

I must finally remind my colleagues that the U.S. House of Representatives voted to send millions of stay at home parents back into the workforce only three years ago by passing welfare reform legislation. This resolution sends the message that while we will encourage middle and upper class parents to stay at home we do not believe that the value of a stay at home parent is as important for low income children. This message is a disturbing one and not one that I will support.

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

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. UPTON). The gentleman will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, before we take the vote, if this resolution passes, what would be the next step in this legislation?

The SPEAKER pro tempore. If the concurrent resolution is adopted in the House, it will go to the Senate.

Mr. HEFNER. It will go to the Senate?

The SPEAKER pro tempore. Yes, it will. This is a concurrent resolution.

The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 202, as amended.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 0, answered ''present'' 3, not voting 18, as follows:

[Roll No. 13]

YEAS—409

Abercrombie	Baldacci	Becerra
Ackerman	Ballenger	Bentsen
Aderholt	Barcia	Bereuter
Allen	Barr	Berman
Andrews	Barrett (NE)	Berry
Archer	Barrett (WI)	Bilbray
Armey	Bartlett	Bilirakis
Bachus	Barton	Bishop
Baesler	Bass	Blagojevich
Baker	Bateman	Bliley
Blumenauer	Gallegly	Maloney (CT)
Blunt	Ganske	Maloney (NY)
Boehlert	Gejdenson	Manton
Boehner	Gekas	Manzullo
Bonilla	Gephardt	Markey
Bonior	Gibbons	Mascara
Borski	Gilchrest	Matsui
Boswell	Gillmor	McCarthy (MO)
Boucher	Gilman	McCarthy (NY)
Boyd	Goode	McCollum
Brady	Goodlatte	McCrery
Brown (CA)	Goodling	McDade
Brown (FL)	Gordon	McDermott
Brown (OH)	Goss	McGovern
Bryant	Graham	McHale
Bunning	Granger	McHugh
Burr	Green	McInnis
Burton	Greenwood	McIntosh
Buyer	Gutierrez	McIntyre
Calvert	Gutknecht	McKeon
Camp	Hall (OH)	McKinney
Campbell	Hall (TX)	McNulty
Canady	Hamilton	Meehan
Cannon	Hansen	Meek (FL)
Cardin	Hastert	Meeks (NY)
Carson	Hastings (FL)	Menendez
Castle	Hastings (WA)	Metcalf
Chabot	Hayworth	Mica
Chambliss	Hefley	Millender-McDonald
Chenoweth	Hefner	Miller (CA)
Christensen	Herger	Minge
Clay	Hill	Moakley
Clayton	Hilleary	Mollohan
Clement	Hilliard	Moran (KS)
Clyburn	Hinchey	Moran (VA)
Coble	Hinojosa	Morella
Coburn	Hobson	Murtha
Collins	Hoekstra	Neal
Combest	Holden	Nethercutt
Condit	Hooley	Neumann
Cook	Horn	Ney
Cooksey	Hostettler	Northup
Costello	Houghton	Norwood
Cox	Hoyer	Nussle
Coyne	Hulshof	Oberstar
Cramer	Hunter	Olver
Crane	Hutchinson	Ortiz
Crapo	Hyde	Owens
Cubin	Inglis	Oxley
Cummings	Istook	Packard
Cunningham	Jackson (IL)	Pallone
Danner	Jackson-Lee (TX)	Pappas
Davis (FL)	Jefferson	Parker
Davis (IL)	Jenkins	Pascrell
Davis (VA)	John	Pastor
Deal	Johnson (CT)	Paul
DeFazio	Johnson (WI)	Paxon
DeGette	Johnson, E. B.	Pease
Delahunt	Johnson, Sam	Pelosi
DeLauro	Jones	Peterson (MN)
DeLay	Kanjorski	Peterson (PA)
Deutsch	Kaptur	Petri
Diaz-Balart	Kasich	Pickering
Dickey	Kelly	Pickett
Dicks	Kennedy (MA)	Pitts
Dingell	Kennedy (RI)	Pombo
Dixon	Kennelly	Pomeroy
Doggett	Kildee	Porter
Dooley	Kilpatrick	Portman
Doyle	Kim	Price (NC)
Dreier	Kind (WI)	Pryce (OH)
Duncan	King (NY)	Quinn
Dunn	Kingston	Radanovich
Edwards	Kleczka	Rahall
Ehlers	Klink	Ramstad
Ehrlich	Klug	Rangel
Emerson	Knollenberg	Redmond
Engel	Kolbe	Regula
English	Kucinich	Reyes
Ensign	LaFalce	Riggs
Etheridge	LaHood	Riley
Evans	Lampson	Rivers
Everett	Largent	Rodriguez
Ewing	Latham	Roemer
Farr	LaTourette	Rogan
Fattah	Lazio	Rogers
Fawell	Leach	Rohrabacher
Fazio	Levin	Ros-Lehtinen
Filner	Lewis (CA)	Rothman
Foley	Lewis (GA)	Roukema
Forbes	Lewis (KY)	Roybal-Allard
Ford	Lipinski	Royce
Fossella	Livingston	Rush
Fowler	LoBiondo	Ryun
Fox	Lofgren	Sabo
Franks (NJ)	Lowey	Salmon
Frelinghuysen	Lucas	Sanchez
Frost	Luther	Sanders
Furse	Maloney (CT)	Sandlin
Gallegly	Maloney (NY)	Sanford
Ganske	Manton	Sawyer
Gejdenson	Manzullo	Saxton
Gekas	Markey	Scarborough
Gephardt	Mascara	Schaefer, Dan
Gibbons	Matsui	Schaffer, Bob
Gilchrest	McCarthy (MO)	Schumer
Gillmor	McCarthy (NY)	Scott
Gilman	McCollum	Sensenbrenner
Goode	McCrery	Serrano
Goodlatte	McDade	Sessions
Goodling	McDermott	Shadegg
Gordon	McGovern	Shaw
Goss	McHale	Shays
Graham	McHugh	Sherman
Granger	McInnis	Shimkus
Green	McIntosh	Shuster
Greenwood	McIntyre	Sisisky
Gutierrez	McKeon	Skaggs
Gutknecht	McKinney	Skeen
Hall (OH)	McNulty	Skelton
Hall (TX)	Meehan	Slaughter
Hamilton	Meek (FL)	Smith (MI)
Hansen	Meeks (NY)	Smith (NJ)
Hastert	Menendez	Smith (TX)
Hastings (FL)	Metcalf	Smith, Adam
Hastings (WA)	Mica	Smith, Linda
Hayworth	Millender-McDonald	Snowbarger
Hefley	Miller (CA)	Snyder
Hefner	Minge	Solomon
Herger	Moakley	Souder
Hill	Mollohan	Spence
Hilleary	Moran (KS)	Spratt
Hilliard	Moran (VA)	Stabenow
Hinchey	Morella	Stark
Hinojosa	Murtha	Stearns
Hobson	Neal	Stenholm
Hoekstra	Nethercutt	Stokes
Holden	Neumann	Strickland
Hooley	Ney	Stump
Horn	Northup	Stupak
Hostettler	Norwood	Sununu
Houghton	Nussle	Talent
Hoyer	Oberstar	Tanner
Hulshof	Olver	Tauscher
Hunter	Ortiz	Tauzin
Hutchinson	Owens	Taylor (MS)
Hyde	Oxley	Taylor (NC)
Inglis	Packard	Thomas
Istook	Pallone	Thompson
Jackson (IL)	Pappas	Thornberry
Jackson-Lee (TX)	Parker	Thune
Jefferson	Pascrell	Thurman
Jenkins	Pastor	Tiahrt
John	Paul	Tierney
Johnson (CT)	Paxon	Torres
Johnson (WI)	Pease	Towns
Johnson, E. B.	Pelosi	Traficant
Johnson, Sam	Peterson (MN)	Turner
Jones	Peterson (PA)	Upton
Kanjorski	Petri	Velazquez
Kaptur	Pickering	Vento
Kasich	Pickett	Visclosky
Kelly	Pitts	Walsh
Kennedy (MA)	Pombo	Wamp
Kennedy (RI)	Pomeroy	Waters
Kennelly	Porter	Watkins
Kildee	Portman	Watt (NC)
Kilpatrick	Price (NC)	Watts (OK)
Kim	Pryce (OH)	Waxman
Kind (WI)	Quinn	Weldon (FL)
King (NY)	Radanovich	Weldon (PA)
Kingston	Rahall	Weller
Kleczka	Ramstad	Wexler
Klink	Rangel	Weygand
Klug	Redmond	White
Knollenberg	Regula	Whitfield
Kolbe	Reyes	Wicker
Kucinich	Riggs	Wolf
LaFalce	Riley	Woolsey
LaHood	Rivers	Wynn
Lampson	Rodriguez	Young (AK)
Largent	Roemer	Young (FL)
Latham	Rogan	
LaTourette	Rogers	
Lazio	Rohrabacher	
Leach	Ros-Lehtinen	
Levin	Rothman	
Lewis (CA)	Roukema	
Lewis (GA)	Roybal-Allard	
Lewis (KY)	Royce	
Lipinski	Rush	
Livingston	Ryun	
LoBiondo	Sabo	
Lofgren	Salmon	
Lowey	Sanchez	
Lucas	Sanders	
Luther		

ANSWERED ''PRESENT''—3

Frank (MA)	Martinez	Payne

NOT VOTING—18

Callahan	Lantos	Obey
Conyers	Linder	Poshard
Doolittle	Miller (FL)	Schiff
Eshoo	Mink	Smith (OR)
Gonzalez	Myrick	Wise
Harman	Nadler	Yates

☐ 1836

Mr. BERMAN and Mr. DAVIS of Illinois changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forgo a second income in order for a mother or father to be at home with their children.''

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I was called away on a family matter and was unable to be here to vote on H. Con. Res. 202, the Daycare Fairness for Stay-At-Home Parents.

I ask that the RECORD reflect that had I been here I would have supported this measure and voted "aye."

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 202.

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

There was no objection.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 927) to reauthorize the Sea Grant Program, as amended.

The Clerk read as follows:

S. 927

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 ''National Sea Grant College Program Reauthorization Act of 1998''.

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

''(D) encourage the development of forecast and analysis systems for coastal hazards;''.

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: ''The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.''.

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking ''their university or'' and inserting ''his or her''; and

(B) by striking ''college, programs, or regional consortium'' and inserting ''college or sea grant institute'';

(2) by striking paragraph (4) and inserting the following:

''(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.'';

(3) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

''(5) The term 'Great Lakes' includes Lake Champlain.

''(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.'';

(4) by striking ''regional consortium, institution of higher education, institute, or laboratory'' in paragraph (11) (as redesignated) and inserting ''institute or other institution''; and

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

''(12) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

''(13) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(14) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(15) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

''(16) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

''(17) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.''.

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking '', the Under Secretary,''; and

(2) by striking ''Under Secretary'' every other place it appears and inserting ''Secretary''.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

''SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

''(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

''(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

''(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

''(2) administration of the national sea grant college program and this title by the national sea grant office, the Administration, and the panel;

''(3) the fellowship program under section 208; and

''(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

''(c) RESPONSIBILITIES OF THE SECRETARY.—

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

''(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

''(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

''(4) To carry out the provisions of this title, the Secretary may—

''(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

''(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

''(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

''(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

''(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

''(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

''(G) promulgate such rules and regulations as may be necessary and appropriate.

''(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

''(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

''(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

''(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

''(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

''(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

''(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

''(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

''(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

''(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

''(i) promote healthy competition among sea grant colleges and institutes;

''(ii) encourage successful implementation of sea grant programs; and

''(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

''(C) ensure compliance with the guidelines for merit review under subsection (c)(2).''.

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

''SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

''(a) DESIGNATION.—

''(1) A sea grant college or sea grant institute shall meet the following qualifications—

''(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

''(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

''(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

''(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

''(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

''(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

''(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

''(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program which includes, at a minimum, research and advisory services.

''(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

''(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

''(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

''(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

''(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.''.

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking ''The Panel'' and inserting ''(b) DUTIES.—The panel'';

(2) by striking ''and section 3 of the Sea Grant College Program Improvement Act of 1976'' in paragraph (1); and

(3) by striking ''regional consortia'' in paragraph (3) and inserting ''institutes''.

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking ''college, sea grant regional consortium, or sea grant program'' and inserting ''college or sea grant institute''; and

(2) by striking paragraph (5)(A) and inserting the following:

''(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

''(A) $56,000,000 for fiscal year 1999;

''(B) $57,000,000 for fiscal year 2000;

''(C) $58,000,000 for fiscal year 2001;

''(D) $59,000,000 for fiscal year 2002; and

''(E) $60,000,000 for fiscal year 2003.

''(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

''(A) up to $2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

''(B) up to $3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

''(C) up to $3,000,000 may be made available for competitive grants for university research on Pfiesteria piscicida and other harmful algal blooms.''.

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

''(b) PROGRAM ELEMENTS.—

''(1) LIMITATION.—No more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated; or

''(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

''(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.''.

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

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

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Speaker, I rise in support of S. 927, a bill to reauthorize the National Sea Grant College Program. This bill is very similar to the legislation that I introduced in January, 1997, and in fact, that bill passed the House with 422 votes on June 18.

Mr. Speaker, the bill that passed the House on June 18 by a vote of 422 to zero was virtually the same as this bill. The House bill had the bipartisan support of 107 cosponsors, including the gentleman from Alaska (Mr. YOUNG), Committee on Resources chairman, the gentleman from California (Mr. MILLER), ranking Democrat, and the gentleman from Hawaii (Mr. ABERCROMBIE), ranking Democrat on the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

The version of the bill adopted by the House was a compromise version adopted by the Committee on Resources and the Committee on Science.

The National Sea Grant College Program was established by Congress in 1966 to improve our Nation's marine resources and conservation efforts, to better manage those resources, and to enhance their proper utilization.

S. 927, the National Sea Grant College Program Reauthorization Act of 1997, authorizes funding for Sea Grant through fiscal year 2003; simplifies the definition of issues under the Sea

Grant authority; clarifies the responsibilities of State and national programs; consolidates and clarifies the requirements for the designation of Sea Grant colleges and regional groups; and assures that the Sea Grant research will be adequately peer reviewed.

It also authorizes funding for timely research on oyster diseases and oyster-related human health risks, Pfiesteria and other harmful algae blooms and zebra mussels.

Mr. Speaker, I have carefully reviewed the language in this Senate-passed legislation and find it substantially the same as that passed here; and I support the changes approved by the other body with the minor changes we are making today. By enacting this legislation, we will be sending a clear message supporting the conservation and researched-based management of our marine and coastal resources.

The Sea Grant program has been a big success, and I am pleased that after 3 years of hard work we are now poised to extend this most important environmental program.

Mr. Speaker, I urge an ''aye'' vote on this important legislation.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, I too rise in strong support of the bill. S. 927 provides a strong reauthorization of the National Sea Grant College Program which, for over 30 years, has addressed important local, regional and national marine resource problems through education, research and public outreach.

The legislation before the House is a compromise with the other body. It reauthorizes Sea Grant for 5 years. It clarifies the roles of the national office and the Sea Grant colleges. It strengthens competitive peer review for grants and contracts for research, education and outreach, and generally brings Sea Grant up to date as a modern education and research program.

The authorization levels in the bill will fully fund Sea Grant's ongoing base program, while providing additional funding for certain research priorities, which include nonindigenous species, oyster disease, and toxic microbe Pfiesteria.

□ 1845

While I do not question the validity of research in these areas, I regret that some Members have felt it necessary to question whether all of these research options are necessary. One of the sea grant's great strengths over the years has been its ability to respond rapidly and effectively to local and regional needs, Mr. Speaker. I think that that is something that is now involved in the program in a way that both the gentleman from New Jersey (Mr. SAXTON) and myself can support. There is no reason to think that it will not continue to do so; that is to say, respond effectively to local needs under its usual effective peer review processes.

I would like to express my appreciation for the cooperation that we in the minority have received from the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Alaska (Mr. YOUNG) and the staffs on this bill.

I can assure my colleagues that on this bill any partisan considerations were put to rest with respect to the thrust of the legislative activity under consideration. This is not, therefore, a bipartisan bill, this is a nonpartisan bill. I think all of us who represent coastal areas have long appreciated the benefits of this practical and noncontroversial program. It is a good bill, reauthorizing a popular program. I am glad we are doing it at this time. I most certainly urge the House to support this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN. Mr. Speaker, to show the support of Texas for the sea grant reauthorization, I rise in support of the National Sea Grant College program. The National Sea Grant College program was established in 1966 to provide wide stewardship over our marine and coastal resources. It is a partnership between universities, States, communities and the National Oceanic and Atmospheric Administration.

The mission of the sea grant program is to promote and sponsor research and education and outreach aimed at the wise use of resources and the development and effective management and conservation programs that target our Nation's coastal and marine resources.

Texas A&M university has a Sea Grant College at Galveston, Texas which is actually in the district of the gentleman from Texas (Mr. LAMPSON). The program has spread throughout the Gulf Coast of Texas and throughout the whole State. I represent the port of Houston. So my home State of Texas allows individuals to learn about the ocean and the coastal environments and innovative marine technologies.

The 29th district that I represent has the port of Houston and the port plays a vital part in our economy and the livelihood of our surrounding communities. Texas A&M's Sea Grant College provides business owners, fishermen and the community groups that live and work along the port of Houston with information on how to achieve the most benefits economically while responsively conserving the environment. Without the sea grant program, the citizens of Texas and our Nation will not stay current and be innovative and competitive with the rest of the world.

By reauthorizing the Sea Grant College program through the year 2003, we have ensured that we will train our future citizens, future citizens who will not only look to protect our oceans and coastal areas but also be trained to properly manage our marine resources.

I urge my colleagues to support the bill. This bill makes significant improvements in the sea grant program by streamlining the proposal review process, reducing the administrative costs and clarifying the Federal and university roles in the program. This program, in its 30-year history, has proven its value and worth to our country. I rise in support of the bill and I thank my colleague from Hawaii for yielding me the time and also the chairman of committee for bringing this bill forward.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Hawaii for yielding me the time and special thanks to our chair of our great committee, the gentleman from New Jersey (Mr. SAXTON). I rise on this issue because I think oftentimes Members do not understand why a program like sea grant is so important to our Nation.

We are a Nation surrounded by water. This whole globe is covered by water. Essentially the future of the survival of this planet is going to be dependent upon how societies treat the ocean. When we think about the meeting of land and water, which is the coastal zones of this country, that is the most fragile ecosystem there is on the planet because most of the people on this planet live in the coastal zone. So what happens is, if we do not understand what the significance is of using the ocean, dumping in the ocean, relying on the ocean, we are going to be victims of something we do not understand.

We are already finding that as we find fisheries that are overfished, as we find global climate change, all of these factors are dependent upon a program that invests in collecting the best minds there are in the country to put some effort into studying the ocean. That is what the sea grant program is all about.

There are 26 colleges in the United States that receive grants from this. It benefits the coastal States, benefits the Great Lakes States. These programs encompass advisory services, public education for marine scientists and also for our kindergarten through the 12th grade. So it is a program that is essentially looking into private sector collaboration with the government, an aquaculture program, coastal and estuarine research, marine biotechnology, marine fisheries management, and seafood safety.

You add it all up and this is really a very important program. Frankly, the Federal Government puts very little money into it. We ought to put a lot more. This whole issue is so important that the world, other countries in the world are involved along with us with an International Year of the Oceans.

This issue about what are we doing with authorizing the sea grant program is essentially we have made the administration of it much cleaner, much more specific, much more, I think, to the interests of, broader interests of this country, but we are also realizing that this agenda of engaging the smartest minds in this country is essentially an issue about survival, not just survival of the United States but survival of the globe. This is money well spent. This program is well done.

Let me just tell you a little story. Last year I was able to get a fellow in my office, Jennifer Newton. She has been so good at being a sea grant fellow that I hired her when her fellowship ended up to be in my program. So it brings people into the Capitol who would not otherwise be here and allows us access to good scientific minds. This reauthorization is a step well taken. It has no partisan differences. It is what we do here in Congress best.

I am very proud to rise in support of it and to thank my learned colleagues for their support and particularly the leadership of our chair and ranking member the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

This legislation particularly impacts those of us in the coastal area of Texas and as a Member of Congress that has an adjoining district near the Houston port as well as the Galveston coastline, we advocate clearly the need for legislation that provides for such improvement. I would argue that this is very important legislation and also legislation that is long overdue. I would like to thank both the chairman and ranking member for promoting this legislation and I might say to have it on the suspension calendar so that we might easily have it passed. I join my colleague, the gentleman from Texas (Mr. GREEN), in advocating its importance for not only Texas but our local regional area.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON) for bringing this legislation before us. It truly has bipartisan support. It is a wonderful program. It is a great piece of legislation. As many of the previous speakers have mentioned, it does really affect so many different States, those of us that are on the ocean, those of us in the Great Lakes.

But as the ocean State, Rhode Island has a very proud and rich maritime heritage. Not so coincidental the State has also had a proud and rich heritage with the sea grant program. My State's history with the National Sea Grant program dates back to 1968 when the first funds were awarded to the graduate school of oceanography at the University of Rhode Island in Narragansett. In 1971, the university was established as a Sea Grant College, one of the first four in the country. The university was recertified as a sea grant institution most recently in 1985. Rhode Island also serves as the proud host of the National Sea Grant Depository. Housed in the Pell Marine Science Library at the university, it houses over 55,000 scientific, technical and advisory and education and public information reports on sea grant supported work throughout the world.

The sea grant program has allowed many valuable research and educational projects to be funded in my district, in my State and indeed throughout the country. Rhode Island alone has been the recipient of many programs that have been valuable in terms of providing new safety techniques for fish harvesting and environmentally sensitive beach erosion techniques, pollution mitigation for Narragansett Bay and other estuaries and streams and also valuable aquaculture that affects our State's economy.

Similar projects throughout the country have been wonderfully received, have been very valuable not only to the research in and the education that goes on at our universities but, importantly, to the economy and the economic well-being of our States.

These programs are aimed at not only saving our wonderful resources but also improving the businesses that use those resources. That is why it is so significant that we have been able to marry those two together in a very effective way to provide great preservation of our resources while at the same time recognizing its valuable input to our economy.

I join my colleagues in recommending and supporting passage of this legislation. I would like to thank the two managers of the legislation, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON), for their effort to bring this to the floor.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume. I would like to express once again my gratitude to the gentleman from New Jersey (Mr. SAXTON) and express my very fond aloha to him and to the committee staff. Mr. Speaker, I do not think anyone in the Congress is as devoted to the subject matter over which he has jurisdiction than the gentleman from New Jersey (Mr. SAXTON). The ocean resources over which this Nation has sovereignty and the concern that he expresses for this most valuable of all resources is something that sets the benchmark, I think, for all of us regardless of party.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman for his very kind remarks.

Mr. Speaker, this is good legislation and I am sure it is legislation that every Member of the House will want to support. But this legislation is just an example of what can be done when we work on a bipartisan basis. The gentleman from Hawaii (Mr. ABERCROMBIE), who has served for 3 years as the ranking member of the committee, has been a major, major contributor to the bipartisan spirit that has permitted us to move through issue after issue and, frankly, without rancor, and frankly I cannot think of a time that we have come to the floor with major legislation since the gentleman from Hawaii (Mr. ABERCROMBIE) has been the ranking member when we have had a disagreement. We work things out ahead of time. We do it in an amicable way. As a result of that, we have been able to pass legislation that deals with the marine environment, been able to pass a major legislation that deals with fisheries resources, major legislation that deals with the marine mammal, the Marine Mammal Protection Act. We passed legislation on protection of coral reefs. We reformed the national refuge system with new legislation last year.

□ 1900

We were able to pass a bill to promote volunteerism in the refuge system. We were able to pass coastal estuary issues to protect wetlands and so on along many coastal areas of our country, all because of the bipartisan spirit that has been exhibited by the gentleman from Hawaii (Mr. ABERCROMBIE) and what he has brought to the committee.

Also, the gentleman is never at a loss for words when he is speaking up for the sea grant program, which also exists at the University of Hawaii, I would point out. He has been an outstanding advocate for his home, the humpback whale sanctuary and, of course, the National Undersea Research Laboratory, which is also in Hawaii.

So I would just like to say it is not aloha, probably. He will still be a member of the committee, even though it will not be the ranking member, and I will look forward to working with the gentleman on these issues as they come back to visit us and many others, I am sure, along the way.

It has been a pleasure over these past 3 years serving with the gentleman from Hawaii, and I will look forward to continuing our relationship.

Mr. PALLONE. Mr. Speaker, for over three decades, the National Sea Grant College Program has performed an extraordinary service not only to the State of New Jersey, but also to the nation. Sea Grant is a competitive, merit-based, aquatic science program that benefits marine and freshwater industries, environments, and communities of the United States by applying science and technology to problems of day-to-day concern.

Few federal programs have achieved the exceptional economic impact that the Sea Grant College Program has shown since its inception in 1996. Research conducted through the Sea Grant Program is crucial to meeting

important objectives in the areas of aquatic resource conservation and management, sustainable development, technology innovation, and coastal and inland water quality. Furthermore, the program has proven to be very effective in transferring its scientific and technical results to industry as well as identifying and communicating local needs and problems to Sea Grant program managers and researchers.

Recent examples of Sea Grant supported research and outreach activities that have positively impacted the lives of New Jersey residents include:

Sponsoring a commercial fisherman's safety training program. Techniques learned in this course enabled a first mate on a Cape May fishing vessel to save the life of his captain's son during an accident at sea;

Supporting a ''red tide'' research effort to examine nitrogen inputs into estuaries. This project has already developed into a full-scale, water quality monitoring and management project with potential for national applications; and

Coordinating a partnership of the New Jersey, Delaware, and Maryland Sea Grant Programs with the Public Service Gas and Electric Company (PSE&G) for a massive marsh restoration effort on the Delaware Bay. This effort is the largest of its kind in the country and represents a unique collaboration of government, industry, academic and scientific interests.

To be competitive in the future, it is essential that the U.S. develop a skilled workforce that is scientifically literate and environmentally sensitive. The National Sea Grant College Program has been a leader in science education from ''hands-on'' science experiences at the K–12 level, to supporting thousands of graduate students in aquatic and environmental science. Informal education of the general public and technical advice for businesses are also important aspects of Sea Grant's education objectives.

The National Sea Grant College Program is truly a program worthy of our investment. I thank the Chairman and Ranking Member for bringing this bill to the floor today, and I look forward to continuing to work with my colleagues on this issue as the appropriations process moves forward.

Mr. FARR of California. Mr. Speaker, as many of you know, this year has been designated the International Year of the Oceans. I am pleased that so early on in our legislative agenda, we have the chance to vote for something which so positively affects our understanding, and wise management of our ocean, coastal and Great Lakes resources.

These resources are of great importance not only to our economy and the environment, but to our social and cultural vitality, and even our national security. But we put incredible pressures on these environments. Over half of our population lives in the 10% of land area defined as coastal. We have over-harvested many of the fish and other living resources. We alter the physical environment, filling in wetlands, dredging our harbors, and bulkheading our shorelines. We pollute. We introduce alien species into our ecosystems. We're adding substances to the atmosphere that increase ultraviolet radiation and alter the climate. We are inundated with news of disasters that affect our oceans and coasts, from harmful algal blooms such as the Pfisteria outbreaks this past summer, to medical wastes washing up on our shores.

I hope to be standing up in front of you soon to urge your support of the Oceans Act of 1997, H.R. 2547, legislation which I have put together with my colleagues to help ensure that our coasts and oceans are properly taken care of for generations to come.

I believe that Sea Grant is, and will be, an integral part of efforts to better understand, properly conserve, and sustainably use our marine resources. For over 30 years Sea Grant programs have supported high quality, competitive, peer reviewed science to better understand these dynamic resources, our effects on them, and to propose ways to minimize negative impacts while enhancing economic benefits. This information is then distributed to the public and user-groups through educational and advisory programs, so that they can manage and utilize these resources in a sustainable manner.

And these programs are fiscally responsible. Federal funding for Sea Grant must be matched by non-federal contributions, and over half of the funding for Sea Grant programs comes from non-federal sources.

Sea Grant provides virtually the only funding for the study of marine resource policy, and is a major contributor to efforts in aquaculture, coastal and estuarine research, marine biotechnology, marine fisheries management, and seafood safety.

Funded at about $50 million dollars annually, a Sea Grant funded industrial pollution model has already led to over $480 million dollars in savings for State pollution clean-up costs in the Great Lakes alone.

Sea Grant efforts have led to enhanced fisheries management and production, with direct economic benefits. In my own district, Sea Grant research is being conducted on how coastal upwelling affects larval survival in rockfish, a study important to properly managing the $10 million-a-year rockfish fishery.

There's another project also underway to try to isolate medicinal products from marine algae. Sea grant programs have led to the discovery of more than 1,000 new compounds from marine organisms, and 14 new product patents to date.

A third project in my district is dealing with the important topic of preserving marine biodiversity, comparing the current diversity of the rocky intertidal in Monterey Bay National Marine Sanctuary, one of the most biologically diverse regions known, to diversity levels recorded in the 1970's. This research will put into perspective issues of long-term ecological stability and community persistence in the face of natural and human impacts.

And in my office this past year we had a Sea Grant fellow, a graduate student who was learning how to apply her scientific background and research to effective policy making.

This is a tremendously valuable, fiscally responsible program, and I urge you to support its reauthorization, as well as increased appropriations to the authorized amount in FY99.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of S. 927, the National Sea Grant College Program Reauthorization Act. This is a long-awaited measure that reorganizes the nation's foremost aquatic educational grant program for the challenges of the Twenty-First Century.

We have only begun to understand the depth of knowledge that our oceans can yield to us. What little we have learned has done much to change humanity's perspective on its relationship with the sea. And I am proud to say that Sea Grant has had a major role in the progress made in aquatic research at the Haskin Shellfish Research Laboratory, located in Port Norris, New Jersey.

In noting the provisions contained in S. 927 that authorize grants for oyster disease research, I am excited by the prospect of one day seeing Southern New Jersey watermen shovel bushels of oysters from the Delaware Bay, as they did many years ago. Research undertaken in this area by Rutgers University, through the financial assistance of New Jersey Sea Grant, will hopefully resurrect an industry that has all but disappeared from the Second Congressional District.

Mr. Speaker, I urge all my colleagues to support S. 927.

Mr. UNDERWOOD. Mr. Speaker, reauthorizing the National Sea Grant College Program is not only an investment in the future of our nation's marine resources, it is also sound public policy. The various ingredients, such as scientific research, educational training, and community application, mixed into the complex operation of a sea grant college benefit not only regions close to marine resources, but the global population as a whole. For example, Sea Grant developed the first systematic attempt to locate and establish new drugs from marine components.

The development of our coastal regions means an increasing reliance on marine research to generate intelligence policies. Contributions in the area of aquatic resource management and sustainable economic development has made Sea Grant a vital link between scientific findings and local resource implementation. For Guam, this aspect is vitally important as we continue to attempt to fully utilize our Pacific resources.

I also emphasize the National Sea Grant College Program's contributions to science education. Through various activities, such as the John A. Knauss Marine Policy Fellowship Program, thousands of students are introduced to the wonders of marine science and research. Annually, Sea Grant supports 450 graduate students by employing them in research ventures. In addition, students from K–12 increase their marine knowledge through various Sea Grant sponsored activities.

The University of Guam collaborates in the Sea Grant Program through the University of Hawaii. However, the people of Guam look forward to a separate Sea Grant status. The Marine Laboratory in the University of Guam has evolved into an important marine research center serving not only Guam, but the Commonwealth of the Northern Marianas Islands, the Federated States of Micronesia, the Marshall Islands, and Palau. Guam has the support of the Office of Insular Affairs in the Department of Interior in this issue.

Clearly the National Sea Grant Program is essential not only to our understanding and utilization of our marine resources, but for our economy, our environment and our students. I urge my colleagues to support its reauthorization.

Mr. CASTLE. Mr. Speaker, I come before the House, today, to express my support for S. 927, a bill to reauthorize the National Sea Grant College Program through FY 2003.

Established by Congress in 1966, the National Sea Grant College Program has fostered the wise use, conservation, and management of marine and coastal resources through practical research, graduate student education, and public service.

I am proud that the University of Delaware has been a part of Sea Grant since 1976 when it became the 9th institution to join. In particular, the University of Delaware's program conducts research in environmental studies, fisheries, marine biotechnology, marine policy, seafood science, and coastal engineering.

Graduates from its program have gone on to make impressive contributions at the National Academy of Sciences, the National Marine Fisheries Service, Boston University School of Medicine, the U.S. State Department, the Delaware Department of Natural Resources and Environmental Control, and a host of cutting-edge corporations.

The National Sea Grant College Program is much more than a research institution. Its staff reaches out to business owners, schoolteachers, and government agencies to provide them with objective information and assistance in addressing coastal problems and developing technology that benefits all of us.

For example, the National Sea Grant College Program conducted important research on mosquito-eating fish that help curb disease-carrying mosquito populations naturally. They also developed technology both to recycle crab shells into bandages and animal feed and to harvest pollution-free energy from ocean waves.

One of the most important services the National Sea Grant College Program provides is assistance in protecting beaches, roads, buildings and wildlife along our fragile coastlines. The sea Grant Program's research is responsible for developing a novel sand bypass system that protects coastlines from beach erosion.

Unfortunately, the Clinton Administration has not followed through on the investment this country made in the National Sea Grant College Program. In Delaware, the Administration has commissioned study after study that shows the tremendous need to construct the coastal protection technologies developed by the National Sea Grant College Program, but it refuses to honor its commitment to pay its share of the construction costs. As a result, in the last two weeks, Delaware has suffered tremendous damage in the wake of violent nor'easters.

Mr. Speaker, every coastal state can boast the achievements of its Sea Grant College Program and every state benefits from its work. The Senate passed this legislation by unanimous consent and the House passed similar legislation, H.R. 437, last June, by a vote of 422–3. Therefore, please join me in reauthorizing this worthy program.

Mr. YOUNG of Alaska. Mr. Speaker, I strongly support S. 927, and I am very pleased to see that we are considering it today. We began the process of reauthorizing the National Sea Grant College Program more than three years ago, and I hope we can now conclude it quickly.

Sea Grant was established in 1966 in order to improve our Nation's marine resource conservation efforts, to manage those resources more effectively, and to enhance their proper use. The program is patterned after the highly successful Land Grant College Program, which is familiar to many of our non-coastal members.

For over 30 years, Sea Grant has successfully achieved its goals through a unique combination of research grants, marine advisory services, and education. This year, Mr. Ron Dearborn, who does an excellent job as Director of the Alaska Sea Grant College Program, is serving as President of the Sea Grant Association. Alaska's Sea Grant program has improved our understanding of commercial fish stocks, the factors affecting the size and health of those stocks, and the best economic uses for fishery resources. Using this information, we have developed effective management regimes, and we continue to create more jobs while minimizing long-term impacts to our fisheries.

Alaska Sea Grant also supports a comprehensive Marine Advisory Service, which has provided industry training programs on topics ranging from marine safety and seafood technology to business management for fishermen and shoreside support facilities. Through proper training, we ensure that our industries, businesses, and individuals who depend on productive fisheries can continue to do their jobs effectively.

Sea Grant is a perfect example of the type of program that we should support. The program produces tangible results that help solve local and regional problems and, most importantly, it maximizes immediate and long-range returns by matching Federal investments with State and private funds.

The Resources and Science Committees were unable to reach agreement on reauthorizing legislation in the last Congress. In this Congress, H.R. 437, which was introduced by my colleague, Jim Saxton, and a number of other Members last year, and upon which S. 927 is based, passed the House by a vote of 422 to 3.

S. 927 is similar to H.R. 437, it enjoys widespread support, and I am confident that by voting for it now we can finally reauthorize this important program. Mr. Speaker, I urge an aye vote on S. 927.

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

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

The SPEAKER pro tempore (Mr. NEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 927, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 927, the Senate bill just passed.

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

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON THE JUDICIARY AND COMMITTEE ON NATIONAL SECURITY

Mr. SAXTON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 354) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. RES. 354

Resolved, That the following Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the Judiciary: Mr. Rogan of California.

Committee on National Security: Ms. Granger of Texas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS of Illinois) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, last week many Members took the floor to pay tribute to Representative Ron Dellums. My schedule was such that I did not get an opportunity to do so at that time but I decided that I would come on this day so as not to miss the opportunity.

Mr. Speaker, to every man there is a way, a ways and a way, the high souls take the highway, and the low souls take the low. While on the misty flats all the rest drift to and fro. To every

man there is a way, a ways and a way, and each man decideth each way his soul shall go.

Such has been the life, career and work of the Representative Ron Dellums, who has served his family, community, country and, yes, the world with elegance and distinction. He has demonstrated courage and commitment and has been loyal to those causes which he deemed to be just. Ron has been an ambassador of democracy and a serious promoter of peace, recognizing and realizing the difficulty of its attainment.

One of my colleagues recently said of Ron Dellums that he has made a difference. I agree with that assessment and go a step further. I say not only has Ron made a difference but he is different. Ron marches to the beat of a different drummer. He is a thoroughbred, a long-distance runner, tough and tenacious. He is certainly one of the best. He is in a class by himself.

When describing Ron, some people like to refer to his stature. The young fellow on the block where I live says, ''He is tall like pine, black like crow, talk more noise than WVON radio.'' Ron reminds me of the words of Sir Issac Watts when he said, ''Were I so tall as to reach from poll to poll or grasp the ocean with my span; I must be measured by my soul, for the mind is the standard of the man.''

Ron Dellums. What a mind, what a man. A creative, piercing, probing, incisive, thought-provoking, inspiring, charismatic, careful, considerate and deliberative mind. The mind to stand up when others sit down. The mind to act when others refuse to act. The mind to stand even when you stand alone, battered, bruised and scorned, but still standing. Standing on principle, standing tall and standing for the people.

And so, Ron, as you leave to look after the needs of your family and pursue other endeavors, take with you the words of this Irish proverb, ''May the roads rise up to meet you, may the wind always be at your back, may the sun shine warmly upon your face, and until we meet again, may the good Lord hold you in the hollow of his hand.''

A Luta Continua!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF MEDICARE VENIPUNCTURE SENIORS PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, first let me say that I would like to commend my colleague, the gentleman from West Virginia (Mr. RAHALL), for his leadership on the issue of Medicare coverage for venipuncture.

Since Christmas, I have received hundreds of letters and numerous phone calls at both my home and office on home care and the health of our elderly. Most of these people calling and writing are scared. They are afraid for themselves and for their loved ones. Why are they afraid? Because the recently passed Balanced Budget Act will change their lives in a way that could be devastating.

This change in coverage under Medicare for a service known as venipuncture or, more simply, the drawing of blood, was made without even a score from the Congressional Budget Office. No hearings were held; no specific clinical examples were used. We are being told that this will not have a strong impact on the lives of those who receive this service because they can qualify in some other way for venipuncture services.

But what if they cannot? What if even a handful cannot get the services they need anymore? People could die. People could actually die if we are not sure about the impact of this change which became effective last week. In the court system in this country the jury must have evidence that can leave no reasonable doubt of guilt to make a decision. How can we sentence our seniors to this harsh change if we do not have assurance that they will be protected from harm?

For this reason I have introduced H.R. 3137, the Medicare Venipuncture Seniors Protection Act, which will delay the implementation of this legislation for 18 months, giving us more time to study the impact of this change in coverage on our elderly and frail. This bill will also request specific information from Health and Human Services on the hardships of those in rural areas and what they will endure due to the effect of this new law.

I fear that those who recommended this change were thinking more of places like New York City than rural parts of Alabama, West Virginia and Texas, where people may not be physically able to get to a doctor's office or to have their blood drawn. This small 29-word provision that was inserted into the Balanced Budget Act rather hastily did not take into account the situation of States like Tennessee, for instance, where under their State law lab technicians by law cannot leave the health care facility, leaving any homebound person truly in need of venipuncture with very limited options.

We are all in favor of cutting out waste, fraud and abuse, but let us not throw the baby out with the bathwater by punishing the elderly and the frail who have come to depend on these services. Waste, fraud and abuse in a Medicare system that has just been saved from the brink of bankruptcy cannot be tolerated, but a truly homebound elderly Medicare recipient should not be punished for the fraud their health care provider is engaged in.

I ask my colleagues to join with me in fighting to protect our seniors.

Mr. THOMPSON. Mr. Speaker, I rise today as the representative of Mississippi 2nd Congressional District in support of H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. This bill will delay the implementation of the Venipuncture provision in the Balanced Budget Act 1997, Section 4615. The service is greatly needed for elderly people who utilize home health services solely for venipuncture. Patients on Coumadin, a blood thinning agent, need repetitive blood sampling and monitoring to determine if their treatment is effective. The loss of this venipuncture service for patients on certain medications such as Coumadin could result in life threatening episodes.

The Mississippi Association for Home Care estimates that eliminating the venipuncture provision will affect Ten to Twelve thousand patients in Mississippi alone. Punishing the frail and elderly recipients who depend upon home health services is not the intent of this change, but will be the ultimate effect.

According to the Health Care Financing Agency (HCFA), the venipuncture provision was placed into law under the Balanced Budget Act of 1997 (BBA) in order to fight fraud and abuse of the Medicare system. Mr. Speaker, I am committed to ending fraud and abuse. However, I do not support fighting fraud and abuse to the detriment of the Nation's elderly. I am also greatly concerned about this provision due to the fact that: There were no hearings on the inclusion of this provision in the Balanced Budget Act, there was no Congressional Budget Office estimate given on the venipuncture provision, and the provision was based on anecdotal evidence and there were no specific clinical examples used as a justification for the provision.

Therefore, I am in full support of H.R. 2912, which calls for the Secretary of Health and Human Services to delay the implementation of Section 4615 of the Balanced Budget Act for 18 months from the date of the enactment. This delay will also allow further study on the impact of the provision on the homebound frail and elderly.

As I close, I would like to once again express my support for H.R. 2912 and thank Representative RAHALL and Representative ADERHOLT for their work in bringing this legislation forth to protect the interests of venipuncture patients. I urge my colleagues to support this bill.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order.

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

There was no objection.

HR 2912 MEDICARE VENIPUNCTURE FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I feel like the old farmer who was being severely chastised by his fellow farmers for beating his mule over the head because he wouldn't respond to a simple ''gitty-up.'' The farmer gave the stubborn old mule one final whap, and the beast of burden began moving swiftly ahead, pulling his load. The old farmer looked at his fellow farmers, as he tossed the two-by-four on the back of the wagon for future use and said:

First, you have to get their attention.

Last week I sent out a Dear Colleague about the termination of the Venipuncture home health benefit to get everyone's attention by asking: Have we No Shame?

While it may have felt like a two-by-four to many, hopefully it went to the heart of this body so that it can move toward doing something about the fact that the wildly applauded, history-making Balanced Budget Act contained language did, on February 5, 1998, terminate the 13-year old Venipuncture or blood drawing procedure as a skilled home health benefit under Medicare.

I hoped a two-by-four would alert them that this lost benefit is having a severe, life-threatening impact on seniors, and that we need to fix it.

We can and have spent hours on this floor renaming our National airport, but we have not spent any time on this floor talking about the gross and severe hardships caused by the loss of venipuncture as a home health benefit. I happen to think Venipuncture is more important.

My colleagues, we have a dire situation here.

We have HCFA promising that venipuncture can still be allowed, but we don't have HCFA explaining how difficult that could be.

We don't have HCFA spelling out that patients need to get to their doctors and ask for a reevaluation leading to a new authorization for them to receive a NEW skilled care so that venipuncture can continue.

And we don't have a lot of doctors out there willing to take a chance on being audited themselves if they actually do re-qualify a former venipuncture patient for a new skilled care.

We don't have HCFA spelling out that while most areas, and assuredly not rural areas, don't have laboratory technicians that make house calls—HCFA still insists that these elderly, frail disabled patients contact a lab technician and ask them to make house calls in order to draw blood—for which HCFA will pay the princely sum of $3.

And it is a little known fact—but some States have laws AGAINST lab technicians leaving their labs for any reason to perform blood work in a patient's home.

Now if venipuncture patients CAN'T requalify through their doctors for a NEW skilled care benefit, and if the patients CAN'T find a local lab technician willing to travel 50 to 100 miles in rural America to make a house call for a paltry $3, then venipuncture ISN'T available—is it?

So, while it is technically correct for HCFA to day that patients can still get venipuncture, they don't spell out the two big ''IF's''—and so the REALITY is that for the most part, Venipuncture patients are out in the cold and without services and unlikely to obtain them ever again.

And my colleagues, if you think doctors are afraid of the wrath of HCFA's auditors, listen to what Medicare's Fiscal intermediaries are saying.

Fiscal intermediaries are saying: venipuncture better not show up on ANY new claims received after February 5, 1998, even in conjunction with another new SKILLED benefit, because they will be denied. Fiscal intermediaries are afraid of audits too.

But the most offensive thing I've heard yet is that one fiscal intermediary official stated that in fact he believed that without venipuncture services, some of the patients could end up in the MORTUARY—his word—not mine—end up in the mortuary.

And this same official also stated it was ''too bad, so sad . . .'' about patients ending up in mortuaries.

No wonder you need a two by four to get folks' attention—when those in charge of processing home health benefit claims for the homebound, elderly, sick and terminally ill can state publicly that it's ''too bad, so sad . . .'' about former patients ending up at the local morgue—AND NO ONE RAISES AN EYEBROW?

I wish we could get a hearing on this matter. I wish we could get a hearing and bring in this intermediary to the witness table and ask him to repeat his offensive statements for the public record. I wish we could get the intermediary to tell us why he thinks people might die without venipuncture.

I believe it is true that patients might die without this benefit—but I guess as long as they don't die in epidemic proportions—no one will care.

Well, I care.

I know of 71 Members of this House that care because they cosponsor H.R. 2912.

My colleagues who are speaking during this special order tonight—they care, and I thank them for caring.

There are alternatives to terminating the benefit. Congress could grandfather in those patients now receiving venipuncture, but not allow any new patients to be covered by the benefit except as described in the BBA.

Or, Venipuncture could be retained as a skilled care, but placed under the requirement, also in the BBA, that it be administered by HCFA using normative standards as is required for other home health benefits under Medicare.

I am listening and I am ready to work with the committees of jurisdiction, or with the Administration including the President, should he wish to use his executive order powers to remedy this gross injustice against the frail elderly, disabled and terminally ill Medicare enrolled patients throughout this entire country.

And while we are waiting to see how many patients end up in the mortuary for a lack of venipuncture benefits I ask you:

ARE WE ASHAMED YET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FINANCIAL AND PHYSICAL ABUSE OF SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, the Los Angeles Times and the Orange County Register this weekend reported on one of the fastest growing crimes in our communities: financial and physical abuse of seniors. And according to Orange County's adult protective services, most elder abuse is money motivated. Seniors are the victims of various financial scams, many of which occur within the privacy of their own homes by entrusted caretakers.

Financial and physical abuse against seniors is on the rise. Last year, Orange County logged 3,419 elder abuse calls and predicted that about only one in six are reported.

☐ 1915

And in most of these cases the abuse occurs within the privacy of their own homes. As many people grow older, remaining in their homes should increase the level of comfort and security and peace of mind, not threaten them. That is why I fear the potential for abuse in shared housing arrangements. Let us prevent this abuse before it happens.

Shared housing agencies provide living arrangements for seniors who wish to remain in their homes, but require some additional care. An example of a shared housing arrangement would be, for example, if my mother had a vacant room in her house and needed someone to help her pay the bills and do her shopping, she could seek out someone in a shared housing arrangement. The agency would refer a potential caretaker, who would live with her and care for her in lieu of rent. Unfortunately, we live in a society where violent crimes occur every day, and we can no longer guarantee safety within our own homes. But we can increase our level of safety through continued preventive efforts.

I believe that the problem of crime is, at least in part, a problem of resources. Until now, shared housing agencies have not had the resources necessary for proper safety for their clients. And without the ability to check the backgrounds of clients, they confront constraints that hinder them from increasing public safety.

Therefore, I have introduced H.R. 3181 to assist shared housing agencies in preventing crime. This bill authorizes shared housing agencies to run background checks on potential caretakers. And this bill is not just about background checks and fingerprinting, it is about making our communities safer for all of us to live, it is a tool that shared housing agencies can use to prevent violent crimes and to help protect our loved ones.

This bill provides the appropriate mechanism to be proactive in stopping abuse and fraud. But most importantly, it gives us all the peace of mind to know that our loved ones will be safely cared for within the privacy of their own homes. My bill establishes the necessary process to help combat the potential for abuse in shared housing.

It is important to recognize that the bill does not mandate, does not mandate, an agency to run FBI checks on their clients; it is merely a tool that they can use if they choose to. It is flexible and voluntary. It allows each agency to determine whether or not it is beneficial for them to use the FBI in order to guarantee protection for their clients. And by allowing the State and FBI to run background checks, service within housing arrangements will only improve. Administrators will receive comprehensive reports and will be able to better determine what is a most suitable and safe match for their clients.

I have been working very closely with the FBI and local police departments, who agree that this bill can significantly reduce fraud and physical abuse. Currently there is no national standard, no operating procedure to screen potential home-sharers. Many States have begun to run checks for child-care providers and for school teachers. Just as it is our responsibility to protect our youngest citizens, it is also our responsibility to ensure the safety of our seniors.

I encourage my colleagues to cosponsor H.R. 3181.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

(Mr. SHAYS 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

Mr. GANSKE. Mr. Speaker, I think it is important that we inform the public in terms of a specific on the Medicare legislation that we passed last year. Many of our citizens are seeing articles in Newsweek Magazine and other magazines about the rampant fraud and abuse in Medicare, and so we have been working on ways to try fix that.

The Balanced Budget Act, which was enacted last year, incorporated a provision regarding eligibility for home health care benefits. Previously, a Medicare recipient who received venipuncture, drawing of blood, automatically qualified for a full range of other home health services, including skilled nursing care, physical therapy, medical social services, and home health aide services for assistance with bathing, cooking and cleaning just for having a blood draw.

Under the new law, a Medicare recipient requiring venipuncture services at home can still receive those services; however, the receipt of a venipuncture alone will not make that individual eligible for other home health services. Medicare will continue to provide home health services for those who are homebound if the physician has certified that home care is necessary and has established a plan of care.

The new law removes the ''venipuncture loophole,'' unquote, which resulted in the provision of home care to seniors who were not homebound or who did not have a demonstrable medical need for home health services. Now, the reason for this is that once a very small part of Medicare spending for home health care has increased at a very rapid rate in the last decade. Even accounting for inflation, home health care spending jumped more than fivefold between 1985 and 1996. While some of that expansion has been the result of an increase in the number of seniors taking advantage of home health benefits, an alarming amount of the home health budget is lost to various forms of fraud and abuse.

In hearings last year, the Committee on Commerce, on which I serve, heard from investigators from the General Accounting Office and the Office of the Inspector General about the fraud rampant in the home health benefits. One review, which included more than 3,700 services in 4 States, found that 40 percent, that is 40 percent, did not meet Medicare reimbursement requirements.

Another review of high-dollar home health claims in one State found that 43 percent should have been partially or totally denied. Equally troubling was an antifraud initiative by the Department of Health and Human Services that found that taxpayers were footing the bill for the venipuncture loophole. Many physicians were found to use blood monitoring as the sole reason for ordering home health services, resulting in numerous health aide visits from Medicare beneficiaries with no medical need for skilled nursing or therapy. The average cost of drawing blood for these individuals was over $100 because the visit was billed as a skilled nursing visit.

If these same services were performed as a blood draw under Part B of Medicare and the individual did not receive additional home health services for which they were not qualified, Medicare would only pay $3 for that specimen collection. Medicare could separately pay for the cost of a technician to travel to the home of an individual needing a venipuncture service if the beneficiary is unable to travel to a doctor's office or travel to a lab for a blood draw. But that would still be significantly less costly than the $100 billed because of a skilled nursing visit.

Mr. Speaker, the reforms passed by Congress will help keep Medicare solvent until about the year 2010. The wave of baby-boomers will begin retiring that year and will place severe financial strain on the program. Today there are about 4 workers for every retiree. By 2030 there will be just a little over 2 for each retiree.

Congress has to make fundamental changes in the Medicare program to make sure it is there for recipients in the future, and one way to do that is to root out fraud and waste in the Medicare system, and one way to do that is to make sure that those who need a venipuncture, but only a venipuncture, can get those services through a draw but not necessarily get additional services that are very, very costly. People need to consider that when they look at this provision.

THE FEDERAL RESERVE'S PRICING PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, the events of recent years have taught us time and again that we should rely as much as possible on the private sector functioning in the competitive marketplace to provide commercial-type services, particularly services sold to business firms.

Where there is a Federal agency that provides those types of services, we must closely examine its activities to determine if it is competing fairly with its private-sector competitors. This becomes more important when the agency both competes directly with private-sector firms and regulates those competitors.

Mr. Speaker, the Federal Reserve is using its role as competitor and regulator in the check processing system to unfairly undercut the private sector. They are using an accounting device called the ''pension cost credit'' to subsidize the prices they charge banks, resulting in an unfair handicap to the private sector.

When people hear the phrase ''Federal Reserve,'' they think about interest rates, inflation, and other aspects of monetary policy. However, the Fed is not just about monetary policy and banking supervision. Much of what the Fed does simply involves the processing of paper checks. The Fed charges its banks a fee for the service it provides.

In 1980, Congress passed the Monetary Control Act so that private sector companies could fairly compete with the Federal Reserve in providing banks with these and other services. Accordingly, the Fed must fully recover the cost of its services, which means it cannot use subsidized prices.

The Act specifically orders the Fed to establish the prices it charges based on the costs which it incurs in providing its services plus the costs a private company would also have to consider, such as the taxes it would have to pay.

But instead of following the intent of the Monetary Control Act, the Federal

Reserve is using the ''pension cost credit'' to lower the prices it charges banks for these services. That is, it is effectively using a portion of the large surplus in its pension fund to reduce the operating costs of its priced service activities, which in turn enables it to charge lower prices than it otherwise would.

Let me explain specifically how it works. At the end of 1996, the pension fund for the employees of the Federal Reserve System had excess funding of $1.9 billion. This incredible excess, nearly double its pension liability, is due primarily to the so-called irrational exuberance of the stock market.

The Fed then uses an accounting device to effectively take a portion of this excess funding in the pension fund to create an expense offset. This is the pension cost credit.

Instead of sending the whole of this cost credit back to the Treasury, the Fed uses approximately one-third of it to reduce the expenses of its priced services. That reduction then allows the Fed to charge lower prices than it otherwise would.

Mr. Speaker, I submit for the RECORD a letter that Federal Reserve Vice-Chairwoman, Alice Rivlin, sent to me.

The letter referred to is as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, October 3, 1997.

Hon. CAROLYN B. MALONEY,
House of Representatives
Washington, DC.

DEAR CAROLYN: I am pleased to forward additional materials in response to your letter of September 5 regarding payments system issues. Please let me know if I can be of further assistance.

Sincerely,

ALICE M. RIVLIN,
Vice Chairman.

Enclosures.

FEDERAL RESERVE BOARD STAFF'S ADDITIONAL RESPONSES TO CONGRESSWOMAN MALONEY'S SEPTEMBER 5, 1997, QUESTIONS

1. Please send a monthly record of ITS cost-recovery matching before and after the application of the private sector adjustment factor for the years 1990 to date.

Internal reports from the Federal Reserve Bank of Boston that showed monthly cost recovery numbers for 1987 through early 1995 were enclosed with Chairman Greenspan's letter of April 28, 1995, to Congressman Gonzalez.

Attachment 1 shows monthly cost recovery for commercial check portion of the ITS network from 1995 through the first half of 1997. The Federal Reserve does not typically allocate imputed costs and revenues to input components of its services. As requested, the cost recovery data are shown with and without imputed expenses.

2. Please supply a breakdown of prices services income, by Federal Reserve Bank for 1996. The breakdown should include revenue by specific commercial check product, such as NCS, RCPC, fine sort, consolidated shipments, and direct sends.

The priced services income for 1996 and the first two quarters of 1997, which you requested in question 5, was provided in Vice Chair Rivlin's letter of September 16, 1997.

Attachment 2 shows the Reserve Banks' revenues for the Reserve Bank check products you requested. Revenue for consolidated shipments includes only transportation revenues based on ITS surcharges. Consolidated shippers, that is, banks that use ITS to ship checks to a nonlocal Reserve Bank office for processing, use a wide variety of checks products. We do not separately track and identify the products into which these shipments are deposited and, therefore, cannot provide the associated revenue data. Similarly, we do not separately track the check processing revenue associated with ''direct send'' deposits shipped to the Reserve Banks by banks that arrange for their own transportation.

3. How is the Federal Reserve's pension cost credit ($140.57 million for 1996) reflected in (a) measurement of priced services profitability and (b) in the pricing of specific priced services, such as check processing and transportation? What accounts for the $63 million difference in 1996 between operating expenses for priced services, as reported on page 271 of the 1996 Annual Report of the Board of Governors and the sum of the operating expenses reported in the 1996 PACS Expense report. Please supply financial reports for the Federal Reserve pension plan(s) for 1992 through 1996.

The System endeavors to capture all of its costs applicable to the provision of priced services into its pricing formula and measurements of its profitability through explicit recognition in the Reserve Banks' cost accounting systems or through implicit allocations where appropriate. For transactions relating to the provision of priced services, the Federal Reserve System applies generally accepted accounting practices (GAAP). Prior to changes in GAAP in 1987 and 1993 for employers accounting for pensions and retiree medical benefits, respectively, the System accounted for these costs on a cash, or ''pay as you go'' basis. The System, like other services providers, changed accounting practices to conform to GAAP. This change resulted in the recognition of a pension asset that generates net credits and a retiree medical liability that generates net expenses for the System.

As with any accounting change, the System compared the effect of the GAAP changes with the effect on the largest bank holding companies used in determining the PSAF. We believe that the System's pricing formula properly recognizes the effect of these changes to GAAP. My staff can provide you or your staff with additional detail on the technical issues involved with these GAAP changes at your convenience.

The table below shows a reconciliation, for 1996, of operating expenses as reported in PACS with the pro forma financial statement in the Federal Reserve's 1996 Annual Report.

PACS Expense to Pro Forma Expenses for 1996

PACS operating expenses	*(Millions)*
Cash (3020)	$5.1
Funds (3250)	71.6
ACH (3260)	83.9
Check (3360)	551.4
Book-Entry (3520)	43.3
Non-Cash (3810)	4.6
Total PACS expenses	760.0
Less non-priced costs	(51.5)
Priced PACS costs	708.5
Pro forma items not in PACS:	
*Proceed pension credit	(45.3)*
Imputed Board expenses	2.8
Total items not in PACS	(42.5)
Pro forma operating expenses	666.0

The letter shows that, in 1996, the pension cost credit was $45.3 million.

This is $45 million of taxpayer money which the Fed should have returned to the Treasury, but instead, it used this sum to artificially cut its prices. This is $45 million which, instead of going towards deficit reduction, went to help the Fed undercut its private sector competitors, many of whom they also regulate.

Any other agency of the government cannot justify using a pension cost credit to subsidize their own prices.

Mr. Speaker, as the only source of oversight for the Federal Reserve, Congress has a duty to police this activity in the Federal Reserve.

We must recognize that there is inherent conflict with the Fed being both the regulator and the largest competitor in check processing. This is why we need to pass legislation which clarifies the Fed's role and relationship with the private sector, such as my own bipartisan bill, H.R. 2119, ''The Efficient Check Clearing Act.''

☐ 1930

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from Alabama (Mr. RILEY) is recognized for 5 minutes.

(Mr. RILEY 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 gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. JENKINS) is recognized for 5 minutes.

(Mr. JENKINS 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 Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

(Mr. THOMPSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

(Mr. KLINK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we celebrate African American History Month and those of us

who are not African Americans recognize the importance of education, we further recognize the importance of facilities that are conducive to learning for those young people who are in the inner city. So, Mr. Speaker, today I rise to address the need for school construction and repair throughout the country, but, most importantly, in the inner cities, and especially in the 37th Congressional District, which I represent.

Mr. Speaker, today's youth cannot learn in an environment that is surrounded with decrepit walls, that are crumbling from neglect, roofs that are leaking into classrooms, broken windows that have not been repaired for months on end, buildings that are painted with toxic levels of lead paint, and the list goes on.

These young students face the hazards of asbestos, poor indoor air quality, nonexistent air conditioning systems and heating units which barely warm the buildings throughout the winter months. These schools are literally in decay.

Mr. Speaker, these are the schools that represent the inner city that our children are asked to be educated in.

Mr. Speaker, we all know the critical importance of placing our children and the Nation's children in an environment that is conducive to learning. The Los Angeles Unified School District, the second largest public school district in the country and where I served as an educator for several, is one of the many public schools in need of school repair.

In the entire State of California, 87 percent of schools report a need to upgrade or repair on-site buildings to just good condition, and the majority of these schools are in the inner city. Seventy-one percent of all California schools have at least one inadequate building feature, ranging from lead paint to lack of heating units.

So today I ask my colleagues to think about the larger issue when it comes to educating our children. I ask my colleagues to consider the more than 60 percent of the Nation's 110,000 public, elementary and secondary school facilities that need major repair in order to function as an effective education institution.

This Nation's youth not only deserve it, but they cry out for schools that represent a conducive learning environment. Mr. Speaker, this must be at the top of our priority as we begin the second session of the 105th Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

(Mrs. MEEK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AFRICAN AMERICANS IN BUSINESS: THE PATH TOWARDS EMPOWERMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, as African-Americans, we have known for quite some time that our professional and personal achievements would come through business ownership and participation in the economy. 'The path towards empowerment' has been a struggle, but we are seeing the rewards.

The 'path toward empowerment' begins with a sound education and personal commitment. With these key ingredients, our young men and women can achieve their goals and make a difference in the areas of science, business, finance, and education.

I am pleased to recognize Bethune Cookman College as a school in my district that is building a state of the art hospitality center for minorities. I have testified for several years to get funding for the Mary McLeod Bethune Fine Arts/Hospitality Training Center, which will create an economic stimulus from Jacksonville to Orlando. The Center will train minorities for management and leadership positions in Florida's tourism industry.

Historically, African-Americans have been limited to non-management positions in the tourism industry. This complex once finished will provide hands-on hospitality management training for careers in the hotel, restaurant, tourism, business travel, conference and convention industries.

The center will not just be a complex of classrooms and training facilities—it will be a tribute to one of America's foremost champions of civil rights and public education for African-Americans.

In addition to mentioning Mary McLeod Bethune, I would also like to mention the literary contributions of Zora Neale Hurston an Eatonville, FL native who represents a dominate voice of the Harlem Renaissance period. Hurston was a prolific writer, and her writing style has inspired famous poets and novelists. Her contributions to the twenty-first century have inspired the Zora Neale Hurston Society at Morgan State University and the annual Zora Neale Hurston Festival of Arts and Humanities in Eatonville.

African-American, men and woman, have carved a noticeable place in the fabric of our Nation. And, heroic pioneers like Mary McLeod Bethune and Zora Neale Hurston represent famous Americans who have shaped and enriched our lives. Their legacy lives on and generations to come will be educated and nurtured at Mary McLeod Bethune/Cookman College, and ambitious young writers will read Zora Neale Hurston's novel ''Their Eyes Were Watching God'' for inspiration and literary guidance.

Note that the heroines I have referenced are just a fraction of the great African-Americans who have shaped this country. Their contributions laid the foundation for myself and younger generations.

In closing, I would like to recognize Historically Black Colleges and Universities (HBCUs) like, Bethune Cookman College, Edward Waters College, and Florida Agricultural and Mechanical University—located in Florida—because they represent a light of hope for young African-American men and women. These colleges and universities represent approximately 3 percent of American institutions of higher learning, but they award one-third of all bachelor's degrees as well as a large share of graduate degrees earned by African-Americans every year.

Our HBCUs protect, support, educate, and nurture students and they give them the tools needed to compete in business and life.

As we approach the twenty-first century, I know HBCUs across America will continue to be a light of hope for young African-Americans traveling on their paths toward independence and financial empowerment.

In my opinion, this special order passes on the light of hope to young African-Americans and beckons them to continue their quest for knowledge and wisdom.

TRIBUTE TO GENERAL BENJAMIN O. DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, February has for some time now been recognized as Black History Month, during which time we recognize the contributions of African Americans throughout the United States and throughout the world.

As a member of the Committee on National Security, I want to call attention tonight to General Benjamin O. Davis, Jr., one of our American heroes, one of the true contributors to the end of World War II, and the contributions of the military in the world for 20 years after that.

General Davis was the first black graduate of West Point. As we now have become familiar with our military academies and the fine opportunities for education, the opportunities for men and women of all races in America to participate in the military and have long and distinguished careers, we also pay attention to the fine collegial atmosphere at the military academies.

When General Davis first went to West Point, that was not the situation. Many of us are familiar with the terrible time and hazing he was given there. He literally spent four years with no other member of West Point being allowed to speak to him, not one word. But he graduated from West Point and went on to have a long and distinguished career.

As a Member of Congress, we get to participate in helping to make nominations. We get to send in names of candidates to the different military academies. It is a tremendous opportunity for men and women in America to take on a very distinguished career in the military.

Frankly, in my district I do not think I got enough applicants for all the slots we have. I think that perhaps there are many students, black, white, Hispanic, other races, men and women, who perhaps do not consider the opportunities which General Davis paved the way for in the military academies.

So tonight, during Black History Month, I pay tribute to General Benjamin O. Davis, Jr., and I hope the youth of America will also consider the opportunities to lead such a distinguished career in the military.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes as the designee of the minority leader.

Mr. STOKES. Mr. Speaker, I thank you for the opportunity to reserve this special order this evening. I would also like to thank my colleagues who are gathered in the Chamber with me. We take special pride in coming together for the 1998 Congressional observance of Black History Month.

Since 1976 when Congress adopted the resolution designating February of each year as Black History Month, we have utilized this opportunity to highlight and pay tribute to the notable accomplishments of black men and women who helped to build our great Nation.

From Garrett Morgan's invention of the traffic signal, to Mary McLeod Bethune's founding of a university on $1.50, black men and women have made enormous contributions to the development of this country.

With this in mind, the members of the Congressional Black Caucus proudly take this time to share with our colleagues and with the world black history, our history.

As we move forward with our special order, I want to commend the chairperson of the Congressional Black Caucus, the gentlewoman from California (Ms. WATERS) for her unfailing leadership of this organization. Her strong leadership guarantees that the Congressional Black Caucus will continue to be a tireless advocate on behalf of minorities, the poor and the disadvantaged of this Nation.

Mr. Speaker, the theme for the 1998 observance of Black History Month is ''African Americans in business: The path towards empowerment.'' The theme is particularly significant as we pause to review our history and highlight some of our accomplishments in the business arena.

In the field of business, it is important to note that some free black Americans managed and owned small businesses during the period of slavery. For example, Fraunces Tavern was a well-known dining place and tavern popular in New York City during the latter half of the 18th century. It was owned and operated by Samuel Fraunces, a migrant from the British West Indies. Both British and American troops patronized the tavern, and George Washington came there to draw up terms with the British regarding their evacuation of New York in the 1770's.

Paul Cuffe, a free black man, was a shipper and merchant in New England in the 1790's. James Wormley was a well-known hotel proprietor in Washington D.C. in the 1820's.

After gaining their freedom from slavery, many black Americans set up businesses that rendered personal services to blacks who were the victims of discrimination and segregation imposed by white businesses.

For example, barbering was a source of both black employment and business. Two of the earliest fortunes among black Americans were made by Annie T. Malone and Madame C.J. Walker in the manufacture and marketing of hair products for black Americans. Funeral services were another personal service business almost exclusively under black ownership and control.

As we celebrate the success of African American businesses, we mark the founding in 1888 of the True Reformers Bank of Richmond, Virginia, and the Capital Savings Bank of Washington, D.C., the first black-created and black-run banks in America. We also mark the historic achievements of Maggie Lena Walker, who, in 1903, became the first black woman to be a bank president. She founded the Saint Luck Penny Savings Bank in Richmond, Virginia.

Mr. Speaker, in another field of business, the African Insurance Company of Philadelphia was the first known black insurance company, founded in 1810. It was not incorporated, but had capital stock in the amount of $5,000. The North Carolina Mutual Insurance Company, founded in 1893 in Durham, North Carolina was the first black insurance company to attain $1 million in assets.

In celebration of Black History Month, we note the achievements of D. Watson Onley, a black businessman, who in 1885 built the first steam saw and planing mill owned and operated entirely by blacks. We also recognize the contributions of Ruth J. Bowen, the first black woman to establish a successful booking and talent agency. Bowen began her business in New York in 1959 with a $500 investment. Within 10 years, her firm became the largest black-owned agency in the world.

Mr. Speaker, I will at this time recognize a number of my colleagues gathered here in the Chamber.

Mr. Speaker, I yield to the gentleman from New York, Mr. Engel.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Ohio (Mr. STOKES) for having this special order.

Mr. Speaker, I rise to commemorate Black History Month. Although I have only a few minutes to honor hundreds of years of struggles and achievements of black Americans, I must share my feelings of how much the African American community has added to our country.

In 1782, Thomas Jefferson, a slave holder himself declared that ''the whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on one part, and degrading submission on the other.''

A Founding Father to whom our Nation looked for moral guidance, his hypocrisy only underscored the terror our Nation was inflicting on generations of African Americans at that time.

Yet, even with slavery placing in bondage hundreds of thousands of Africans, some black Americans had already begun to make their mark. For instance, 200 years ago, in 1798, James Forten, Sr., established the first major black-owned sail-making shop in Philadelphia, achieving a net worth of more than $100,000, a massive sum at the time. Forten went on to become a leader of the abolitionist movement and the organizer of the Antislavery Society in 1833.

The heights of Forten's achievements only remind us what our country lost due to the depths of slavery and subsequent years of oppression. This country at one time erected every conceivable legal, societal and cultural roadblock to prevent African Americans from getting an education, wealth and power from our society.

As we commemorate Black History Month, the people of the United States must recognize what injustices were perpetrated through the years. We must recognize that our society still suffers the results of the oppression of African Americans.

It has only been within the last half century that our country has made real progress to guaranteeing to black Americans the basic civil rights that other citizens have for so long taken for granted. Within that time, America has only begun to see the tip of the iceberg, the tremendous potential of this community. It is only during this period that we have come to realize the dream of the Reverend Dr. Martin Luther King, Jr., that ''Children will one day live in a nation where they will not be judged by the color of their skin, but by the contents of their character.''

As a Jewish American, Mr. Speaker, I believe I share a sense of understanding with African Americans. Not only do our two communities face a history filled with severe cruelty and discrimination, but we also fought together for decades to overcome bigotry in this country.

When I commemorate Black History Month, I am reminded of a civil rights movement where Jewish Americans and black Americans stood shoulder to shoulder to fight racial prejudice.

Today black Americans, more and more, are represented in leadership positions in our society, from black members of the President's Cabinet, to educators, athletes, scientists and members of the clergy, African Americans of today have begun to take their rightful positions in the United States, and our country as a whole has benefitted.

As we celebrate Black History Month, we must never forget the injustices inflicted upon African Americans through the years. We honor those who suffered by recalling the circumstances through which they lived. At the same time, we must recognize that our Nation has finally begun to unlock the great untapped potential of the black community.

□ 1945

It is my hope that when we celebrate Black History Month in the future, circumstances facing black Americans will continue to improve, and that someday we will achieve true freedom and equality for all citizens of this great Nation. If we recognize what happened in the past, it will help us to build a better future for all of our citizens.

I very much feel very close to Black History Month, having been born in the month of February, and I think it is very, very important that all of us in the Congress pause and reflect, because until, as we say, all of our citizens are free, all of us are not really totally free.

So I thank my colleague from Ohio (Mr. STOKES) for this commemoration, and I think it is very, very fitting that this Congress commemorate Black History Month.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from New York, (Mr. ENGEL), for his comments.

At this time I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank my friend for yielding.

I rise to join with my colleagues and to share with them and with America our appreciation for the contributions made to African Americans in the history and development of this Nation.

This year's theme, African Americans in Business: The Path Toward Empowerment, is the most appropriate one, and I am pleased to have in my own congressional district some of the most well-known and productive businesses in America.

I represent Harpo Studios, which is owned by Oprah Winfrey and is known all over the world. In my congressional district is the First Baptist Congregational Church, which was a stop on the underground railroad, and is now building houses and a community under the leadership of its pastor, Dr. Authur Griffin.

I have in my district the Johnson Publishing Company, which was put together and developed by Mr. John H. and Mrs. Eunice Johnson and is now operated by their daughter, Mrs. Linda Johnson Rice, and is home to many great writers like Lerone Bennett and Alex Poinsett. In my district I have the Parker House Sausage Company and its esteemed president, Mr. Daryl Grisham. It is also my pleasure to represent and to use Rabon's High-Tech Automotive Center at Kostner and Roosevelt Road in Chicago, which is known and owned by Mr. Lee Rabon, and is known for its precision automotive work.

I also represent Shine King, the best shoe shine shop in America, owned by Mr. James Cole who has parlayed his original shoe shine shop into two shops, part ownership of a bank, a construction company, King Construction, and vast real estate holdings. Mr. Cole's shine boys are known to earn between $400 and $500 a week, shining shoes. Many of them have gone on to become doctors, lawyers, policemen, school teachers and businesspersons in their own right. The most famous of this group is the renowned National Basketball Association star and businessperson, Isiah Thomas, or Zeke, as he was known around the shop and throughout the NBA. Mr. Cole was recently featured in the Chicago Sun Times and WGN Channel 9 television as a result of the work that he has done through his businesses with young boys growing up in his community.

I also pay tribute, Mr. Speaker, to the many members of the public housing community in my district, Ms. Martha Marshall, Shirley Hammonds, Cora Moore, Mattie McCoy, Mamie Bone, Mary Baldwin, and Mildred Dennis, for the outstanding leadership they are providing as they manage the recently developed businesses that public housing residents in the city of Chicago are putting together, managing, owning, and carrying out the duties and responsibilities of redeveloping their own communities. So they are a part of this great legacy that we know as African-American history.

I commend the gentleman from Ohio (Mr. STOKES) of this event for the leadership that he has displayed throughout the years, but in taking out this Special Order, and pay tribute to the leader of the Congressional Black Caucus, the erstwhile gentlewoman from California (Ms. WATERS). As a result of her leadership, the gentleman's leadership, the work of people all over America, the legacy and the history will continue.

I thank the gentleman.

Mr. STOKES. Mr. Speaker, I thank the gentleman for his kind remarks and his eloquent statement.

Mr. Speaker, I yield to the distinguished gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I thank the gentleman for taking out this hour. As the gentleman said in the beginning, this is an hour to honor the contribution of black leaders across the world. I would like to pay tribute to some great South African black leaders whose names I believe should be part of our history books, who the gentleman, through his work and the work of the gentlewoman from California (Ms. WATERS) and the gentleman from California, (Mr. DELLUMS) these people have brought the possibilities of the freedoms that occurred.

I would like to remind of us Chief Albert Lithuli. He received the Noble Peace Prize, but he was not allowed to travel to Sweden to collect that prize, because the apartheid government of South Africa refused to allow him to do that, but Chief Lithuli is remembered in South Africa as such a great leader.

Archbishop Desmond Tutu. Desmond Tutu shown the light of religion on the horrors of apartheid. He made those who said that they were Christian look clearly at what was happening in South Africa in the South African apartheid policy.

Deputy Premier Tabo MBeke. Taboo MBeke spent decades in exile from his homeland because he could not live in any kind of safety in South Africa. He is now the deputy premier of South Africa. His father, Mr. MBeke, Senior, Mr. MBeke was in the dreadful prison that Nelson Mandela spent so many years. Madam Speaker, Together they studied and they kept the faith of the South Africa to-be.

Oliver Jhambo, the ANC leader who traveled tirelessly around the world to light the fire in the world that we needed all of us to be involved in the struggle of South Africa.

Then of course the great premier of South Africa, President Nelson Mandela. President Mandela spent 29 years in a dreadful prison in South Africa and he never, ever lost sight of the goal, that goal which was realized in 1994 on a sunlit day in Pretoria, South Africa, where President Mandela became the first President of a truly multiracial government in South Africa, the first premier, without violence, who led his country to democracy.

I believe, Mr. Speaker, that this history, this history of those great African leaders should join the proud list of African-American leaders who together have so shaped our common history. We are all in this world so lucky indeed to have had such mentors in our lifetime. I thank the gentleman for this opportunity to speak about those great South African leaders.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman for her participation in this Special Order.

Mr. STOKES. Mr. Speaker, I yield to the distinguished gentleman from Arkansas (Mr. BERRY).

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

Mr. Speaker, I rise today to pay tribute to three Arkansans who have made a difference in their community: Arkansas State Representative Joe Harris, Jr., Mr. Terry Woodard, and Mr. Fredrick Freeman. They are three African Americans who have worked to make a difference in their communities and in our State and in my congressional district. They are people who

have risen to the challenges handed them.

They grew up in the Arkansas Mississippi River delta, one of the poorest regions in the country. Not only did they withstand adversity, but they have decided to remain in the delta to make it a better place to live and work and raise a family.

State Representative Joe Harris is a lifelong resident of Mississippi County, Arkansas, which he now represents in the State legislature. He is also the founder and owner of a successful business, Joe Harris Jr. Trucking and Demolition Company. He has worked for the community by serving on boards and commissions, by chairing the Board of Deacons of the Tabernacle Missionary Baptist Church, and participating in Chamber of Commerce work.

Terry Woodard is another African-American leader in Arkansas' First Congressional District who is a successful businessman and makes significant contributions to his community. He is a tireless worker for the betterment of the community in which he lives. He is the president of Woodard Brothers Funeral Services in Wynne, Arkansas, and currently serves as chairman of the Arkansas Funeral Directors Association.

Fredrick Freeman is a native of Forrest City, Arkansas, where he still resides. Since graduating from North Carolina A&T State University with a degree in business and finance management in 1981 and returning to Arkansas, he has started and successfully managed two family owned businesses. He focuses much of his time on community and business development. He serves as a member of the State of Arkansas Aviation and Aerospace Commission, as chairman of the St. Francis County Workforce Alliance, president of the Arkansas Democratic Black Caucus, and is active in his local NAACP chapter.

These are the kinds of community leaders the First District of Arkansas and communities across the Nation should feel very fortunate to have. They are people who grew up economically deprived in economically deprived areas. They got the education they needed, and they have worked hard and played by the rules.

Mr. Speaker, the African-American businessmen I have mentioned deserve to be commended for the service they have given to their communities. It is important that as this Congress addresses the needs of public education and community assistance we make decisions to empower a new generation of leaders for all constituencies. It is a privilege for me today to pay honor to these leaders in the First Congressional District of Arkansas and say thanks to them for the great contribution they have made.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Arkansas for his participation in this Special Order.

Mr. Speaker, I now yield to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman, my esteemed colleague, the gentleman from Ohio (Mr. STOKES), for having the insight to organize today's Black History special.

Certainly, the history of the people of African descent is interwoven with the history of America. The theme of African Americans in Business: The Path Toward Empowerment, is particularly significant. Since African Americans have been on American soil since 1619, black Americans have played an important part in the development of this great Nation. We helped to build this Nation. We helped to fight for America, and we helped America to gain its independence. We helped to build this country's thriving cities and farmed its fields and settled the West.

□ 2000

As we celebrate Black History Month, I am mindful of this month's theme again, ''Black Americans in Business.'' And I can think of many that have been mentioned, like Madame C.J. Walker, Percy Sutton, John Johnson, Robert Johnson, and Cathy Hughes.

And then I cannot forget that blacks have owned and managed businesses since slavery. In the 1770s, Samuel Fraunces was a successful tavern owner in New York.

During this period, many blacks also owned well-to-do barber and beauty shops and dry goods stores. After slavery, blacks began to acquire more property and capital, and increasing numbers began to set up businesses. Two of the earliest of those were Annie Malone and Madam C.J. Walker.

Funeral services was one area where blacks had a significant number of businesses and other personal services. Blacks have ventured into other forays. Maggie Lena Walker became the first black woman in 1903 to become a bank president. She founded the Saint Luke Penny Savings Bank in Richmond, Virginia, and the bank became so very strong that it survived the Depression.

Mrs. Walker's bank was by no means the first black-owned bank. That distinction belongs to the True Reformers Bank of Richmond, Virginia.

Mr. Speaker, I cannot overlook the North Carolina Mutual Life Insurance Company founded in 1893 in Durham. In 1789, James Forten, Sr., established the first major black-owned sailmaking shop. We could go on and on talking about the good highlights of black Americans who have distinguished themselves in the area of business.

There is a growing crowd of black men and women who have taken their seats at the tables of business power here in America. People like American Express President Kenneth Chenault; Maytag President Lloyd Ward; Richard Parsons, President of Time Warner; Toni Fay, Vice President at Time Warner; Elliott Hall, Vice President of Ford Motor Company; and Ben Ruffin, Vice President at Philip Morris.

They are well-educated, highly motivated and strong-willed business leaders who have raised the glass ceiling beyond any level that their parents dared imagine. They are sharp and unapologetic. They are influencing hiring and promotion at their companies. They are gaining access to capital and creating unprecedented partnerships with large companies. In short, they are obliterating the myth that blacks cannot prosper at the highest level of industry.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. STOKES), our wonderful chairperson of this event tonight, as more blacks experience corporate success, more and more are expanding and creating their own businesses as well. Between 1987 and 1992, the number of black-owned businesses rose 46 percent compared to the 26 percent increase in U.S. business overall.

As we honor the legacy of achievement of blacks in business today, I, for one, am comforted to know that history is still being made by a new generation of blacks in business for themselves and at the highest levels of some of our Nation's largest corporations.

Mr. Speaker, I thank the gentleman for giving this time to help America understand the significant contributions of African Americans.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from Florida for her statement and her participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank my colleague from Ohio for organizing tonight's special order to commemorate Black History Month. I have been privileged to serve with the gentleman from Ohio (Mr. STOKES) on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and I would like to say what an honor it has been to work with him and that he will be truly missed in this body. This country is a better place for his having served in this body.

Black History Month is a time for us to join together to salute the accomplishments of African-American men and women who have contributed so much to make our Nation strong. I would like to take this opportunity to remember some of the key events that took place in my home State of Connecticut.

I guess I must deviate just a bit from the specific topic of businesspeople, but I think that New Haven, Connecticut, has a specific historical fact that it is important, I think, for people to understand about the city. And I think there are so many young people in the City of New Haven who do not realize the history of African Americans in this city.

These young people do not realize that their city was an important station on the underground railroad. In fact, the Varick AME Episcopal Church and Dixwell Avenue Unitarian Church of Christ were both way-stations for escaped slaves traveling through New Haven toward freedom in the North.

New Haven found itself in the center of the dispute between the forces supporting slavery and those working for freedom when the Amistad ship arrived in Long Island Sound in the summer of 1839. The Amistad has become a household word, thanks to a blockbuster movie this year, and we are grateful to Steven Spielberg for making such a movie. But before the movie, very few people knew about this event, even people living in the City of New Haven, where much of the action occurred.

After the Amistad was captured in Long Island Sound, the Africans on the ship, led by Sengbe Pieh, were put in a New Haven jail while a court battle was waged to determine whether they would be slaves or free men and women. The dispute forced the country to confront the moral, social, political and religious questions that were surrounding slavery.

Many members of the New Haven community pulled together to work for the freedom of the Africans, including the congregation of the Center Church on Temple Street and students and faculty from the Yale University Divinity School. Finally, in February of 1841, the Africans, who were defended by former President John Quincy Adams, were declared free by the United States Supreme Court.

Today there are several memorials in New Haven commemorating the Amistad and the story of the brave Africans who fought for their liberty on its decks. A statue of Sengbe Pieh, who was also known as Joseph Cinque, sits in front of the city hall in New Haven, and I was there for the dedication, along with our sister city from Sierra Leone. Plans are under way for a life-size working replica of the ship to be docked on Long Wharf with exhibitions and programs on African-American history and the long fight for true freedom.

This is a month that gives us the opportunity to remember these events and the people behind them. Unfortunately, in our lives, we compartmentalize and we have a month where we talk with these things. It ought to be the topic of conversation and discussion and just woven into our everyday lives. But we are grateful that we have a time to single out the opportunity for the conversations, where we remember people with the courage to stand up and fight against tyranny and oppression, and we also have the opportunity to talk about those who have been such a tremendous success in business and academics and the arts and all the parts of our society.

Mr. Speaker, America is strong because we have been successful at molding our different backgrounds into a strong Nation. We are a diverse, tolerant and constantly changing country that has been enriched by our differences. We celebrate our rich history, not just in Black History Month, but throughout the year.

Mr. Speaker, I thank the gentleman from Ohio for organizing this event tonight.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from Connecticut for both her eloquent statement and her participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I join my colleagues in commending the gentleman from Ohio (Mr. STOKES) for doing this annually and for his leadership. This hour gives us an opportunity to put in the RECORD some reflection and attributes of black history. This month as a whole gives the Nation an opportunity to reflect, but also gives an opportunity to assess what is going on.

Mr. Speaker, last night I attended an event at which Vice President AL GORE and the Administrator of the Small Business Administration, Aida Alvarez, announced a new major initiative aimed at increasing loan approvals to minority entrepreneurs.

The announcement of this initiative is most appropriate as we pause to celebrate Black History Month. I was particularly struck by the Vice President's remarks as he discussed the historical debate between the value of political power as compared to economic power. The Vice President recognized that this debate has spanned the years past and acknowledged that it would likely continue into the years ahead. We actually need both economic development and political power if we, as a community, are to sustain a quality of life.

Whatever the view one may hold on this issue, it cannot be denied that the initiative announced last night, once implemented, would benefit the black community and, in particular, the black businesses in ways that would be felt into the future.

This lending assistance and marketing campaign is designed to support blacks who are interested in starting or expanding their own small businesses. Under the campaign over the next 3 years, SBA plans to more than double its annual level of loan guarantees now provided to blacks.

In the fiscal year 1997, SBA provided 1,903 guaranteed loans valued at $286 million. Those funds were provided to black entrepreneurs from the 7(a) and the 504 lending program.

By fiscal year 2000, SBA expects the annual loan guarantees to black businesses to reach 3,900 with an estimated value of $588 million from these 2 programs. And for the next 3 years combined, SBA expects to provide some 9,300 loan guarantees with an estimated value of $1.4 billion.

Mr. Speaker, the impact of this kind of infusion of capital into black enterprise is inestimable. But the true brilliance of this initiative rests with the fact that the SBA has enlisted a number of prominent black American groups to assist in facilitating this process to make sure that these loan guarantees are known and indeed get out to those entrepreneurs who may need them.

Those groups include the National Urban League, the National Black Chamber of Commerce, the National Council of Negro Women, the Minority Business Enterprise, the National Legal Defense and Education Fund, the Organization for a New Equality and the Phelps Stokes Fund.

The initiative represents an important and significant step forward. We are indeed making progress. In recent years, the number of black-owned businesses grew by nearly 50 percent from 424,000 to almost 621,000 new businesses, according to the Census Bureau. But at the same time, the average black firm generates an annual income of less than $52,000 while the average small business annual income is $193,000, some $141,000 more each year.

We are progressing, however. But yet we have a long way to go. This is a journey we must make.

America's 200 million small businesses employ more than half of the private work force. But that is not all. America's small businesses generate more than half of the Nation's gross domestic product and are the principal source of the new jobs in the United States economy and the reason that we are enjoying prosperity today.

But in the end, Mr. Speaker, this new initiative will work best if entrepreneurs who take advantage of it have the same daring and pioneering spirit as the North Carolina Mutual Life Insurance Company, which is in my State, headquartered in Durham, North Carolina. North Carolina Mutual, with determination and hard work, has become one of the Nation's largest insurance companies and the largest black-managed insurance company in the world.

Since its founding in 1898, just a few years after the doctrine of ''Separate but Equal'' was pronounced, North Carolina Mutual has been the symbol of progress and a symbol of success and entrepreneurial achievement, of leadership and economic vitality and the strength of the black community.

North Carolina Mutual has achieved this triumph despite overwhelming and seemingly insurmountable odds. Today, with assets over $228 million and insurance in force of over $9 billion, it ranks among the top 10 percent of the Nation's life insurers. North Carolina Mutual has offices in 11 States and the District of Columbia and is licensed to operate in 21 States and the District of Columbia.

It is fitting, Mr. Speaker, that the company has its headquarters atop the highest hill in Durham, because indeed it is at the top of its industry. Poised for the 21st century and all the promise

that it holds, North Carolina Mutual deserves our respect, our notice, our appreciation, our admiration and our thanks for their leadership.

With this new initiative SBA is doing, we can only be hopeful that there will be many, many more North Carolina Mutuals in the future being multimillion dollar firms being run and managed by African Americans.

□ 2015

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from North Carolina for her participation in this special order. It is a pleasure to have her participate.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for his leadership on this very special order and tribute to black history and appreciate very much my colleagues who have come to the floor of the House to acknowledge this very special month. By their presence, I glean from their words that although we have this month to commemorate black history, the contributions of black Americans are so very important as it relates to the history of this Nation. The Preamble to the Constitution of this great Nation aptly begins, ''We the people.''

As I take my place on the floor of the House of Representatives to pay tribute to African Americans, I am reminded of the fact that those who first took their place in this very spot did not include me nor my people and their vision of ''We the people.''

To ''secure the blessing of liberty to ourselves and our posterity'' is one of the basic reasons that the Constitution was ''ordained'' and ''established.'' These are basic tenets of freedom. This portion of the Preamble to the Constitution reminds us of the economic empowerment that surrounded the push towards the establishment of this great country. That is why it is so apropos that we celebrate African Americans in business, the path towards empowerment. There is no doubt that African Americans and Black History Month are one and the same. They recognize the importance of providing the pathway for evidencing what we have done for this country. African Americans have made unique contributions to the significant scientific and technological advancement of this country and to the growth and popularity of American culture around the world. Many of the modern conveniences that we enjoy today were invented by African Americans. Where would we be without the stop light invented by Garrett Morgan; the incandescent light bulb invented by Lewis Latimer; Dr. Charles Drew, a pioneer in blood research who established the first blood bank; and George Washington Carver, who so often we found as youngsters enjoyment in studying, maybe one of the few African Americans that our teachers allowed us to know? He revolutionized the agricultural economy of the South with his novel ideas on crop rotation.

Today African American scientists and astronauts are expanding our knowledge of space. How many of us know the names of these African American astronauts who have led the way for our country to be the leader in space exploration and space-based science? Major Lawrence, the first African American astronaut, Ron McNair, Guion Bluford, first African American to actually fly in space and Ron McNair who lost his life in the tragic *Challenger* accident, General Fred Geory, Charles Bolan, Mai Jaimson, first African American woman in space, Robert Curbeam, Winston Scott, Evon Cagle, Joan Higginbotham, Stephanie Wilson, Bernard Harris and Mike Anderson, an African American astronaut who flew in January on the last mission of the space shuttle *Endeavor* to *Mir*.

The economic benefits gained from the work of these African Americans has proved monumental. Our path towards economic empowerment has forged its way even through the hard times. And yes, even our African American farmers, our small businesses and large businesses to pay tribute to. For it was after slavery when we were told that we would receive 40 acres and a mule. I am sad to say that to this day, we have not received the full measure of the 40 acres and a mule. But our African American farmers in the deep South, the Midwest and other parts have held steady and strong, keeping up the good fight, providing that enhancement of economic opportunity that has kept this country going.

I hope as we proceed to celebrate this day and as well as we celebrate African American history throughout the years to come, we will pay tribute to our African American farmers and the justice that they deserve.

Now let me simply say this, Mr. Speaker. I too wanted to acknowledge the gentlewoman from California (Ms. WATERS) for her leadership in the Congressional Black Caucus, and certainly since we are talking about minority businesses and in this instance African American businesses, let me acknowledge Mr. Minority Business or African American Business in the United States Congress, Parren Mitchell, and thank him for his leadership on these issues of opening the doors of opportunity. Kweisi Mfume followed him with his interests in small business, and now the gentleman from Maryland (Mr. WYNN).

None of these individuals gave particular interest for their own self-aggrandizement, but they knew that it was important for us to be strong economically. So they championed, along with other members of this Caucus, affirmative action.

I would simply say that now is the time, as we celebrate this month, that we recognize that the struggle is not over. Affirmative action is under siege and many of our African American businesses that are successful today are successful because of African American effort in promoting affirmative action that has helped so many in this Nation, the rule of two that has provided for opportunities for small businesses and, yes, the Community Reinvestment Act that forced many of our Nation's banks to recognize that they could not do business by taking in money from the African American community and not investing money in the African American community. The creation of BET, one of the most well watched national stations has also been a recipient and beneficiary of affirmative action.

Lastly I would say, Mr. Speaker, that the important thing is what our young people believe and how they will carry the torch into the 21st century. I hope and my challenge is that although they may not have lived through the time frame of Dr. Martin Luther King or Stokely Carmichael or any of the others who so aptly raised their voices for equal opportunity and freedom, I hope that they will never forget. I hope there is a sense of loyalty and understanding and guts that they would feel that the work that they do, wherever it might be, those who may work in the United States Congress, with many of the Members and particularly those of the Congressional Black Caucus, understand that they have a mission, that it is a challenge and an honor to be so associated, that many of the strides that have been made by African Americans have come from the Congressional Black Caucus.

I challenge our educators and teachers: Teach our children about their history, do not have them scratching to find out about African American history because school boards and schools refuse to include those very important subjects in our curriculum. We all have a challenge. And to our African American businesses across the Nation, not to the exclusion of small businesses or Hispanic businesses or women-owned businesses, you have a special responsibility to give back to your community. I know that you live there. I know that you are giving. Let that be your cause.

My final word is to simply say that black history must be lived and not spoken. That means that we are all challenged to live African American history and the contributions to this Nation every single day. God bless you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the theme for this year's special order to commemorate Black History Month is ''African Americans in Business: The Path Towards Empowerment.'' There is no doubt that the path towards empowerment includes economic empowerment—the ownership of businesses, as well as the creation of and participation in business opportunities. However, this assumes the freedom and liberty to do so.

To ''secure the blessing of liberty to ourselves and our posterity'' is one of the basic reasons that the Constitution was ''ordain[ed]''

and established.'' These are basic tenets of freedom. This portion of the preamble of the Constitution reminds us of the economic empowerment that surrounded the push towards the establishment of this great country.

There is no doubt that African Americans have always believed in the principles set forth in both the Constitution and the Declaration of Independence. Our contributions to the preservation of American liberty even extends to the beginning of this country, when Crispus Attucks was the first to die for the cause of American freedom and liberty in the Revolutionary War.

From the activism of Frederick Douglas, Sojouner Truth, and Harriet Tubman during the abolitionists movement, to the heroic efforts of Rosa Parks, Martin Luther King, Thurgood Marshall and Fannie Lou Hamer during the civil rights movement, African Americans have never lost faith in this country to expand democracy and provide true economic freedom for all Americans.

African Americans have been entrepreneurs from the very beginning of this country. During Reconstruction, African American businesses flourished in black neighborhoods largely due to the fact that we were not welcomed in majority stores and business establishments.

When African Americans were barred from purchasing life and health insurance coverage, African American entrepreneurs established their own life insurance companies. Golden State Mutual Life Insurance Co., North Carolina Mutual Life Insurance Co., and Atlanta Life Insurance Co. are only a few of the companies that were started by African Americans. These companies exist even today.

In Houston, Unity Bank serves as a model of African American empowerment. It is the only African American owned bank in Houston and serves as a beacon for African American business and commerce.

In the present era, our African American elected officials, along with the presidents of the various civil rights, fraternal, religious and business organizations continue to encourage our Nation to keep its commitment to freedom, equality and economic well-being and empowerment for all Americans.

Black History Month celebrations provide excellent opportunities to inform young and old alike of African American contributions to America and the world. The origins of the celebrations of black history as Black History Month date back to 1926, when Dr. Carter G. Woodsen set aside a special period of time in February to recognize the heritage, achievements and contributions of African Americans. It has only been since 1976 that we officially designated February as Black History Month.

African Americans have made unique contributions to the scientific and technological advancement of this country and to the growth and popularity of American culture around the world. Many of the modern conveniences that we enjoy today were invented by African Americans.

Where would we without the stop light, invented by Garrett Morgan; the incandescent light bulb, invented by Lewis Latimer; Dr. Charles Drew, a pioneer in blood research who established the first blood bank; and George Washington Carver who revolutionized the Agricultural Economy of the South with his novel ideas on crop rotation.

Today, African American scientists and astronauts are expanding our knowledge of space. How many of us know of the names of these African American astronauts who have led the way for our country to be the leader in space exploration and space based science:

Major Lawrence—the first African American astronaut; Ron McNair; Guion Bluford—The first African American to actually fly in space; Gen. Fred Geory; Charles Bolan; Mai Jaimson; Robert Curbeam; Winston Scott; Evon Cagle; Joan Higgenbotham; Stephanie Wilson; Benard Harris; and Mike Anderson, an African American astronaut who flew in January on this last mission of the space shuttle Endeavor to Mir.

The economic benefits gained from the work of these African Americans has proven monumental. Our path towards economic empowerment has forged its way even through space.

After the enslavement of Africans in this country, we were promised 40 acres and a mule. This, for many, would have provided a means by which newly freed slaves could work the land in order to provide for themselves. It was to allow for economic empowerment. That dream did not come true. It was readily apparent that the path towards economic empowerment for African Americans was littered with lies, deceitfulness, and Jim Crow laws that were designed to stifle the ability of African Americans to own business and in turn ''secure the blessing of [economic] liberty.''

African Americans built this country with their sweat and blood. They served as the economic backbone of the southern economy and helped to develop the West. During the migration from the South to the North in the first half of this century, African Americans played critical roles in the factories that energized the Industrial Revolution.

It is widely understood that education improves one's quality of life. African Americans have always believed in the importance of education. During the Reconstruction period, African Americans pooled their resources to form schools and colleges that still exist and thrive. Today, historically black colleges and universities are producing the doctors, lawyers, business persons, dentists, pharmacists and professionals that help to construct a better path to economic empowerment.

The accomplishments of African Americans are too numerous to actually list. From the tumultuous birth of our great Nation to this present day, African Americans have contributed to all that is good about America.

Black History Month is an ongoing celebration of victory. It is a celebration of our very survival and rise from oppression to recognized accomplishments and achievements.

Our challenge today is to become economically empowered through the ownership of business and the aggressive participation in business opportunities.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from Texas for her eloquent statement on this occasion.

I yield to the distinguished gentlewoman from California (Ms. WATERS), chairperson of the Congressional Black Caucus. Over the number of years I have taken out this special order annually to celebrate Black History Month, I have always done so in conjunction with whomever was the chairperson of the Congressional Black Caucus. And I am delighted this year to have my name associated with that of our distinguished chairperson, the gentlewoman from California (Ms. WATERS), who is doing such an outstanding job in giving leadership not only to the Congressional Black Caucus but here in the House of Representatives. It is an honor to yield to her.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding to me.

I am delighted to be a part of this very special time that is taken out and directed by a very special man. The gentleman from Ohio (Mr. STOKES) has led this House in celebrating Black History Month and this will be the last year that the gentleman from Ohio (Mr. STOKES) will be here to do this for us. While we are all saddened by the fact that he will not be here to guide us on this and in many other efforts that we have to put forth, we are delighted that he is here once again this evening to make sure that we take time out from our very busy schedules to pay attention to the contributions of African Americans to this society.

This year we have as our theme African Americans in business, the path towards empowerment. Mr. Speaker, I rise today to join with all my colleagues in celebrating this Black History Month. Each year during the month of February we consciously take time to acknowledge and celebrate the history and accomplishments of African Americans in this country and worldwide. As we reflect on our history, I am more convinced now than ever that economic development through black entrepreneurship is a key to creating jobs, wealth and opportunities in our communities. Our history is rich with African Americans who created economic opportunities for others by owning, operating and building their own businesses. The early trailblazers include black entrepreneurs like Madam C. J. Walker, A. G. Gaston and John Johnson.

Madam C. J. Walker, the first woman self-made millionaire of any race built an economic empire starting with $1.50 in capital. In 1905, Madam Walker founded Madam C. J. Walker Manufacturing Company, the Nation's first successful black hair care products company. Madam Walker's company trained thousands of black women in her beauty schools and colleges. Her company sales force eventually exceeded more than 20,000 agents in the United States, the Caribbean and Central America.

Arthur G. Gaston founded the Booker T. Washington Burial Society in 1923. He parlayed his company, which guaranteed African Americans a decent burial, into a conglomerate of 10 companies that included two radio stations, a construction company, a bank, two funeral homes, a motel and a nursing home. When he died in 1996, he sold several of his businesses, valued at $34 million, to his employees.

John Johnson, chairman and chief executive officer of Johnson Publishing Company, pioneered one of the Nation's largest black-owned businesses

and the world's largest black-owned publishing company. In 1942, with a $500 loan secured by his mother's furniture, Mr. Johnson started his company, which now includes Ebony, Jet, EM, that is Ebony Man, and other enterprises. Today Johnson Publishing Magazines employ over 2,700 people and reach more than 20,000 readers in 40 countries.

While C. J. Walker and A. G. Gaston and John Johnson paved the way, Reginald Lewis and Robert Johnson raised black entrepreneurship to another level. They used savvy deal-making and Wall Street financing techniques to create two of the largest publicly traded African American controlled companies in America. Reginald Lewis, a Wall Street lawyer, used his financial and legal savvy to buy Beatrice International Food Company, a global giant of 64 companies in 31 countries. With that acquisition, he parlayed TLC Beatrice into the largest African American controlled business in the United States. In 1992, TLC Beatrice had revenues of $1.54 billion. When he died in 1993, he had a net worth of $400 million. His wife Loida N. Lewis currently runs the company.

Robert Johnson also recognized early on the power of Wall Street to create economic opportunities. In 1980, he created Entertainment Television, the largest black cable television and entertainment network. In 1991, BET became the first African American owned and controlled company traded on the New York Stock Exchange. BET has revenues in excess of $132 million.

Several African American entrepreneurs and entertainers have continued the legacy of ownership and empowerment for African Americans. These include among others: Edward Lewis, J. Bruce Llewellyn, Earl Graves, Berry Gordy, Bill Cosby and Oprah Winfrey.

Edward Lewis, the publisher, chairman and CEO of Essence Communications, heads one the country's most successful and diverse African American owned communications companies. In May 1970, Lewis and partner Clarence O. Smith published the first issue of Essence Magazine, a fashion magazine for black women. Today Essence Communications Incorporated is synonymous with black womanhood.

I cannot go into Mr. James Bruce Llewellyn, Mr. Earl Graves, Mr. Bill Cosby, Oprah Winfrey, and of course Berry Gordy. But I have mentioned them and we shall continue to make this information available to all.

I thank the gentleman very much for this opportunity to share the contributions of these wonderful African Americans.

Mr. Speaker, today I rise to join my colleagues in celebrating Black History Month.

Each year during the month of February we consciously take time to acknowledge and celebrate the history and accomplishments of African Americans in this country and worldwide.

As we reflect on our history, I am more convinced now than ever that economic development through Black entrepreneurship is a key to creating jobs, wealth and opportunities in our communities.

Our history is rich with African Americans who created economic opportunities for others by owning, operating and building their own businesses. The early trailblazers include black entrepreneurs like Madam C.J. Walker, A.G. Gaston and John Johnson.

Madam C.J. Walker, the first woman self-made millionaire of any race, built an economic empire starting with $1.50 in capital. In 1905, Madam Walker founded Madam C.J. Walker Manufacturing Company, the nation's first successful black hair care products company. Madam Walker's company trained thousands of black women in her beauty schools and colleges. Her company's sales force eventually exceeded more than 20,000 agents in the United States, the Caribbean and Central America.

Arthur G. Gaston founded the Booker T. Washington Burial Society in 1923. He parlayed his company, which guaranteed African Americans a decent burial, into a conglomerate of 10 companies that included two radio stations, a construction company, a bank, two funeral homes, a motel and a nursing home. When he died in 1996, he sold several of his businesses valued at $34 million to his employees.

John Johnson, Chairman and chief executive officer of Johnson Publishing Company, pioneered one of the nation's largest black-owned businesses and the world's largest black-owned publishing company. In 1942, with a $500 loan secured by his mother's furniture, Mr. Johnson started his company, which now publishes Ebony, Jet, EM (Ebony Man), and other enterprises. Today, Johnson Publishing magazines, employ over 2,700 people and reach more than 20 million readers in 40 countries.

While C.J. Walker, A.G. Gaston and John Johnson paved the way, Reginald Lewis and Robert Johnson raised black entrepreneurship to another level. They used savvy deal-making and Wall Street financing techniques to create two of the largest publicly-traded African-American controlled companies in America.

Reginald Lewis, a Wall Street lawyer, used his financial and legal savvy to buy Beatrice International Food Co., a global giant of 64 companies in 31 countries. With that acquisition, he parlayed TLC Beatrice into the largest African American controlled business in the United States. In 1992, TLC Beatrice had revenues of $1.54 billion. When he died in 1993, he had a net worth of $400 million dollars. His wife, Loida N. Lewis, currently runs the company.

Robert Johnson also recognized early on the power of Wall Street to help create economic opportunities. In 1980, he created Black Entertainment Television, the largest black cable television and entertainment network. In 1991, BET became the first African American-owned and controlled company traded on the New York Stock Exchange. BET has revenues in excess of $132 million dollars.

Several African Americans entrepreneurs and entertainers have continued the legacy of ownership and empowerment for African Americans. These include, among others, Edward Lewis, J. Bruce Llewellyn, Earl Graves, Sr., Berry Gordy, William Cosby and Oprah Winfrey.

Edward Lewis, the publisher and chairman/CEO of Essence Communications, heads one of the country's most successful and diverse African-American owned communications companies. In May, 1970, Lewis and partner Clarence O. Smith published the first issue of ESSENCE Magazine, a fashion magazine for black women. Today, ESSENCE Communications Inc. is synonymous with black womanhood.

James Bruce Llewellyn has built several multimillion dollar companies. He currently is the president of the Philadelphia Coca-Cola bottling companies of one of the largest Coca-Cola Bottling distributorships in this country. The Philadelphia Coca-Cola Bottling Company currently employs over 1,000 people.

Earl G. Graves, Sr. launched Black Enterprise magazine in 1970. His magazine set the standard for informing African American entrepreneurs ''how to'' start and grow a successful business. Black Enterprise magazine now boasts more than 3.1 million readers and has a controlled subscriber base of 300,000.

Bill Cosby is one of the most highly-paid TV personalities in America. After cutting his first comedy album in 1964, Cosby went on to star in several television series, including ''I Spy,'' ''The Cosby Show''—NBC's top-rated program through most of the late 80s and the new sitcom ''Cosby.'' Cosby also is known for his Jell-o commercials with children; as the narrator of the ''Fat Albert'' cartoons and as a producer and creator of other television shows. Cosby and his wife, Camille, have been active in education circles through their donations amounting to over $20 million to black women's colleges. Mr. Cosby's earnings exceeded $33 million last year.

Oprah Winfrey, queen of the afternoon talk shows, worked her way up from a local TV reporter to a morning talk show host. Her lively, aggressive, intelligence and streetwise common sense made her a popular television personality who earns top ratings and numerous television awards. Winfrey is also a savvy business woman. In 1988, Winfrey purchased a Chicago-based movie and television production facility that she renamed Harpo Studios. She has used Harpo Studios to produce her own television dramas and series. She made over $200 million last year.

We have made tremendous strides in creating black-owned businesses. Between 1987 and 1992, the number of black-owned businesses grew by 46 percent. Revenues also rose by 63 percent from $19.8 billion to $32.2 billion. Black Enterprise reports that the leading black industrial and service firms created more than 4,000 new jobs between 1995 and 1996.

However, in 1992, African Americans and other minorities, collectively, owned only 11 percent of all businesses in America. Annual sales receipts for minority-owned businesses averaged only $202,000, compared with an average of $3.3 million for white-owned businesses.

To bridge those gaps and build economically sound communities, the development of more black businesses is essential. Economic power today will mean jobs, creation of wealth, and continuing political clout in the future.

As Madam C.J. Walker was fond of saying, ''I am not merely satisfied in making money for myself, for I am endeavoring to provide employment for hundreds of women of my race.'' ''I had to make my own living and my own opportunity! But I made it! That's why I want to

say . . . don't sit down and wait for the opportunities to come . . . Get up and make them!''

□ 2030

Mr. Speaker, I thank our distinguished chairperson of the Congressional Black Caucus for her statement and her participation in this Special Order.

Mr. Speaker, I am pleased now to yield to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Ohio (Mr. STOKES). It is an honor to be here tonight with him.

Today I honor the accomplishments and advancements of African Americans, and I join the celebration of Black History Month. It is fitting that we honor African-American business pioneers this year, as we are in the midst of record economic growth. Many African-American businesses have indeed made strides in the business world.

The Reverend Martin Luther King saw the economic potential of the African-American community and called for the use of that power. He said, ''We are a poor people individually. Collectively, we are richer than all the nations in the world, with the exception of nine. We have an annual income of more than $30 billion a year. That is power right there if we know how to pool it.''

In my home city of Milwaukee, and across the Nation, African-American businesses have made the sacrifices necessary to achieve success in the business world. These efforts have paved the way for today's African-American businesses and entrepreneurs and established a solid business environment in which minority-owned businesses now grow and prosper.

One of these businesses, the Columbia Building and Loan Association, was the first African-American financial institution in Milwaukee. The business has been located at Fond du Lac and 20th, in the heart of Milwaukee, since it was founded in 1915. The founders, Wilbur and Ardie Hayland, were committed to development in the African-American community and used their business to invest in and develop homes and businesses. They saw that African Americans could not secure loans from white institutions and the housing situation in their community was bleak. They decided to do something. As a result, great strides were made in this community. The Columbia Building and Loan is still in business today as the Columbia Savings and Loan.

Another Wisconsin African-American pioneer, William Green, was the author of Wisconsin's first civil rights legislation, the Wisconsin Civil Rights Act of 1895, which outlawed discrimination in public places. Mr. Green came to Wisconsin in 1887 and graduated from the law school there in 1892.

Wisconsin's first African-American newspaper, the Wisconsin Enterprise-Blake, founded in 1916, paved the way for many of today's successful businesses.

Wisconsin now has a number of African-American radio stations and newspapers, including the Community Journal, the Milwaukee Time, and the Milwaukee Courier. These publications and outlet serve as a window on the community, highlighting the achievements of the community they cover.

But these businesses are just the tip of the iceberg when we talk about African-American businesses in Wisconsin. African-American entrepreneurs have established grocery stores, child care centers, health care centers, law firms, eye care centers, engineering firms, data centers, sales and marketing services, and many more. Some of these businesses have succeeded in securing contracts and investing millions of dollars in community development projects. Just last summer an African American-owned contracting company secured the largest 8(a) contract awarded by the U.S. Small Business Administration in Wisconsin's history. Bowles Construction of Milwaukee received a $6.1 million contract for a flood control project over the Wisconsin River.

This month, during Black History Month, we can all take pride in the success of both past and present African-American businesses. These businesses have become a growing, integral part of the healthy economy America is enjoying today. They deserve this recognition, and we should all be proud of what has been accomplished.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Wisconsin for his participation tonight, and at this time I am pleased to yield to the distinguished former chairman of the Congressional Black Caucus, the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me congratulate the gentleman from Ohio (Mr. LOU STOKES) again for his effort of bringing forth our African-American history to the Nation. We will certainly miss him when he departs from this great body.

Mr. Speaker, I rise to join my colleagues this evening in commemorating Black History Month, which is celebrating the achievements of African Americans in the field of business. This year's theme, African Americans in Business: The Path Towards Empowerment, is very fitting at a time in history when so many talented African-American men and women are playing leading roles in our Nation's business sector and taking their rightful place in national and international economic affairs.

According to the Census Bureau's survey of minority-owned business enterprises, the number of black-owned businesses has increased 46 percent in recent years. The 100 largest black-owned companies in the United States generated revenue of over $14 billion.

Last summer Fortune Magazine profiled a new generation of African Americans who are achieving phenomenal success on Wall Street. Among them are John Utendahl, a bond trader who founded Utendahl Capital Partners, the largest black-owned investment bank in the United States. His firm has been involved in over $250 billion worth of transactions.

Another success story, a friend of mine, young Ron Blaylock from New Jersey, a young man in his 30s, founded Blaylock and Partners, the first minority firm to manage a corporate bond underwriting. His firm supervised the $150 million issue on behalf of the Tennessee Valley Authority.

We all know Marianne Spraggins, the top achieving African-American woman on Wall Street, who took on the challenging position of CEO for W.R. Lazard, a black-owned firm.

One African American caught in downsizing of Occidental Petroleum, William Davis, started his own company, Pulsar Data Systems. This $166 million business is now the largest owned black computer firm.

In addition to large-scale companies, successful small businesses are being started every week in communities throughout the Nation. I am very proud of the entrepreneurs in my congressional district in New Jersey, who have worked hard to build their businesses.

Our local communities are enhanced by the presence of successful businesses in the 10th District. Starting very quickly with the City National Bank, a minority-owned bank, chaired by Mr. Lewis Prezau; Dunn and Sons, a janitorial service owned by Malcolm Dunn; Bradford and Byrd, also a janitorial service, owned by Avery and Trina Byrd; Ke'Dar Books, a store that sells books on Bergen Street, owned by a former student of mine, Jack Martin; P.C. Pros, a computer company owned by an outstanding businesswoman, Avis Yates; JOHNSON Publication Company of New Jersey, which produces many publications, including the popular newspaper City News; and Evan Bow Construction, owned by the Bowser brothers; Justin's Mens Clothing in South Orange, New Jersey.

And so during this Black History Month, as we celebrate, I conclude by saying that even during the era of slavery, free blacks were successful business owners. RECORDS show back in the 1700s, as we have heard, Paul Cuffe was a shipper and merchant in New England; James Wormley owned a hotel right here in Washington, D.C.; William Johnson owned a string of barber shops in Natchez, Mississippi. And after the Civil War many African Americans were established in businesses.

So as I conclude, I do want to mention this is the hundredth anniversary of the birth of Paul Robeson, a Jersian, a 12-letter man in every athletic event that they played at the time, an outstanding singer, but who had to fight to get on the chorus, on the glee club, and who was not allowed to play football initially when he first went out.

He ended up with a broken rib and destroyed his hands, but he went back to say he was going to play. He became an all-American. And with that I yield back to the gentleman.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New Jersey and, Mr. Speaker, I express my appreciation to all the Members who have participated in this Special Order.

Mr. FILNER. Mr. Speaker, I rise today and join my friends and colleagues in celebrating and honoring Black History Month. As we observe and reflect on the achievements of African-Americans in our Nation, I enthusiastically support and salute this year's theme, ''The Path Towards Empowerment.''

The African-American business community has been the hallmark of empowerment efforts in my Congressional District. This year marks the fifth consecutive year that I will host a Small Business Conference in my Congressional District in San Diego. These conferences have already opened the doors of opportunity to many African-American businesses which lacked such access in the past.

These seminars have been concentrated in the African-American community and have produced significant achievements. Bryco Distributing Company, one of San Diego's largest paper goods distributing companies, has relocated into my Congressional District. We are also developing both a Business Improvement District and a Micro-Business District in the heart of San Diego's African-American community.

Government contracting has also increased opportunities for the African-American business community. The Navy Exchange system has enabled an African-American baking goods company to acquire a Navy vendor contract. Construction contracts for Navy housing and other facilities have given African-American contractors, subcontractors and vendors valuable opportunities of historic proportions.

My own efforts have also attempted to provide local empowerment through the business community. I am working with local African-American leaders to foster a strong working relationship with the African-American Chamber of Commerce in my district. I regularly review actions of the Small Business Administration (SBA) and that of local banks to monitor adherence to California's Community Reinvestment Act passed to guarantee investment in traditionally red-lined communities. I have also supported efforts of the Economic Community Magazine to create an Entrepreneurial Training Center.

Our efforts here and at home on behalf of African-American businesses work to further strengthen this community and create additional opportunities. It is this community empowerment which will ultimately sustain ongoing efforts to ensure equality, guarantee justice and maintain hope in the future.

Mr. HOYER. Mr. Speaker, I rise today to join my colleague, LOUIS STOKES, in celebration of black history month. This special order is a time honored tradition in the House, and I always enjoy participating.

For the past 17 years, I have celebrated black history month with the families, community leaders and elected officials of the fifth congressional district in Maryland, together, we reflect the memory of African American leaders past, honor the leaders and activists in the present, and encourage the development and education of future leaders: the children.

One of the reasons I celebrate black history month is because I believe that African American history is the foundation of American history: They are indeed one in the same. African American history is a celebration of the journey of a people from which all Americans are able to witness the meaning of strength, perseverance, resilience, talent, faith, leadership, economic empowerment, and vision.

Strength was what the African ancestors drew upon when they were stripped from their native land, chained in the bowels of a slave ship, and forced to make the traumatic transatlantic voyage into the unknown.

Strength was the African slaves' will to survive in a foreign land, under violent, torturous and deplorable conditions for over 260 years.

Perseverance was when Harriet Tubman, ''the Moses of her people'' led slaves to freedom countless times, dubbed ''the underground railroad'' in the face of danger and exhaustion. I am pleased to be a co-sponsor of Mr. STOKES' bill, H.R. 1635, the national underground railroad network to Freedom Act of 1998. This legislation would authorize the National Park Service to link together in a coordinated and cohesive fashion the many sites, structures, activities, museums and programs that commemorate and celebrate this African American triumph.

Resilience is Booker T. Washington, who, after walking from West Virginia to Hampton Institute located in Hampton, Virginia, swept the floors of a classroom as his admissions test, and went on to become the principal of Tuskegee Institute in Tuskegee, Alabama. Washington played a defining leadership role in American politics in the early 1900's.

Talent is defined by the great storytellers of the Harlem Renaissance era, like Langston Hughes, James Weldon Johnson, Nella Larsen, and Claude McKay—writers who drew upon their own experiences and societal African American culture as the basis of their compelling text.

Talent is the musical genius of Count Basie, Duke Ellington, Ella Fitzgerald and Louis Armstrong, who developed the wonders of jazz music and laid the foundation of America's appreciation for many genres of contemporary music.

Faith is what the late Jackie Robinson had when he became the first black player in modern major league baseball in 1947, an act which helped break down racial barriers in professional sports. We just celebrated the fiftieth anniversary of his feat last year, marking this triumphant point in history and reminding our youth of how far we have come and how far we have yet to go in fighting discrimination.

Faith is what Rosa Parks had when she denied a white person a seat on a bus, which helped lead us into the greatest movement in American history—the civil rights movement.

Faith is what nine students in little rock, Arkansas had when they integrated Little Rock Central High School in 1957, becoming symbols of educational equality.

The late Thurgood Marshall demonstrated leadership when he became the first black associate justice of the supreme court in 1967. The vital role he played as counsel in Brown v. Board of Education Topeka, Kansas left an indelible mark on the history of education in America, eliminating the cruel ruse of ''Separate but equal''—overturning Plessy v. Ferguson.

The late Dr. Martin Luther King, Jr. was and will remain one of America's most revered and honored leaders as an advocate for racial harmony. Like many other leaders of the 1960's, Dr. King's assassination took him from us physically, but his spirit of leadership and his vision for racial equality still lives.

Economic empowerment is what all of us here are seeking to sustain and create. We all want to develop and strengthen our communities economically by creating jobs and other opportunities to make sure that our neighborhoods are prosperous and our children are provided for.

All of these attribute I have touched upon lead us to vision. African-Americans have always had a vision, whether it was of freedom, equality, voting rights civil rights, economic stability or justice. It must be noted historically that, when reviewing the visions of African Americans from one point in history to another, one thing rings true: The vision is always realized.

As we approach the year 2000, we should all take a long, hard look at the journey that our ancestors have taken, that we have taken—and how, we need to look at the road we have left for our children to take on their journey.

We leave our children with a rich history full of leaders and innovators, of men and women who made a difference and ensured the survival of a race of people in the face of adversity.

Yet, as we prepare to pass the legacy of a people to the next generation, it is still incumbent upon us to tell the story, to celebrate the history. We must impress upon our children not to give up, but to always hope. They must hold onto the vision for their journey, and stick with it until it is realized—as our African American forefathers and mothers did.

It is impossible for me to recognize all of the African-Americans throughout history who have influenced our lives. However, I am truly thankful that, with the leadership of Representative STOKES and others here today on the floor, we take the time to recognize black history month.

Today, we are celebrating the African-American journey and are passing the legacy onto the next generation. I am proud to have participated in this special order commemorating black history month in 1998.

Mr. CONYERS. Mr. Speaker, I rise on this the 11th day of Black History Month to salute African-Americans in business. In Martin Luther King's ''I have a Dream'' speech, he spoke of a promise that America made to its people: ''A promise that all men, yes, black men as well as white men, should be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.'' Today as more and more young black women and men graduate from colleges and business schools, medical and law schools across this land, they are taking Dr. King's dream and turning it into a reality. In 1960, 141,000 African-Americans attended college, in 1988 785,000 African-Americans attended. Two decades ago, only a handful of African-Americans graduated from MBA programs whereas in 1995, 4000 African-Americans graduated. There is a strong correlation between higher education and African-American business success. By utilizing their hard won knowledge and mixing it with their strength and perseverance, African-Americans are becoming more empowered through entrepreneurship each day.

According to ''Banking on Black Enterprise'' a new community of African-American businesses are emerging. From 1987 to 1992, African-American businesses grew by over 45 percent. Between the years of 1984 and 1994, African-American pilots and navigators increased 650%, dentists 311% and black engineers 173%. Other factors such as corporate procurement plans and municipal plans have led to empowerment for African-Americans. Programs of this nature such as the General Motors African-American empowerment forum for small minority-owned business and the Michigan Minority Business Development workshops and conferences have also opened doors for African-American businesses.

We must fight to maintain these gains and ensure the growth of the African-American middle class into the next century. Every time that a little black boy or black girl takes their first step into a school, Dr. King's dream takes one step closer to becoming reality and every time that a new African-American business opens, Dr. King's dream takes yet another step closer to reality. Our successes in entrepreneurship are numerous, our chances for further growth, limitless.

Mr. VISCLOSKY. Mr. Speaker, in honor of Black History Month and its 1998 theme, African-Americans in Business, I would like to draw your attention to seven distinguished residents of Indiana's First Congressional District. These business people have achieved stunning success while generously giving of themselves to the community.

Nathaniel Z. Cain is a native of Gary. With his wife, Jacqueline, they raised 3 children, Fred, Jeff and Natalie, and now have 3 grandchildren. Nate started his business career in the automobile industry after serving 4 years in the U.S. Marine Corps and 2 tours of duty in Vietnam. He began working at a Ford dealership in Gary in 1969, began buying stock ownership in dealerships in 1986, and, in 1996, bought the same Ford dealership in Gary in which he had begun his career in 1969. He currently serves as President and Dealer-principal of Tyson Ford and Tyson Lincoln-Mercury and Vice-President of Melrose Lincoln-Mercury.

Nate has been recognized and rewarded for his outstanding achievements throughout his career. He was awarded 4 medals for his service in Vietnam: the National Defense Service medal, two Vietnam service medals (1st & 2nd awards), and the Vietnam campaign medal. He received numerous awards at the Tyson Motor Corp. in Joliet, Illinois, and in 1996 received the ''100 Champions Award'' for the top 100 Lincoln-Mercury Dealers. He has also been listed on Black Enterprise magazine's Top 100 Black Auto Dealers List since 1990. Throughout his career, Nate has been involved in his community, serving on various boards and councils, including the Board of Directors of the Boys & Girls Clubs of Northwest Indiana, the Gary Mental Health Association, the Urban League of Northwest Indiana, the Board of Trustees of the Gary YWCA, the National Auto Dealers Association, the Ford-Lincoln-Mercury Minority Dealers Association, and the Chrysler-Plymouth Minority Dealers Association. His story is clearly a tribute to economic success and civic devotion.

Sharon L. Chambers is an insurance agent with State Farm in Gary, where she lives with her daughter, Sheena. Sharon received a degree from Indiana University and started her own insurance agency in 1984. Sharon has received the ''Outstanding Young Women of America Award,'' and, last year, she was inducted into Gary's first Women's Museum of Cultural Development. Sharon started her own agency with no customers and, for years later, was the number one insurance agent in the State of Indiana. She truly made it on her own. However, Sharon does not focus the story of her success on herself. She talks about the support of Gary citizens, and about the numerous young African-American women who have worked in her office as Marketing Representatives, five of whom have started their own businesses and four of whom have returned to college.

Imogene Harris is a Gary native, who earned her undergraduate degree from Indiana University and undertook graduate studies at Valparaiso and Purdue Universities. She was a teacher with the Gary School Corporation for 12 years and became President and Publisher of the family-owned Harris Printing Co. and INFO News in 1978. She and her husband, James T. Harris, have worked at their business for nearly 48 years. Imogene is actively involved in the community and works with the Gary Chamber of Commerce Board, the Urban League of Northwest Indiana Board, the Gary Accord Board, and the NAACP. Additionally, she holds membership in numerous organizations, including the National Newspaper Publishers Association, the Great Lakes Broadcasting Board, the Delta Sigma Theta Sorority, and the Delaney United Methodist Church. She has been honored by the Phi Beta Sigma Fraternity, the NAACP (nationally and locally), NCNW and many other organizations. In addition, Imogene has received the Gary Frontiers' ''Drum Major Award'' and the ''Distinguished Hoosier Award.'' She has continually distinguished herself as an individual committed to equality, actively working to eradicate racism and prejudice through providing a forum in which issues can be addressed in a productive manner. She has been committed to the improvement of Gary for 50 years and much of the progress that has been made can clearly be attributed to her.

Roosevelt Haywood came to Indiana from Mississippi in 1948, and he attended Indiana University. He has a wife and seven children and is currently the owner of Haywood Insurance Agency in Gary. Before going into the insurance business, Roosevelt was a member of the United Steelworkers' Local #1014. Roosevelt built his successful business on his own, but he has been an active member of the community while doing so. He is currently Vice-President of the Gary branch of the NAACP, Vice-President of the Gary Black Insurance Agents and Brokers Association, a Deacon-Trustee at his Baptist Church, and a Board Member of the Brothers' Keeper. His record of civil service is extensive. Roosevelt worked as a State Chairman of the Fair Share Organization, a civil rights group that broke down the discrimination barrier over a decade ago in Gary, Michigan City, and East Chicago, Indiana. He founded and served as President of both the Gary United Council of Midtown Businessmen and the Gary Toastmasters International. He also served as Vice-President of the Minority Business Steering Committee and on the Advisory Board of the Urban League. He served as President of the Ambridge-Mann Community Board and the Indiana Association of Black Insurance Professionals. Finally, he served as a member of the Gary Library Board, the Gary Parks and Recreation Board, the Lake Country Economic Opportunity Council, Inc., and the Gary Common Council.

The Reverend F. Brannon Jackson and his wife, Doris, are another Northwest Indiana success story. Reverend Jackson came from Mobile, Alabama in 1946, and became pastor of his church on December 1, 1965. Doris graduated from East Chicago Washington and studied fine arts at the Chicago Art Institute. She opened her own boutique in downtown Gary, and has been in business for almost 17 years. While Reverend Jackson has served as President of the Ordinary General Missionary Baptist State Convention of Indiana, Chairman of the Office of Convention and Meetings for the National Baptist Convention, USA, and Treasurer of the City of Gary's Commission on Economic Development, Mrs. Jackson has supported his efforts in a tangible way by keeping her own shop in downtown Gary, while many of her neighbors moved their businesses elsewhere. Both Reverend and Mrs. Jackson have stood by and sustained downtown development and committed many hours to making Northwest Indiana safe for worship and shopping. They are two beacons in the Gary Community, providing both economic and spiritual leadership.

Dorothy Leavell is the Editor and Publisher of the Crusader Newspapers, which are published in Gary and Chicago. Dorothy attended public school in Arkansas and Roosevelt University in Chicago. In June of 1998, the Chicago Crusader will celebrate 58 years of continuous publishing, and the Gary Crusader will celebrate 37 years of operation. Dorothy took over the newspapers upon the untimely death of her first husband, Balm L. Leavell, Jr. She had been working there for 7 years as an Office Manager and Business Manager before taking over the helm of the Crusader Newspapers in 1968. Dorothy's newspapers have never missed a single issue.

Dorothy has been involved in numerous civic and humane organizations. She founded and sponsored the ''Odyssey Club,'' a teen club at her church, dedicated to raising funds and items necessary for teens to further their educational and career goals. Her contribution to community service has earned her many awards over the years, and she has been recognized with distinction by: the YMCA of Metropolitan Chicago; Holy Name of Mary School Board; Prospair Ladies Social Club, and the National Association of Black Media Women. She has received the Operation PUSH ''Family Affair Award''; ''Fourth District Community Improvement Association Award'' in Gary; ''Dollars and Sense Award''; Mary McLeod Bethune Award''; the ''Publishing Award'' from the National Association of Negro Business and Profession Women's Club, and the ''NNPA's Publisher of the Year Award'' in 1989. Dorothy has been a member of the National Newspaper Publisher Association (NNPA), for more than 25 years, and she is currently serving her second term as president of NNPA, which represents more than 215 African-American newspapers in the United States. Dorothy has always had a keen interest in art, and she donated her personal art collection valued at over $50,000 to the DuSable Museum of African-American History in Chicago in the 1970's. Dorothy is currently married to John Smith, and she has two grown children, Antonio and Genice Leavell. She also raised a niece and nephew, Sharon and Leonard Gonder, and has four grandchildren.

Mamon Powers' college education at Campbell College in Mississippi was interrupted when he was drafted to serve in the European theater during World War II. He served for almost three and a half years, and was discharged as a Sergeant Major in April 1945. He then followed his sweetheart north, and settled in Gary to work in the steel mills. But Mamon did not end up working in the mill, instead deciding to try carpentry. Relying on the experience the had gleaned through this father's long association with the trade, he joined the Carpenters' Local #985, and was the first black carpenter's apprentice in the program. He worked at Means Brothers Construction Co. during the day and at night worked at getting his degree from Horace Mann, from which he graduated in 1949.

He was then noticed by his long-time mentor, Andrew Means, who offered him a Vice-Presidency at Means Developers. Mamon studied Mr. Means' building techniques and financial planning, and in 1955 formed his own partnership with drywall contractor, Hollis Winters. Winters Powers Construction Co. built homes for 9 years before Mamon decided he wanted a company that was truly his own. In 1967, Powers & Sons Construction Co. began. Amidst a city that was changing economically and politically, Mamon changed with the time, branching out into commercial construction, and bringing two of his sons into the business with him. In 1971, Powers & Sons won its first million-dollar contract, and, in 1987, it was named one of the top businesses in the Nation. Black Enterprise magazine has recognized this feat for eight years. Mamon has contributed to many civic and charitable organizations and continues to volunteer and donate his time by lecturing at the various Gary schools on careers in the construction industry. Powers & Sons continues his personal commitment on a professional level by providing scholarships to area youths.

These people are remarkable not just for their astounding business success. They are doubly remarkable for having achieved such success in arenas which were just beginning to open up for African-Americans. Marcus Garvey's prediction, that African-Americans could accomplish what they willed, has been borne truthful by people like these fine citizens of Northwest Indiana.

But the 'bootstraps' mentality is only one aspect of Garveyism, and these people's success can be measured in more than just professional terms. These Northwest Indiana leaders exemplify the true extent of success African-American business leaders have achieved; these men and women have not only made successes out of themselves, they have, and continue to, make successes of their communities, by devoting as much of their time and energy to others as they do to themselves. Sharon Chambers talks about the African-American women she has mentored, Mamon Powers talks about the man who mentored him. Roosevelt Haywood talks about participating in organizations which broke down the racial barriers facing African-Americans in the area, and Dorothy Leavell describes donating art in order to inspire other to achieve. The Reverend and Mrs. Jackson couple their work for economic growth with a devotion to community spiritualism. Nate Cain followed his career in the military with a long history of devoting his time to local youths. And Imogene Harris followed a career in teaching children with a career in teaching the community as a whole. George Washington Carver once said, ''How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.'' These seven people have indeed been tender, compassionate, sympathetic and tolerant. And they have met with great success, both personal and professional, because of it.

In closing, Mr. Speaker, I would like to commend my esteemed colleagues, LOU STOKES and MAXINE WATERS, for arranging today's Special Order on Black History Month. LOU and MAXINE truly lead the House of Representatives in promoting racial consciousness, and their tireless work on behalf of African-Americans is unparalleled. With his recent retirement announcement, LOU promises to leave a significant void in the House of Representatives. We will miss him, but I look forward to others benefitting from the example he has provided, as well as continuing his legacy.

Mr. BENTSEN. Mr. Speaker, I thank the gentlemen for yielding.

Mr. Speaker, I rise to join our Nation in celebrating Black History Month. In keeping with this year's theme of ''African Americans in Business: The Path Towards Empowerment,'' I want to take this opportunity to honor African American publishers in Houston who are business leaders themselves and play a critical role in helping other businesses to succeed.

Part of this year's theme is empowerment, and certainly the African American press is invaluable in empowering businesses to succeed, both in providing them with important community information and linking them to customers through advertising. I have seen the value of the African American press firsthand in Houston, which benefits greatly from a healthy number of African American community newspapers.

Today, I want to take the opportunity to honor the publishers of these newspapers, including Sonceria ''Sonny'' Messiah Jiles of The Houston Defender; Dorris Ellis of The Houston Sun; Lenora ''Doll'' Carter of the Houston Forward Times; Francis Page, Sr., of The Houston NewsPages; and Pluria Marshall, Jr., of The Houston Informer. These newspapers and their publishers were honored when the National Newspaper Publishers Association held their annual convention in Houston in 1996, and it was rightly noted how remarkable it is that Houston has so many members of the Association. This is a testament to the strength of the African-American community in our city and to the diversity of voices heard in Houston's marketplace of ideas.

I want to take the opportunity to honor each of these newspapers and their publishers.

The Houston Defender was founded in 1930 by C.F. Richardson Sr., a journalist who used his newspaper to fight racism and was often the target of death threats and beatings by the Ku Klux Klan. Since becoming the publisher in 1981, Sonny Messiah Jiles has steered the paper back to its roots, focusing on economic and political issues while striving to promote positive images of African-Americans.

Sonny Messiah Jiles is a 20-year veteran of Houston media, having worked in public relations and radio, as well as hosting two long-running talk shows on minority issues. She bought the Houston Defender at the age of 27 with money she had saved and borrowed from family and friends and practically ran it by herself during her first year of ownership. Since then, the Houston Defender has won numerous awards, including an NAACP Carter G. Woodson Award in the early 1990s for the paper's focus on equity issues, and Sonny Messiah Jiles was selected as publisher of the year in 1991 by the National Newspaper Publishers Association.

The Houston Sun provides extensive coverage of community, local, and national news, with a goal, as stated by publisher Dorris Ellis, ''to provide news and information the community could use and trust.'' Dorris Ellis began publishing The Sun out of an extra room in her home, and it has since grown into much larger offices and a respected role in Houston's African-American community.

Dorris Ellis has long been active in a wide range of community activities, dating back to her work as a poll-watcher at age 14 after elimination of the poll tax enabled more African-Americans to vote. Today, she is president of the Houston League of Business and Professional Women and of the Houston Association of Black Journalists, working successfully to double the membership of each organization. A former kindergarten teacher, Dorris Ellis has always made education and youth high priorities. She has led many efforts to improve literacy, volunteers often in public schools, and publishes articles by student journalists in The Houston Sun.

The Houston Forward Times has been a family affair since its founding in 1960 by Julius Carter. His wife, Lenora ''Doll'' Carter, joined the paper in 1961 as its advertising director and office manager. After the death of her husband in 1971, she became the publisher, and her children grew up working at the paper.

The Houston Forward Times has sought to serve as an effective watchdog and voice for African American concerns in Houston, providing tough reporting on critical government and community issues. Relying on a staff of 15 full-time employees, the Houston Forward Times plays a specific role in keeping the community informed on such issues.

The Houston NewsPages began publishing in 1986 as a newsletter in which retail tenants could advertise their businesses. Publisher Frances Page, Sr., remembers the painstaking and time-consuming process of taking each article individually to the typesetter after it was written by his wife Diana Fallis Page, who is co-publisher and editor-in-chief. Today, the paper is published utilizing state-of-the-art computer technology.

The Houston NewsPages seeks to highlight the achievements of African-Americans and is known for its uplifting stories and eye-catching covers. From its humble beginnings, the paper has grown tremendously and won numerous journalism awards, including the 1990 John H. Stengstacke National Merit Award for General Excellence, the most prestigious award given to African-American publications by the National Newspaper Publishers Association.

The Houston Informer & Texas Freeman is the oldest African-American newspaper in Texas and the third-oldest in the nation. While it has changed ownership several times in its 105–year history, this weekly paper has never missed an edition or lost its commitment to firebrand journalism.

Pluria W. Marshall, Jr., the current publisher of The Informer, has inherited a piece of Texas history. The first issues of the paper focused on eradication of Jim Crow laws, equal pay for black teachers, and other race related issues. In the 1920s and 1930s, the newspaper became a strong advocate for civil rights and grew into a chain—since disbanded—that reached all major Texas cities and New Orleans. For more than two decades, George A. McElroy, a former Texas Southern University journalism professor, has served as editor-in-chief, leading the paper to numerous honors from the Texas Publishers Association and other organizations.

These five newspapers and their publishers play vital roles in Houston's African-American community, creating jobs and business opportunities themselves, helping other businesses to succeed, and improving our community for all Houstonians. I am pleased to honor them as we celebrate Black History Month.

Mr. DIXON. Mr. Speaker, in commemoration of Black History Month, I rise to recognize the contributions of my fellow Los Angeleno William Kennard, the new Chairman of the Federal Communications Commission, to the expansion of minority entrepreneurship in the telecommunications industry. As we observe 1998 Black History Month's theme of ''African Americans in Business: the Path to Empowerment,'' it is important to highlight the unique opportunity that Bill Kennard will now have as FCC Chairman to influence the path of minority entrepreneurship in the modern technological age. Bill is in a position to promote a prosperous business climate through his stewardship of FCC actions impacting the communications and broadcasting industries. As we near the end of the 20th Century, there will be few businesses unaffected by changes in telecommunications, internet and wireless services. As chairman of the FCC, this distinguished African American will play a significant role in ushering in these changes.

Bill Kennard became chairman of the FCC on November 7, 1997, after having served several years as General Counsel of the Commission. A native of Los Angeles, he graduated Phi Beta Kappa from Stanford and received his law degree from Yale Law School in 1981. Before joining the FCC as its first African American general counsel, a primary focus of his law practice was committed to assisting minority business entry into the communications marketplace. Bill served on the FCC's Advisory Committee on Minority Ownership in Broadcasting and was instrumental in expansion of the FCC's minority tax certificate program adopted by the FCC in 1982. When members of Congress targeted the tax certificate program for elimination, Bill Kennard became the only senior FCC official to publicly defend the program and advocate for its retention.

As general counsel of the FCC, he actively recruited minorities to serve in policy making positions, helping to place African Americans in charge of four of the Commission's 16 operating bureaus and offices. Bill Kennard's recruitment efforts resulted in significant increases in the number of minority lawyers throughout the commission. Prior to his arrival, few minority attorneys had ever served in the Office of General Counsel in its 60 year history; during his tenure, the office hired over 15 minority attorneys, including 12 African Americans. In addition, Bill created a Commission-wide mentoring program for new attorneys.

Outgoing FCC Chairman Reed Hundt said this about William Kennard: ''Bill Kennard has been the best General Counsel in FCC history and has successfully run the most difficult cases this commission has ever encountered. Under his leadership, we have dramatically improved our win record in the Court of Appeals. We have also greatly expanded the depth and breadth of our recruiting and instilled in all our audiences an awareness of fairness and impartiality of our rulemaking.''

As Chairman of the FCC, Bill continues to demonstrate his commitment to assisting minorities and small businesses through the Telecommunications Development Fund (TDF), authorized under the 1996 Telecommunications Act. The TDF promotes access to capital for small businesses to enhance competition in the telecommunications industry, stimulate new technological growth and development, and promotes universal service. TDF is an important tool for minority entrepreneurs to access the capital necessary to participate in the communications revolution. He is a strong advocate for universal service, an essential part of the 1996 Act that seeks to ensure that communities and consumers are not negatively impacted by telecommunications deregulation.

In talking of Bill's accomplishments, I want to knowledge the role that his parents, Robert and Helen played in raising this important member of our community. I was a friend of Robert Kennard, and greatly respected his accomplishment in creating the largest black-owned architectural firm in the western United States. He started his Los Angeles firm shortly after returning from service in World War II, at a time when it was particularly difficult for African Americans to break into this business. Clearly his dedication and commitment to excel has been passed on to his son. His mother, Helen, worked in the Los Angeles school district, teaching English to non-English speaking students. It is noteworthy that in his FCC biography, Bill credits his parents with teaching him the power of communication and the importance of building communities.

With our help and support, the potential impact that Bill Kennard can have on minority business development in the telecommunications industry cannot be underestimated. I ask my colleagues to join me in congratulating him on his accomplishments, and wishing him much success in a complex, often controversial, and powerful role as Chairman of the Federal Communications Commission.

Mr. BISHOP. Mr. Speaker, when Dr. Carter Woodson established the first black history observance in 1926, he had several goals in mind.

As a historian, he wanted to make American history as accurate and as complete as possible. As an African-American who worked his way up from poverty to become a renowned teacher, writer and scholar, he wanted to give black people, particularly young people, a better sense of their heritage and a more hopeful vision of their own future and the country's future.

These goals are being fulfilled. Americans everywhere recognize that African-Americans have made substantial contributions in the sciences, in exploration, in business, in education, in the arts, in politics and government, in entertainment and sports, in the military, in religion, in citizenship, in every endeavor that has made our country what it is.

As we observe Black History Month, I would like to recognize several African-Americans from the area of middle and south Georgia that I have the honor of representing who have achieved greatness—greatness not only because they have been extraordinarily successful in their own lives, but because they have reached out and uplifted many others.

One of these Georgians is Apostle Isaiah Revills, a man of great stature physically who is also a giant spiritually. He was born in Moultrie, Georgia, in humble circumstances, 66 years ago, and was called to the ministry at age 21. Since then, he has extended his ministry in tent crusades throughout the United States and has preached in Africa, Israel, Haiti and much of the world. He attracts thousands to his services at the First Albany Deliverance Cathedral in Albany, Georgia. He has been named one of Georgia's 10 most prominent black pastors and has been honored by governors, legislators, mayors and members of Congress. But most of all, his positive, visionary ministry has changed the lives of thousands and thousands of God's children.

Brady Keys, Jr., a native of Austin, Texas who attended Colorado State on a football scholarship and went on to become an all-pro defensive back for the Pittsburgh Steelers, is now a businessman in Albany, Georgia who oversees an empire that includes restaurant outlets, hair styling salons, a steel company, real estate, oil and coal interests, and a vending company. He was the first African American to own and operate a franchise company. His firm, The Keys Group Company, is ranked as one of the largest black-owned businesses in the country. He has served in many leadership positions, including membership on President Nixon's Advisory Council on Minority Business Enterprise. His greatest success story, however, is the opportunities he has given to young people. He has hired and trained more than 150,000 youth, giving many their first real job opportunity.

John R. Harris was an educator who stayed close to home, serving as a teacher and principal for 40 years in his native Early County Georgia—19 years as principal of Early County Middle School in Blakely. He has been an inspiration to thousands of young people and a leader in his community for many years. He has served with the Chamber of Commerce, worked on literacy projects, and served as a gubernatorial appointee on the Georgia Agrirama Development Authority, which has meant so much to his area of Georgia. In 1981, the Early County Board of Education named and dedicated the Middle School Media Center in his honor in recognition of the many contributions he has made to the community.

America has produced many heroes. They are not limited to any race, or creed, or national background. We find examples of greatness among all people in this patchwork of cultures that has become the strongest, freest, and most productive nation the world has ever known Black History Month gives us an opportunity to learn from their lives.

Mr. GILMAN. Mr. Speaker, I rise in honor of Black History Month for 1998. I would like to thank the gentleman from Ohio [Mr. STOKES] for arranging this special order.

It is appropriate at this time that we call to mind the outstanding black men and women who have contributed so much to our national prosperity. Many of these men and women are

yet to be properly recognized in history texts, and as we approach the next millennium we must continually work towards correcting this great injustice, and towards acknowledging the role African Americans have played in making America the great nation that it is today.

For example, Crispus Attucks, a free black man of Boston, Mass., was the first American to die for the revolutionary cause. After we achieved our national independence, a black man by the name of Benjamin Banneker was an integral planner in the lay-out of the Capital city, working to assist and expand upon the ideas of Pierre L'Enfant.

In our nation's fight to achieve civil rights and equality black men and women always took a leadership role. In the late nineteenth century—when our nation stood divided, and many black slaves were being massacred as examples to their peers—heroes such as Harriet Tubman and Sojourner Truth organized the underground railroad, leading thousands of black men and women to freedom, and ensuring that the lives of those murdered were not spent in vain.

When the Civil War was brought to its end, and racial discrimination was de jure abolished, black leaders such as Frederick Douglass and W.E.B. DuBois fought to bring discrimination to its de facto conclusion, speaking out against the hypocritical, racist Jim Crow laws of the South.

These heroic pioneers of the civil rights movement brought about a new way of thinking in our nation. In the twenty-first century the movement reached epic proportions, and the goals of national equality and non-discrimination were further advanced through the heroic actions of black men and women.

As Jackie Robinson broke the color barrier in professional major league baseball, Marian Anderson became a symbol of equality in the world of music. Dr. Martin Luther King, Jr. opened the public's eyes to the horrors of racial discrimination through his policy of ''peaceful demonstration,'' and inspired our hearts through his ideas of American unity and brotherhood. Mrs. Rosa Parks became a symbolic hero around which an entire nation rallied when she refused to move ''to the back of the bus.''

In modern-day America, the barriers which once separated black men and women from pursuing their dreams have virtually disappeared. The worlds of entertainment, politics, scholarship, sports, arts and literature have all been significantly improved by the contributions of African Americans. Men and women such as Dr. Mae C. Jemison, our first female astronaut; Akua Lezli Hope, a poet and Amnesty International leader; Zora Neale Hurston, anthropologist; and William Brown, the mayor of San Francisco, are the modern day pioneers who lead our nation towards the twenty-first century in the hopes of full racial equality.

Black History Month is also an appropriate time to look forward, and as we pause to recall and recite the actions of the innumerable black men and women who changed our Nation's policies and attitudes, we must also remind ourselves to look ahead, and vow to work harder towards resolving the struggle for equality which persists not only in the United States but also abroad.

Our society's strength is a direct result of its great diversity. It is this diversity which we rightfully honor today and all throughout this month. I urge my colleagues and all Americans to recognize the contributions African Americans have made to our nation.

Mr. MCINTYRE. Mr. Speaker, during the month of February our great Nation's schools, businesses, churches, and civic organizations are making a special effort to proclaim the importance of African-Americans to this Nation's progress and success.

We make this special effort for two fundamentally important reasons:

First, Black people of this Nation have suffered unfairly through generations of slavery and oppression. Today, I am grateful that we are working together to ensure that all people are treated equally, both in word and deed.

The second reason we mark this time with Black History Month is that African-Americans have made substantive and vitally important contributions to this Nation's progress and success. Quite simply, we would be much diminished as a nation if it were not for the hard work, insight, activism, leadership, and excellence found within the African-American community.

At the base of the Statue of Freedom on the Capitol Dome in Washington is the Latin phrase ''E Pluribus Unum''—Out of many, one. This motto expresses very simply the key to success for our great Nation. Out of the many citizens of the United States, we must come together to form one America. Building a united America is vital to the success of our great democracy.

This phrase—''Out of many, one''—is also a great challenge. If we meet the challenge to build a better America, we must face three very important questions:

How should we unite as a people?

What is our purpose in seeking a united American people?

And what kind of partnership do we need to achieve our purpose?

PEOPLE: RECOGNIZING WHAT IS IMPORTANT FOR AMERICA

President Woodrow Wilson, who led our Nation during the first half of this century, has a message for us as we enter the 21st century:

> It was . . . an historical accident . . . that this great country was called the ''United States;'' yet, I am very thankful that it has the word 'United' in its title, and the man who seeks to divide man from man, group from group, interest from interest in this great Union is striking at its very heart!

His words remind us that people matter and that we are doomed as a nation if we allow one race to oppress the other.

However, unity has not always been the case in America. For too long, issues of unfair treatment have divided the citizens of the United States. If we are to ever be united in the good sense of the word, we must ensure that all individuals, regardless of race, share the same rights and are granted equal protection under the law.

The African American people—whose heritage we celebrate here and now—have fought long and hard for fair treatment and equal opportunity while working to make a better united America.

The great Black leader Frederick Douglas was right when he said, ''Liberty given is never so precious as liberty sought for and fought for.'' The founders fought for their freedom from Britain during the American Revolution, but they left the American people less than totally free. It is up to us to work for liberty for all people in this Nation. To accept anything less diminishes the greatness of our Nation.

As your federal representative in Washington, I want to tell you about several important pieces of legislation that I am cosponsoring that will provide long overdue recognition to the African-American community. Recognition of the varied and numerous contributions of the African-American people to this country is crucial to achieving our goal of unity and understanding the complete—not partial—history of our Nation's African-American citizens.

H.R. 773, the National African-American Museum Act, seeks to remember the people who have shaped this country's history. This bill would authorize the establishment of the National African-American Museum within the Smithsonian Institution and thereby provide a center for scholarship and location for exhibits related to African-American art, history, and culture.

That museum will be a wonderful starting point for recognizing and respecting the African-American people and their history of suffering and accomplishment.

Consider the impact African-Americans have had in politics and civil rights. Of course, Blacks have always been politically active. Today, we should call special attention to Blacks who serve their Nation and communities in ways unimaginable one hundred years or even fifty years ago. Blacks now serve in unprecedented numbers in elected and appointed positions at all levels of government. In our Congressional district, several black leaders have served on the city council, school board, board of county commissioners, community college board members, state board of transportation, numerous other state boards and commissions, state legislature, and in government positions at all levels, including Congress, for many years with distinction. The civil rights advances in our nation could not have been made without these fine citizens. We must recognize the importance Blacks have in shaping our political lives.

We should also recognize Blacks for their contributions to advancing American science and technology. Blacks have been vitally important inventors and scientists from our nation's earliest days. Did you know that Onesimus, a black slave, was experimenting with smallpox vaccines in the 1720s? This pioneer of modern medicine was followed by others such as Dr. Charles Drew, who engineered blood transfusions; and Samuel Kountz, who made kidney transplants more successful. Elijah McCoy's perfection of the locomotive engine led to people saying they wanted his product—not some cheap imitation. They wanted ''the real McCoy''—a saying which became popular in society for those who want the real thing, the best there is! In technology, Blacks have invented the incandescent light bulb, truck refrigeration, polymer fabrics, and automated manufacturing machines used in making shoes, telephones, and other items essential to our daily lives. In space, Lt. Colonel Guion Bluford was the first Black to fly in space. Hoping to advance human sciences, astronaut Ronald McNair tragically died in the Challenger shuttle explosion. These individuals and many many other African-Americans must be fully recognized for their contributions to American life.

Once we recognize African-Americans for their accomplishments, we must respect them

as valuable contributors to American society. In North Carolina, the African-American community emerged from the shadows of slavery to quickly take positions in government, education, entertainment, and media.

Take, for example, two North Carolinians who should have our respect. First, in the early 1900s Dr. Charlotte Hawkins Brown founded a school for African-American children. Although she was attacked and oppressed with Jim Crow laws, her faith in God and her commitment to her community gave her the strength to ensure that her school, known as the Palmer Institute, educated Black children in the sciences, language, and culture. She received many honors, and was a friend of Eleanor Roosevelt, W.E.B. DuBouis, Booker T. Washington, and other leaders of the day. I have nothing but respect for people like Dr. Hawkins, who spend their lives committed to God and community.

There is one more person who exemplifies the sort of success that we should respect. Hiram Rhoades Revels is especially significant to me for three reasons. First, he committed his life to God and proclaiming the truth of the Christian Gospel. Second, he was born in Fayetteville, North Carolina, only 30 miles from where I was born. Third, he was the first Black member of the United States Congress. It is remarkable that his adult life spanned the Civil War, Reconstruction, and ended in 1901 during the Progressive Era. He was a true pioneer of American political life.

All the people I have mentioned today—the scientists, teachers, inventors, politicians, and every African-American—should be respected members of our Nation. And they would make wonderful additions to our nation's official African-American museum.

PURPOSE: LIVING UP TO AMERICA'S IDEALS

As we have seen, it is critically important that we work to make America a united country of diverse people. Yet it is also important that our work have a worthy purpose. We cannot satisfy ourselves with a united America that fails to live up to our guiding ideals.

As the great American President Abraham Lincoln told the nation at Gettysburg in 1863, ''we are here highly resolved that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.''

In the 133 years since the end of slavery in America, all of the races in America have had to confront the struggles and successes of a nation working to better itself in difficult times. We joined together to defeat the racist rulers of Nazi Germany and Imperial Japan, and African Americans were emboldened to insist that America live up to our values.

On September 25, 1957, nine African-American children pioneered the civil rights movement by voluntarily integrating the all-white high school in Little Rock, Arkansas. I am pleased to be a cosponsor of H.R. 2560, which seeks to award the Congressional Gold Medal to each of those nine brave souls.

Later, Dr. Martin Luther King, Jr., led the mass civil rights movement that gave us a chance to redeem our nation's soul by embracing freedom and opportunity instead of hate and oppression. Our nation's ideals made Dr. King love America. He often spoke about the ''great glory of America, with all its faults.'' On the night before his assassination, Dr. King prophetically said, ''Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over, and I've seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land . . .'' Today we remain committed to fulfilling Dr. King's dream of reaching the promised land—a land where all citizens regardless of their race—are treated equally. We have come a long way in reaching this land, but we still have a long way to go.

Today, we live in a country where African Americans are narrowing the gaps in salaries and education between themselves and the majority of Americans. Today, African-American employment is at its highest level in history, and African-American poverty is at its lowest in history. Yet black people still earn about 40% less than most whites, unemployment for blacks is still about twice the level for whites, and fewer blacks graduate from college than whites of similar backgrounds.

Clearly, we must stay true to America's purpose because we still have work to do.

PARTNERSHIP: BUILDING A BETTER AMERICA

Once we recognize the importance of the African-American people, we must continue to live up to America's purpose. But our great Nation's purpose will never be realized unless we enter into partnership with one another to build a better America.

A partnership can be a powerful and positive influence on our lives when it is between people who are able to bring their own unique gifts to our nation's progress. God has given the people of this nation a mission to prove to men and women throughout the world that people of different races and ethnic backgrounds can not only work and live together, but can enrich and ennoble both themselves and our common purpose.

In the 7th Congressional district, we have the great opportunity to bring into partnership all the different peoples who live here: African and Native Americans, new immigrants, and whites. Together—and there are over a half million citizens in this district—we can make a real difference in America's future.

With a strong people, a guiding purpose, and a powerful partnership, we can create better schools, better families, and better jobs for everyone.

My very first job while in college was a delivery boy for a black-owned business, Wesley's Florist, in Lumberton. Not only did I need that job, I found that being the only white employee required a special partnership between me and his family!

When I was a student at Lumberton Senior High School, I worked in partnership to help the first black female be elected as president of the student body.

I have had the honor to coach black boys and girls on local sports teams and to work with children of all races as a volunteer in the schools for the last 17 years.

The first person I hired on my congressional staff was a black woman. Why? Because she was the most experienced caseworker on Capitol Hill that I knew, and she deserved it!

Today, as your Congressman, I know full well how powerful partnerships can be. That is why I am fighting to recognize the importance of African-Americans, working to build better schools, and striving to bring fair treatment and economic security to every American in our district.

Education and the best public schools possible are at the foundation of our efforts to build a lasting and positive partnership for America. That is why I am committing my time and energy in Washington and at home in North Carolina to better schools, better teachers, and better opportunities for our students. I have cosponsored:

HR 1154 The Partnership to Rebuild America's Schools Act. This bill would provide $77.1 million for school construction in North Carolina. Our district would be eligible to receive nearly $21 million. The money would go toward paying up to 50% of the interest on school bonds.

I am also an original Cosponsor of the State Infrastructure Bank Act. This legislation would establish State Infrastructure Banks (SIBs) for school construction. The proposal is based on the SIBs for the transportation program established through the National Highway System Act during the 104th Congress and is also similar to the widely successful State Revolving Funds (SRFs) used for Clean Water Act and Safe Drinking Water Act infrastructure improvements.

The Computer Donation Incentive Act, HR 1278, will allow companies to donate computer equipment and software, as well as training related thereto, to elementary and secondary schools for use in their educational programs. It will also allow donations to organizations that work with the disabled. This bill is designed to provide an incentive for businesses to donate equipment to local public schools.

I also supported HR 2264, the bill that appropriates funds for Education programs. Impact Aid was funded at $796 million, $66 million more than FY 1997. $1.1 BILLION for education reform programs. $531 million in block grants for Safe and Drug-Free Schools Programs. Over $1.5 BILLION for higher education programs such-as work study and Pell Grants. $435 million for Education Technology programs and installing computers in our schools.

On November 3, 1997, I hosted parents, teachers, school administrators, and local leaders at a summit entitled ''Successful Schools for the 21st Century.'' Three themes that focus our attention on critically important factors in education—commitment, construction, and computers—were highlighted.

I am excited about what the future holds for our district and our schools. But we should not lose sight of schools and colleges as places where we learn about character and values. Respect, responsibility, and hard work are all things that our schools can help us better understand and experience. In fact, the concern and commitment required for success, which begins in our families, should be nurtured in our schools.

With God's help, we can not only share His love, but also have His strength: to continue to recognize and respect our country's unique people, to re-commit ourselves to America's purpose, and to work together in partnership for a better future.

Will you join me in respecting America's people?

Will you join me in living up to America's purpose?

Will you join me in the partnership for a better America?

Together, we can take the steps toward a 21st century full of appreciation and hope. Much has already been done; however, I am sure you know that much more must be done.

And may we remember the words from Abraham Lincoln's last great speech—his second inaugural address—when he tells us even today:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish to work we are in, to bind up the nation's wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

I appreciate and commend each of you for your leadership within the African-American community, and I want to challenge you to never forget how great this democracy is. It is up to us to reach beyond our differences and pain and hold on to the strength to stand for what is right and what is good so that we are truly united. May God bless and strengthen us all. By his help, we will not fail!

Mr. FROST. Mr. Speaker, it is once again an honor for me to take part in this Special Order for African-American History Month. I know I join with every American in this continuing effort to educate both ourselves and our children about African-American culture and history.

One of the most underappreciated segments of American history are the scientific achievements by African-Americans. For the past one hundred years, African-Americans have made crucial inventions in engineering, performed great scientific feats, and have served as inspirations to all Americans through their perseverance and determination, yet such accomplishments go widely unnoticed.

One of those inventors was Granville Woods. Mr. Woods was a great electrician and inventive genius who developed and patented a system for overhead electric conducting lines for railroads, which aided in the development of the overhead railroad system found in contemporary metropolitan cities such as Chicago, St. Louis and New York City.

As well, in the late 1800's Woods patented the Synchronous Multiplex Railway Telegraph, which allowed train stations as well as moving trains to know each others whereabouts. Train accidents and collisions were causing great concern at the time because train stations had no way of tracking their moving trains. This invention made train movements quicker and prevented countless accidents and collisions.

Garrett Morgan, who was born in 1875, also deserves wide recognition for his outstanding contributions to public safety. Firefighters in many cities in the early 1900's wore the safety helmet and gas mask that he invented. The gas mask Morgan invented in 1912 was used during World War I to protect soldiers from chlorine gas fumes.

In 1923, Morgan received a patent for his new concept, a traffic signal to regulate vehicle movement in city areas. It is impossible to overestimate the importance of this event to our country's history. This single invention helped bring order out of the chaos of regulating pedestrian and vehicle traffic on city streets.

In more recent times, Dr. Mae Jemison was our nation's fifth African-American astronaut, and the first African-American female astronaut. In August 1992, she participated in a successful joint U.S. and Japanese science mission that made her the first African-American woman in space. Dr. Jemison's perseverance and success as as astronaut should serve as an inspiration to all Americans.

Mr. Speaker, when we honor great achievements in science by African-Americans, we inspire the next generation of Americans to achieve great things. I hope that all of our young people take a moment during African-American History month to reflect on what they can do in their communities and in their lives to make a difference.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Special Order regarding Black History Month.

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

There was no objection.

REPORT ON HOUSE RESOLUTION 355, DISMISSING THE ELECTION CONTEST AGAINST LORETTA SANCHEZ

Mr. THOMAS (during the special order of Mr. STOKES), from the Committee on House Oversight, submitted a privileged report (Rept. No. 105–416) on the resolution (H. Res. 355) dismissing the election contest against LORETTA SANCHEZ, which was referred to the House Calendar and ordered to be printed.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by saluting my colleague, the gentleman from Ohio (Mr. LOUIS STOKES). This is an annual Special Order that he has sponsored for many years, and we regret the fact that this is the last time that he will do it. We thank him very much for keeping the torch alive, and I assure him that in his memory the caucus will continue this tradition for years to come.

The gentleman from Ohio goes home to Cleveland, where there is the whole public library, a brand new pace setting state-of-the-art library, named after him. Cleveland also is a place where there is a new kind of macroeconomics reaching out to encourage and embrace all business, but certainly offering a great opportunity for black businesses, African-American businesses. Cleveland is setting an example with a progressive mayor, I suppose one of the protégée of the gentleman from Ohio (Mr. LOU STOKES), and the whole tradition of the Stokes family there in Cleveland.

So I salute the gentleman. I think the theme of this year's Black History Month is very fitting and proper for him and the leadership in Cleveland, Ohio.

I also would like to note, Mr. Speaker, that I will take only 30 minutes of the hour, since none of my colleagues are here, and I want to thank the other side of the aisle for agreeing to allow us to do this back to back to give us more time to finish the Special Order on Black History.

I would like to continue in the same vein as my colleagues have proceeded before, saluting black business as a continuation of empowerment. Not a new thrust of empowerment. It is a continuation toward empowerment and it is inseparable.

What is happening with the African-American business community cannot be separated from political leadership and the history of civil rights and political developments related to the struggle for freedom of the African-American people in America. We cannot separate the two. I would like to bring that perspective to my discussion of the importance of this Black History observance this year.

We ought to become more economic minded. We should focus more on economics. We should understand we cannot separate economics from politics. They cannot be separated. They are inextricably interwoven in the history of this country. A lot of people have made a great attempt to separate economics from government, but that is not the case. That cannot happen. It is not true history when we try to do that.

The impact of the transcontinental railroad on the economic development of America is one example of how government, assuming a very aggressive position, created a situation where the industrial and business development of a nation certainly jumped forward by leaps and bounds. If the government had not taken the initiative, if the people in Washington had not said that we will subsidize the building of a transcontinental railroad, a railroad that will link the East with the West, if they had not paid so much per mile and been willing to undertake that giant project, encouraging, of course, contracting with and encouraging private enterprise to do it, it would never have happened. We would not have had the linkage between the East and the West, which made this Nation one nation in terms of business and industry.

And government, of course, has taken the initiative in many other ways, and I want to talk a little bit tonight about one of the latest initiatives. It is very small compared to the transcontinental railroad, or the building of the Tennessee Valley Authority, or the great leap forward we took when we passed the Morrill Act, the act which created the land grant colleges in every State.

Those land grant colleges were very practical institutions. They had the theoretical instruction in the classroom. I say had, but they still exist. They have the agricultural experiment stations; they have county agents that

take the knowledge and information right out to the farmers in the fields and practitioners. It is not by accident that America has the best fed population in the world. It is not by accident that we have the lowest cost food in the world. There was a lot of activity that took place, fostered by government.

The Morrill Act is at the heart of our great agricultural success in this country. We do not have anything like that on the drawing board now, but the empowerment zones that have been created are a small extension of that kind of activity by government.

Empowerment zones are designed to revitalize economically depressed areas. There are two categories of empowerment zones. One is the rural empowerment zone, and we have three of those now; and we have six urban empowerment zones, both designed to revitalize the area, but slightly different sets of guidelines for the two.

□ 2045

We have authorized already in legislation the creation of 15 additional urban empowerment zones and 5 additional rural empowerment zones, and they have a great role to play in the development of African-American business in our big cities. We have to think of business in the context of the environment created partially by the actions of government. Government must still deal with discrimination, the kind of discrimination that denies access to loans, access to capital.

Through the impetus of government, we have certain kinds of community development funds and certain kinds of pressures on banks to do more lending in African-American neighborhoods and to African-American businesses. There are a lot of activities of government that have created a situation where historic racial prejudice has played a role in depressing business activity in the African-American communities.

We have heard some glowing stories here, as is appropriate, of successful businesses and successful businessmen in the African-American community. We have also praised some existing enterprises that are quite large and on the stock market and doing very well. Black Entertainment Television, BET, is one of those examples. But behind the story of BET there is an interesting situation that demonstrates that when people say that money is color blind or the investment community is color blind, it is not true.

BET got a foothold, sort of, in the cable television industry because in the early days of cable, as cable came on line in our cities, there was a deliberate attempt by the entrepreneurs who were the owners of the early cable networks to avoid African-American communities in the big cities. There was this stereotyped notion that these people cannot pay for cable, they will not pay a subscription fee each month, they will not use cable the way the middle class will use it, or the white middle class and the suburban people. So they avoided and delayed wiring the inner city communities; they were some of the last communities wired.

But much to their shock, because they did not do accurate surveys and they violated some of their own premises in terms of the way we plan for market, the prejudice was so great that they never looked very, very closely. Much to their surprise, they found that some of their best customers and customers who were most loyal and continue and always pay their cable bills, and right now they are at the heart of the cable income in our big cities, are the African Americans, African-American communities. They use cable in great amounts despite the miscalculation, the delayed wiring of our communities.

There was another such miscalculation in the area of fast-food restaurants. For a long time the big restaurants, McDonald's and Burger King, were avoiding the opening of franchises within the inner city communities. They did not do objective market studies. It was not the fact that green is green and we can make money here and, therefore, we shall go where the money can be made; they had their own stereotypes and drawbacks that delayed the development of franchises in the inner-city communities. Now some of their highest-income-producing franchises are in inner-city communities, the fast-food restaurants.

Sometimes I think it is, perhaps, not so good that so many of our young people are existing on so much cholesterol. But that is for another discussion.

So we have an atmosphere that still is not free and objective. The marketplace is not without political interference and not without government intervention. The marketplace is not free and open.

We also need to understand some of the dynamics that have taken place historically and are still taking place which affect and impact African-American businesses. We need to understand that dynamic. We need to understand and not let it get lost, the fact that ownership is the result of inheritance mostly. You know, people who own things can start tracing back to the fact where they inherited something from their parents, and then their parents inherited something from their grandparents; and it goes back and back and back, and the line of people being able to pass things down is one of the predominant factors in the accumulation of wealth, of capital, of assets.

Now, there are some unusual situations. Bill Gates certainly is not the richest man maybe in the world because of that accumulation process. He is the beneficiary of something else, you know, the public development of electronics. The fact that the military and the Government of the United States put a great deal of investment into the development of radio, development of television, development of the Internet et cetera, laid the basis for people like Bill Gates to use their genius to capitalize on that. So those are the exceptions.

Most family studies that have been done show that in families who can trace back where they are now economically there is some indication that that was the result of money being passed down from one generation to another. Sometimes it might have been only furniture that a couple inherited or got from their parents, or maybe sometimes it is just a home, one home. Or sometimes, in fact, in this day and age, it is usually a contribution toward the down payment on a house that comes from the parents to a modern couple.

College graduates about to start out, large numbers get a little boost in terms of wedding presents or some other kind of gift from their parents which enables them to buy the house that becomes one of their major assets.

So the accumulation of wealth relies very heavily on family generations and things being passed down from one generation to the other. Given that fact, the fact that there were 232 years of slavery where people of African descent not only could not own anything, they were themselves property; for 232 years nothing could be passed down.

We cannot trace back an accumulation of assets from a present-day black family to the time that they, their parents or their ancestors were brought here in chains from Africa. We certainly cannot jump the ocean and go to some country where they had an opportunity to bring some of their wealth from their country, from their family, with them when they came. It might have just been no more than a suitcase.

Many immigrants came to America; all they had was a suitcase with clothing, meager belongings, and a few valuables maybe that were passed down. But that suitcase was far more than any slave arriving on a slave ship had, I assure my colleagues. Slaves were even deprived of association with each other. Deliberately, most slave ships and most slave traders mixed up the tribes and broke down the groups so that any inheritance of a code of honor, mores and traditions, all of that was also wiped out.

We could not have that because people spoke different languages, came from different groups. So we could not even inherit some sense of being and sense of order that came from the old country.

Africa had societies and organizations, and it is well documented, governments of various natures which could have been passed down. But all of that was deliberately wiped out. So certainly nothing concrete, nothing physical, no assets were passed on.

Imagine, 232 years, that is 7 generations, out of the loop. So when we look at people of African descent and where they are economically in the structure of America, stop and think about the

fact that there is a gap there where nothing was passed down, nothing could accumulate, no assets could be transferred for 232 years, for almost 7 generations.

That has an impact of where we are in terms of capital for African-American businesses today, in terms of wealth that exists among families so those families may support businesses.

Of course, we are an integrated society. We are not depending on segregated communities where only African-American families will support African-American businesses. There is a bigger picture now, a global situation.

Let us take a look at the global macroeconomics of today and how that impacts on African-American communities.

Parren Mitchell was one of my great heroes. He sat here. Often, he sat right there. It was his favorite seat. He was the author of the set-asides which required the Federal contracts to set aside a small portion, 10 percent. It went down to 4 percent in some bills.

But the set-aside principle was established by Parren Mitchell. The set-aside principle was based upon the fact that we needed to do something to compensate for the fact that those 232 years were imposed on people. The government was a party to that imposition.

The history and tradition, whatever makes up a country and a nation, has to take responsibility for what happened. One way to try to work out of that situation is to deal with some special treatment, compensatory treatment. What a horrible word, a horrible concept for most Americans. They just do not want anybody to have special treatment. Well, we got special treatment for 232 years. For 232 years, we were treated like no other Americans.

Even the Native Americans, who certainly have much to complain about in terms of the way they were treated, even they were not deprived of their traditions and their whole sense of family structure, as well as the right to own. Their problems are great, and I certainly think that they, too, are owed some special treatment, but we got special treatment.

One way to get out of the situation that we are in now is to have some special treatment which is compensatory. Affirmative action is compensatory treatment. Nobody wants to hear that these days. They want to see everybody as being equal.

In the world of business, nobody wants to talk about giving anybody any special favors, but let us take a look at this world of business. In macroeconomic terms, we are faced with a situation now where the United States of America has bailed out Mexico with the $20 or $30 billion loan to help the economy of Mexico. At present, we have contemplated a bailout of Indonesia, $50 or $60 billion.

We are not going to be the sole participants in the bailout, but we are going to participate, and we will probably end up, the people of America, paying the lion's share of whatever is done to bail out Indonesia's economy, Malaysia, Thailand, South Korea. They are talking about $50 to $60 billion for South Korea.

We are engaged in global economics. We are showering special treatment on certain groups. There is what I call an international banking socialism where government does step in through its International Monetary Fund or a bank.

Government steps into the market when the market is in great trouble. Government stepped in in this country to save the savings and loans, the victims of the savings and loan swindles.

The government has stepped in in Mexico. Now it proposes to do that in South Korea, in Malaysia, and Indonesia. Billions, we are talking about billions. They have used it badly.

Obviously, when you have a crash of an economy and you need a $50 billion bailout, a lot of things went wrong. A lot of things have gone wrong. Mismanagement, corruption, all kinds of things have gone wrong.

How did they get the money in the first place? It is so difficult to get a thousand dollar loan if you are an African American walking into a bank in this country. How did they get billions, and they did not have competence to manage it well? How did they get billions when they had corruption? I mean, obviously corruption could not be hidden. How did all of this happen?

Government was very much involved in South Korea during the war, Korean War. North Korea attacked South Korea, and the city of Seoul was destroyed several times. When I visited there, I was amazed at the metropolis that was built up. It took lots and lots of money and lots and lots of help from the outside, which I do not want to disparage at all. Generosity should be encouraged.

But a lot of businesses existed. We visited steel mills and automobile manufacturing plants. What I am reading in the paper now is that those plants had nothing to do with reality.

The third largest steel producer in the world is in South Korea. It did not make sense. There was no market for that much steel from that place. But they were given lots of money. Billions and billions of dollars flowed into the building of the steel industry in Korea.

□ 2100

The cars that are manufactured, rolling off the line, they do things so beautifully in terms of the mechanics and the engineering, but evidently the financing, there was something radically wrong.

How did they get from the bankers, the hard-nosed investment community, how did they get all that community, and why can't African American communities get a few billion to develop Bedford-Stuyvesant in my district, or Brownsville, to develop New York, a few billion to develop Harlem, to develop Watts in Los Angeles? When they talk about development in the inner-city communities, they start talking about a few hundred thousand here and there.

Even the empowerment zone concept, which is the most generous attempt at economic development, they have limited it to six urban areas to begin with, and three rural areas. Now we are going to add 15 more urban areas and 5 rural areas. That is very much a piecemeal approach in terms of the number of communities that can participate.

But even in the structure that they have set up, where there is the greatest amount of generosity in terms of the Federal Government providing tax credits so that private industry will come in and large amounts of tax credits are available in this situation, at the same time they are going to supply millions of dollars for loans and for some social program investment, et cetera.

It is a great program, but it is not on the level of the kind of aid we have given to Mexico or to South Korea or to Indonesia, the kind of dollars that are flowing. Private industry is not running to get into our neighborhoods, which are very good investments, because we are operating within the context of the United States of America laws. The laws, the codes, the regulations, all the things that protect businesses anywhere else in America protect businesses in the African American community.

Mr. Speaker, what I am saying is that we come to praise the fact that African-American business is moving forward at a more rapid pace. We come to praise the new opportunities and the middle class that has made those opportunities into reality. There was a great program on public television last night, Henry Louis Gates was the host of a number of interviews dealing with the fact there are two societies in the black community. One is that booming middle-class black community, growing by leaps and bounds, incomes rising, and then the other is the great majority of the black community, the African-American community, where you have tremendous suffering and the prosperity of the 1990's has not caught on there at all. High unemployment in areas like one-half of my congressional district, where unemployment has steadily been up at 15 percent for adults, and for young people it is as high as 30 percent. It has been that way for the last 10 years. It has not impacted.

We must, while we salute the progress, understand that something more has to be made to happen. We have to look at economic development in new ways.

We certainly would like to have an empowerment zone in our community. We are applying for one, along with the gentleman from New York (Mr. TOWNS) and the gentlewoman from New York (Ms. VELÁZQUEZ), trying to get an empowerment zone in Brooklyn, to get

the kind of stimulus we need to have to encourage and develop and enhance and sustain more African-American businesses, more businesses in the Hispanic community, too.

We have a situation there where hospitals are our largest employers, more than 5,000 people employed in one hospital complex in my district, and there is a danger that the politics of the situation may result in the closing down of the hospitals. The politics now are frightening us because the economic development we foresee if we get an empowerment zone, we see the hospitals being able to generate a whole set of additional businesses in our community, as they do now, they employ large numbers of people. There are cleaning services, food services, there are various other kinds of services, the people that do the repair, the x-ray machines, all kinds of services that are there that will be gone if we do not take care of the politics that are seeking to close down our hospitals and move them somewhere else.

So the politics are inseparable from the economics. We hope the encouragement, the possibilities of an economic empowerment zone, will lead to less of a drive to close down the hospitals and leave a big slum in the middle of our communities.

There are numerous other examples of how the politics have to be in place and have to work hand in hand. The government and political situation have to go hand in hand with the economic development. The whole area of tourism, which Cleveland understands very well, Lou Stokes from Cleveland, the Mayor there, understands the building of a Rock and Roll Museum in the heart of Cleveland is a great step forward economically. Just build the place that has a great attraction for people, and when they come, they bring their dollars and they support many other kinds of businesses.

The development of our big cities is one of the most outstanding museums of African-American history, is now in downtown Detroit, and they had written off downtown Detroit 10 years ago and said it would never come back. Downtown Detroit is coming back in many different ways, and one of the ways it is coming back is the political leadership has chosen to make an investment in the downtown in many ways. One of the ways they are making the investment, of course, is the building of facilities like an African-American museum that has the highest attendance of any such museum anywhere in the country.

As I close, I would like to bring to your attention the fact that I came here from a special showing by HBO of the film, Four Little Girls, a documentary film directed by Spike Lee. In that film, one of the things that I noticed right away as they depicted the Birmingham community out of which those four little girls who were murdered by the bombing in the church on a Sunday morning, they came out of very well-organized families. They came out of a community which was low- and middle-class probably, but you could see from the houses, from the neighborhood, very stable. They came out of the kind of environment that I grew up in, much poorer, we did not have brick houses, but wood houses, but there was an order and stability there, especially as the prosperity of World War II came to our communities and the prosperity right after the war. And when you have jobs and families had income, you did not have the drug problems, you did not have the disintegration, you did not have the need for large numbers of welfare.

When you take care of the economy and do what is right by the economy, and spread and share the wealth, then many other problems get solved. It is amazing how many of our communities have been torn asunder that once had so much organization, so many middle-class institutions, those kids belonged to the Girl Scouts and the Sunshine Club, and all the stuff that we now have to try to recreate in our urban communities that have been torn apart by the lack of jobs and disintegration of families, the coming of drugs, et cetera.

So the economics will blossom, the economics must blossom. They are key to revitalization of our communities and our people, but they cannot happen, it does not happen by itself. The market forces need to work hand in hand with government, and government needs to assert itself and understand that it should be there, more than just for multibillion dollar bailouts. That kind of socialism we do not need.

It should be there in terms of stimulating the economy, as it did with the Morrill Act, as it did with the Transcontinental Railroad, as it did with the GI Bill of Rights, which created a whole work force that could step forward, an intelligent, well-educated work force, created overnight, in large numbers, from the returning GI's because we provided an education, and on and on it goes.

Government and business need to work together to guarantee that there will be a continuing empowerment through business and economic development in the African-American community.

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

Mr. OWENS. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I have a few thoughts on black history that I thought that I would present tonight, and I thank the gentleman for yielding.

Mr. Speaker, I would just like to say I am here today to recognize a part of black history that sometimes people forget about, and that is that African Americans, as we all know, African Americans have played a tremendous role in ensuring American prosperity since the founding of our country. But all too long and for all too often, people are just focusing on the labor that was provided by African Americans who began as slaves and then became part of our labor force.

It is well-known that they have contributed much, and it is also well-known that in recent years African Americans have become increasingly owners of small businesses and mom and pop shops, all the way to Fortune 500 corporations.

But what is less well-known is a subject dear to my heart, and that is that black Americans have made and continue to make a vital contribution to the technological edge that America has and have made tremendous contributions to America's technological success, from the earliest days of our republic. Black Americans have, over the years, benefited from our country's strong patent system, and we have the strongest patent protection of any Nation in the world, but through the invention of black Americans, utilizing this right, by the way, at times their other rights were being totally trampled upon, but their rights for patent protection were being protected. Because of this, they have made tremendous contributions to our country, that sometimes are totally overlooked, and these contributions have added greatly to our way of life, to the quality of life of Americans.

I have a list here, quite a few African American inventors that have done things. How many people know that Elijah McCoy, a black American in 1872, had over 57 patents on engines and machinery that were part of the whole steam engine and the basis for the settling of the West and the basis for our whole industrialization of our country? Those steam engines and the parts he invented were so important that when people went back at the turn of the century to ask for parts to an engine, they would say, ''Now, is this the real McCoy?''

That is where that came from. The real McCoy was a black American who was an inventor who played such an important part in the development of the steam engine.

Lewis Howard Latimer in 1881 took Thomas Edison's light bulb, and we all know Thomas Edison invented the light bulb, but it was not practical until Howard Latimer, a black American, took that and invented a long-lasting carbon filament that replaced this original bamboo filament that Edison had been working with.

How many of our fellow Americans understand that and appreciate these types of contributions?

BLACK HISTORY RECOGNITION

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, continuing on with regard to the contributions made to America by black inventors, Granville T. Woods developed over 20 patents for engineering the railroad industry, including batteries, I might add, electric brakes and telephone transmitters.

January Ernst Matzelinger in 1889 invented an automatic shoe machine. This was part of a process of putting together shoes. Before his invention, shoes cost three or four times as much. This is something Americans forget. Back before this Matzelinger, a black American, invented this process, shoes were so expensive that most Americans did not even own a pair of shoes, or, if they did, they owned one pair of shoes in their entire life.

We all know about George Washington Carver. He, of course, is well-known to school children throughout the United States for his great scientific integrity and the work he did, especially in the investigation of food processing and peanuts and the paint industry. We know he made enormous contributions. But there are many, many more black Americans besides George Washington Carver who deserve this credit.

For example, more closely to home, James West joined Bell Labs in the late 1950's and was responsible for over 100 patents on microphones and other electronic devices.

Dr. Patricia Bath in the 1990's, and here she is one of the big supporters, I might add now, and has been making the rounds in Congress supporting a strong patent system, she is an African-American female physician who earned a patent for a medical device she developed for a technique of removing cataracts from people's eyes.

So all of these inventors benefited from the wisdom of our Founding Fathers when they put in our government and in our Constitution laws protecting people's creativity and patent rights. But they also, these individuals, in return, using those rights that were guaranteed them, made enormous contributions to the well-being of the United States of America.

□ 2115

A great statesman and, of course, President of the United States, Abraham Lincoln, of course, was probably the most well-respected among the African-American community because he did do so much to free the slaves, brought that issue of the stain of our Nation to our people, and we find that after our Civil War were able to remove that stain.

Abraham Lincoln was one of the greatest supporters of America's patent system. He himself had a patent for floating boats that had gone up on sandbars, and he said, and I quote, ''The patent system added the fuel of interest to the fire of genius,'' and not only did he give land away to people who wanted to settle the West and free the slaves, but he was a strong believer in patent rights.

Now recently, we have seen 26 Noble Laureates join us who are trying to protect the patent rights from changes they are trying to make now join us, and what is interesting, one of the people who played such an important part in the organization of those Noble Laureates and played such an important part in strengthening and keeping strong America's patent system is a black professor named James Chandler, who is the president of the National Intellectual Property Law Institute right here in Washington, D.C., and he has been a champion of this issue because he realizes that it is technological progress that does permit the quality of life of all people to rise, and that black Americans who have been left out in so many cases of the economic well-being of our country, need America to continue to be the leading world economic and technological power. When Professor Chandler speaks, I can tell my colleagues he is one of the great spokesmen for American technology today.

So as we honor the African-American community in talking about African-American history and black history and honor people such as Lincoln, let us not forget the black inventors who I think have made such an enormous contribution to our well-being and never been given the proper credit that they are due because often we are focusing on other elements and maybe more political elements of what caused this to change or that to change, but in this case the genius of black America has done so much for the American people that it deserves recognition when we talk about black history.

So I am very, very proud to be a part of this honoring black history, and I thank the gentleman for yielding to me.

Mr. OWENS. Mr. Speaker, I thank the gentleman for his observations.

THREE IMPORTANT ISSUES FOR AMERICA

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, I would like to discuss a few problems I think this country still faces. I want to mention three, but I will talk more about one in particular.

Overall, I believe this country faces a serious problem in that our government is too big. When government is big, it means that liberty is threatened. Today, our governments throughout the land consume more than half of what the American people produce. In order to do that, there has to be curtailment on individual liberty.

In the attempt to help people in a welfare-warfare state, unfortunately the poor never seem to be helped. A lot of money is spent, but due to the monetary system that we have, inevitably, the middle class tends to get wiped out and the poor get poorer, and very often in the early stages the wealthy get wealthier. In the meantime, the corporations seem to do quite well. So we live in an age where we have a fair amount of corporatism associated with the welfare-warfare state in which we live.

The three specific problems that I want to mention, and I mention these because I think this is what the American people are concerned about, and sometimes we here inside the Beltway do not listen carefully to the people around the country. The three issues are these: The first are the scandals that we hear so much about, the second is an IMF bailout, and the third has to do with Iraq.

Now, the scandals have been around a bit. We have heard about Travelgate and Filegate, and we also heard about interference in foreign policy dealing with foreign donations. Now, those I consider very serious and for this reason I join the gentleman from Georgia (Mr. BARR) in his resolution to initiate an inquiry into the seriousness of these charges. Some of these charges have been laid aside mainly because there is another scandal in the news, something that has been much more attractive to the media, and that essentially is all that we have been hearing of in the last several weeks. I think this is a distraction from some of the issues that we should deal with. But that is not the one issue that I want to dwell on this evening.

The IMF is another issue that I think is very important. This funding will be coming up soon. The Congress will be asked to appropriate $18 billion to bail out the Southeast Asian currencies and countries, and this is a cost; although we are told it does not cost anything, it does not add to the deficit, there is obviously a cost, and we cannot convince the American people that there is no cost just because of our method of budgeting and we do not add it into the deficit.

Once again, these funds, whether they go to Southeast Asia or whether they go to Mexico, they never seem to help the little people; they never help the poor people. The poor are poorer than ever in Mexico, and yet the politicians and the corporations and the bankers even in this country get the bailout. This $18 billion is nothing more than another bailout.

Now, the third issue is Iraq, and I want to talk more about that, because I am fearful we are about ready to do something very foolish, very foolish for our country, and very dangerous.

Of these three issues, there is a common thread. When we think about the scandals, we talk about international finance, a large amount of dollars flowing into this country to influence our elections and possibly play a role in our foreign policy.

Also, the IMF, which has to do with international finance, the IMF is under the United Nations and therefore it

gets a lot of attention and we are asked to appropriate $18 billion.

Then, once again, we have this potential for going to war in Iraq, again, not because we follow the Constitution, not because we follow the rule of law, but because the United Nations has passed a resolution. Some have even argued that the U.N. resolution passed for the Persian Gulf War is enough for our President to initiate the bombings. Others claim that just the legislation, the resolution-type legislation passed in 1990 that endorsed this process is enough for us to go and pursue this war venture. But the truth is, if we followed the rules and if we followed the law, we would never commit an act of war, which bombing is, unless we have a declaration of war here in the Congress. Somebody told me just yesterday that yes, but that is so old fashioned.

Just look at what we have been able to do since World War II without a declaration of war. Precisely. Why are we doing this? And precisely because when we do it, what generally happens is that we are not fighting these wars, and they are not police actions, these are wars, and we are not fighting them because of national interests. We are not fighting them for national security, and therefore, we do not fight to win, and subsequently, what war can we really be proud of since World War II? We have not won them. We set the stage for more problems later on. The Persian Gulf War has led to the stalemate that we have here today, and it goes on and on. I think this is a very important subject.

War should only be declared for moral reasons. The only moral war is a defensive war and when our country is threatened. Then it is legitimate to come to the people and the people then, through their Members in the House and Senate, and the President then declare war, and then they fight that war to win. But today that is considered very old fashioned, and the consensus here in this Congress is that it will not take much for Congress to pass a resolution.

What worries me, though, somewhat is that this resolution will not be circulated among the Members for days and weeks and have real serious debate. There is always the possibility that a resolution like this will come up suddenly. There will be little debate, and then a vote, and an endorsement for this policy. The first resolution that has been discussed over in the Senate had language very, very similar to the same language used in the Gulf of Tonkin Resolution, which endorsed the expansion of the war in Vietnam, where 50,000 men were lost, and it was done not with a declaration of war, but by casual agreement by the Congress to go along.

Congress should have and take more responsibility for these actions. It is only the Congress that should pursue an act of war. Bombing is an act of war, especially if it is a country halfway around the world and a country that has not directly threatened our national security.

All of the stories about the monstrosities that occur and how terrible the leader might be may have some truth to it, but that does not justify throwing out the rule of law and ignoring our Constitution.

This effort that is about to be launched, it has not been endorsed by our allies. It is getting very difficult to even get the slightest token endorsement by our allies to start this bombing. One would think if Saddam Hussein was a true threat to that region, his neighbors would be the first ones to be willing to march and to be willing to go to battle to defend themselves. But they are saying, do not even put your troops here, do not launch your effort from our soil, because it is not in our best interests to do so. Kuwait, the country that we went to war over not too long ago has given some token endorsement, but even their newspapers are carrying news stories that really challenge what the people might be saying about this effort.

There was a Kuwaiti professor who was quoted in a pro-government Kuwaiti newspaper as saying, the U.S. frightens us with ads to make us buy weapons and sign contracts with American companies, thus, ensuring a market for American arms manufacturers and United States continued military presence in the Middle East. That is not my opinion; that is a Kuwaiti professor writing in a government newspaper in Kuwait.

A Kuwaiti legislator who was not willing to reveal his name said the use of force has ended up strengthening the Iraqi regime rather than weakening it. Most people realize that. In the Middle East, Saddam Hussein has more credibility among his Arab neighbors than he did before the war.

Other Kuwaitis have suggested that the U.S. really wants Hussein in power to make sure his weak neighbors fear him and are forced to depend on the United States for survival.

Now, these are very important comments to be considered, especially when we are getting ready to do something so serious as to condone the bombing of another country. Just recently in The Washington Post, not exactly a conservative newspaper, talked about what Egypt's opinion was about this. This is interesting, because the interview was done in Switzerland at the World Economic Forum, and the interview was made by Lally Weymouth, and she talked to Egypt's Foreign Minister, Amre Moussa, the Foreign Minister of Egypt, our ally, a country that gets billions of dollars from us every year.

So one would expect with all this money flowing into that country that they should quickly do exactly what we want. But this Foreign Minister was rather blunt: Egypt, a key member of the Gulf War coalition, is opposed to U.S. military action in Iraq. He said, We believe that military action should be avoided and there is room for political efforts. He said, If such action is taken, there will be considerable fallout in the Arab world, he warned. He said, We are not afraid of Saddam. He added that his country believes the crisis is a result of allegations that have not been proven. Yet, we are willing to go and do such a thing as to initiate this massive bombing attack on this country, and there has been nothing proven.

Moussa also said that Iraq's possession of chemical and biological weapons must be pursued, of course. But this requires cooperation with Iraq, not confrontation. Even our President admits that more weapons have been removed from Iraq since the war ended than which occurred with the hundreds of thousands of troops in Iraq, as well as 88,000 bombs that were dropped in the whole of World War II, and it did not accomplish the mission.

☐ 2130

So he is suggesting that it is just not worth the effort and it is not going to work. And he, of course, speaks for one of our allies.

He says, ''The whole Middle East is not comfortable with this, and I do not think there is support for such an option. All of us will face the consequence of such a military attack.'' ''All of us'' means all of them, not the people here in the United States.

He said 7 years ago there was an occupation and an apparent aggression. Today it is a question over inspections, so therefore he is arguing strenuously that we not do this. The people in the Middle East, he says, see a double standard. He is talking for the Arabs.

The people in the Middle East see a double standard because the Israeli Government does not comply with U.N. Resolution 242, but we see no action. The U.S. is too strong on one and too soft on the other. The peace process is falling apart. We do know that the peace process with Israel and the Palestinians is not going smoothly, yet this is behind some of what is happening because they do not understand our policy.

He goes on to say, ''There is room for a political solution. Bear in mind the repercussions in the area. If the United States bombs, there will be Iraqi victims.'' Then he asks, ''What happens if the public sees a decisive move on the part of Iraq but not toward Israel? We have to take into consideration how the people who live near Iraq respond to something like this.''

Now, Steven Rosenfeld, in the Washington Post, on February 6, also made comments about the Middle East and the failure of the Mideast policy. And I thought he had a very interesting comment, because he certainly would not be coming at this from the same viewpoint that I have.

In his statement, this again is Rosenfeld in the Washington Post, he said, ''There is a fatal flaw at the heart

of Netanyahu's policy. He is not prepared to address the Palestinians' basic grievance. To think that Israel can humiliate the Palestinians politically and then reap the benefits of their security cooperation is foolish. It can't happen.''

Here we are being more involved in the Middle East process with Iraq in the hope that we are going to bring about peace.

What about another close ally, an ally that we have had since World War II: Turkey. Turkey is not anxious for doing this. They do not want us to take the bombers and the troops out of Turkey. As a matter of fact, they are hesitant about this. This is an article from the Washington Times by Philip Smucker. He said, ''Turkey's growing fears of a clash in Iraq are based largely on what it sees as the ruinous aftermath of the Gulf War.''

So Turkey is claiming that they are still suffering from the Gulf War.

''The people,'' and this is quoting from the Foreign Ministry Sermet Atacanli, ''the people have started thinking that Turkey is somehow being punished,'' a senior foreign official said. ''We supported the war, but we are losing now.'' So they are getting no benefits.

He said that since the war, Turkey has suffered economic losses of some $35 billion stemming from the invigorated Kurdish uprising on the Iraqi border and the shutting down of the border trade, including the Iraqi oil exports through Turkey. They used to have trade; now they do not.

We encouraged the Kurds to revolt and then stepped aside, so the Kurds are unhappy with the Americans because they were disillusioned as to what they thought they were supposed to be doing. ''Turkey's clear preference is for Iraq to regain control of its own Kurdish regions on the Turkish border and resume normal relations with Ankara.''

Further quoting the foreign ministry of Turkey, ''Iraq cannot exercise sovereignty over these regions, so there has become a power vacuum that has created an atmosphere in which terrorists operate freely.'' It has taken quite some effort for Turkish forces to deal with this problem.

What will happen if the bombs are relatively successful? More vacuum. More confusion. And more turmoil in that region.

The military goals are questioned by even the best of our military people in this country, and sometimes it is very difficult to understand what our military goals are. We do not have the troops there to invade and to take over Baghdad or to get rid of Hussein, but we have a lot of bombs and we have a lot of firepower. Yet, we are supposed to be intimidated and fearful of this military strength of Saddam Hussein. Yet even by our own intelligence reports, his strength is about one-half what it was before the Persian Gulf War started. So there is a little bit more fear-mongering there than I think is justified.

But if we do not plan to send troops, we just agree to send bombs, then it will not get rid of Hussein. Why are we doing this? Because some people question this and some people respond and say, that may be correct, maybe we do not have the ability to inflict enough damage or to kill Hussein. And some here have even suggested that we assassinate him.

Well, I am not going to defend Iraq. I am not going to defend Hussein. But I do have a responsibility here for us in the Congress to obey the law, and under our law, under the Constitution, and with a sense of morality, we do not go around assassinating dictators. I think history shows that we were involved in that in South Vietnam and it did not help us one bit.

Syria is another close neighbor of Iraq. Syria was an ally in the Persian Gulf War. Syria would like us not to do anything. Iraqi foreign minister Mohammed Saeed Sahhaf went to Damascus to see Syrian President Hafez Assad, marking the first time in 18 years that the Syrian leader met with an Iraqi official. This is one of the consequences, this is one of the things that is happening. The further we push the Iraqi people and the Iraqi Government, the further we push them into close alliances with the more radical elements in that region.

It is conceivable to me that it would be to Hussein's benefit, and he probably is not worried that much, but I do not believe it is in our interest. I do not believe it is in the interest of the American people, the American taxpayers, the American fighter pilots, and certainly long-term interest in the Middle East. We will spend a lot of money doing it. That is one issue.

We could end up having lives lost. We still have not solved all the problems and taken care of all the victims of the Persian Gulf War syndrome which numbers in the tens of thousands. Maybe we should be talking about that more than looking for more problems and a greater chance for a serious confrontation where lives were lost.

The Iraqi and the Syrian views, according to this article, are very close and almost identical in rejecting a resort to force and American military threats. We do not get support there, and we should not ignore that.

Just recently Schwarzkopf was interviewed on NBC TV's ''Meet the Press,'' and he had some interesting comments to make, very objective, very military-oriented comments. He would not agree with me on my policy or the policy that I would advocate of neutrality and nonintervention and the pro-American policy. But he did have some warnings about the military operation.

He said, ''I do not think the bombing, I don't think it will change his behavior at all. Saddam's goal is to go down in history as the second coming of Nebuchadnezzar by uniting the Arab world against the west. He may not mind a big strike if, after it, the United Nations lifts economic sanctions against Iraq.''

I am afraid that this policy is going in the wrong direction, that we are going to have ramifications of it for years to come, and that we will and could have the same type of result as we had in Vietnam that took a decade for us to overcome.

Mr. Speaker, there is no indication that this bombing will accomplish what we should do. Charles Duefler, deputy chief of the U.N. Special Commission in charge of Iraqi inspection said, ''Put bluntly, we do not really know what Iraq has.''

That is at the heart of the problem. Here is our U.N. inspector admitting that they have no idea. So how can we prove that somebody does not have something if we do not know what he is supposed to have? So the odds of this military operation accomplishing very much are essentially slim to none.

Charles Krauthammer, who would be probably in favor of doing a lot more than I would do, had some advice. He said, ''Another short bombing campaign would simply send yet another message of American irresolution. It would arouse Arab complaints about American arrogance and aggression while doing nothing to decrease Saddam's grip on power. Better to do nothing,'' Charles Krauthammer in the Washington Post. These are not my views. They are warnings that we should not ignore.

Richard Cohen from the Washington Post had some advice. He said, ''Still military action is a perilous course. It will produce what is called 'collateral damage,' a fancy term for the accidental killing of civilians and possibly the unintentional destruction of a school or mosque.''

We have heard of that before. ''That, in turn,'' he goes on to say, ''will provoke protests in parts of the Arab world, Jordan probably and Egypt as well. In both countries the United States is already considered the protector of a recalcitrant Israeli Government. As for Israel itself, it can expect that Iraq will send missiles its way armed with chemical or biological weapons.''

This is Richard Cohen warning us about some of the ramifications of what might happen.

But during these past 8 years since the war has ended, there has been no signs that that is likely to happen. It is more likely to happen that some missile or some accident will occur that will spread this war from a neat little war to something much bigger than we are interested in dealing with.

There are several other points that I would like to mention here. The one thing we cannot measure and we cannot anticipate are the accidents that happen. So often wars are caused by people being in the wrong place at wrong time, and then accidents happen and somebody gets killed, a ship is sunk, and we have to go to war.

Other times some of these events may be staged. One individual suggested the possibility of a person like Saddam Hussein actually acting irrationally and doing something radical to his own people and then turning around and blaming the United States or Israel or something like that. So we are dealing with an individual that may well do this and for his specific purposes.

But we would all be better off, not so much that we can anticipate exactly who we should help and who we should support; we have done too much of that. We help too often both sides of every war that has existed in the last 50 years, and we have pretended that we have known what is best for everybody. I think that is impossible.

I think the responsibility of the Members of Congress here is to protect the national interest, to provide national security, to take care of national defense, to follow the rules that say, we should not go to war unless the war is declared. If we go to war, we go to war to fight and win the war. But we do not go to war because we like one country over another country and we want to support them.

We literally support both sides in the Middle East, and it is a balancing act and, quite frankly, both sides right now seem to be a little bit unhappy with us. So the policy has not been working; we have not been able to achieve what we think we are able to do. But we must be very cautious on what we are doing here in the next few weeks.

People say, well, we have to do it because Hussein has so much of this firepower, he has all of these weapons of mass destruction. It was just recently reported by U.S. intelligence that there are 20 nations now who are working on and producing weapons of mass destruction, including Iran and Syria. So why do we not go in there and check them out too?

Why is it that we have no more concern about our national security concern about China? I think China can pose a national threat. I do not think we should be doing it to China. I do not think we should be looking to find out what kind of weapons they have. We know they sell weapons to Iraq. And we know they are a very capable nation when it comes to military. But what do we do with China? We give them foreign aid. They are one of the largest recipients of foreign aid in the whole world.

□ 2145

So we do not apply the rules to all the countries the same, and we get narrowed in on one item and we get distracted from many of the facts that I think are so important. Some people believe that it is conceivable that the oil is even very important in this issue as well.

We obviously knew the oil was important in the Persian Gulf War because it was said that we were going over there to protect our oil. Of course, it was Iraqi oil but some people believe sincerely that keeping this Iraqi oil off the market helps keep the prices higher and they do not need that to happen.

As a matter of fact, it was in the Wall Street Journal today that that was further suggested. It said: Equally important the U.S. must terminate illegal oil exports from the Iraqi port of Basra.

There, submerged barges depart daily for Iran, which sells the oil and, after a hefty rake-off, returns the proceeds to fund Saddam. So there are sales and there might be people that are looking at this mainly as a financial thing dealing with oil.

The odds now of us being able to stop this bombing I think are pretty slim. I think that is rather sad because it looks like there will be a resolution that will come to the floor. There probably will not be a chance for a lot of debate. It will come up under suspension possibly and yet in the words may be toned down a little bit.

It might not be identical to the Gulf of Tonkin Resolution. But all I would like to do is point out to my colleagues that this is more important than it appears, and we should not be so glib as to give this authority, to give the cover for the President to say, well, the Congress said it was okay. I do not think the Congress should say it is okay, because I think it is the wrong thing to do. And I think it could lead to so many, so many more problems.

So we have a responsibility. If the responsibility is that Saddam Hussein is a threat to our national security, we should be more honest with the American people. We should tell them what the problem is. We should have a resolution, a declaration of war.

Obviously, that would not pass but it looks like it will not be difficult to pass a resolution that will condone and give sanction to whatever the President does regardless of all the military arguments against it.

So I see this as really a sad time for us and not one that we should be proud of. I do know that the two weakest arguments I can present here would be that of a moral argument, that wars ought to be fought only for defense and for national security. I have been told that is too old-fashioned and we must police the world, and we have the obligation. We are the only superpower.

Well, I do not think that is a legitimate argument. I do have a lot of reservation that we are so anxious to go along with getting authority elsewhere, and that is through the United Nations. When the Persian Gulf War was started, getting ready to start, it was said that we did not need the Congress to approve this because the authority came from the United Nations resolution.

Well, that to me is the wrong way to go. If we are involved in internationalism, where international financing now is influencing our presidential election, if international finances demand that we take more money from the American taxpayers and bail out southeast Asian countries through the IMF and that we are willing to have our young men and women be exposed to war conditions and to allow them to go to war mainly under a U.N. resolution and a token endorsement by the Congress, I think this is the wrong way to go.

I do realize that we have been doing it this way for 40 or 50 years. But quite frankly, Mr. Speaker, I do not believe the American people are all that happy about it. I have not yet had anybody in my district come up to me and start saying, RON, I want you to get up there and start voting. I want to see those bombs flying.

As a matter of fact, I have had a lot of them come and say, why are you guys up there thinking about going to war? I have had a lot of people talk about that. So we should not do this carelessly and casually.

There is no reason in the world why we cannot be willing to look at the rule of law. The rule of law is very clear. We do not have the moral authority to do this. This is, we must recognize, this is an act of war.

When the resolution comes up to the floor, no matter how watered down it is, I think everybody should think very seriously about it and not be careless about it, not wait until a decade goes by and 50,000 men are killed. I think that is the wrong way to do it.

There is nothing wrong with a pro-American foreign policy, one of nonintervention, one where we are neutral. That was our tradition for more than 100 years. It stood out in George Washington's farewell address, talk about nonentangling alliances. These entangling alliances and our willingness to get involved has not been kind to us in the 20th century. So we should really consider the option of a foreign policy that means that we should be friends with all.

People will immediately say that is isolationism. Even if you are not for the IMF bailout, this argument really bewilders me. If you are not for the $18 billion bailout of the IMF, you are an isolationist. You can be for free trade and get rid of all the tariffs and do everything else, but if you are not willing to give your competitors more money and bail them out and bail out the banks, you are an isolationist. You are not for free trade. It is complete nonsense. There is nothing wrong with isolating our military forces.

We do not have to be the policemen of the world. We have not done a good job and the world is not safer today because of our willingness to do this. One act leads to the next one. We are still fighting the Persian Gulf War, and it sounds to me like we are losing our allies. We must take this under serious advisement. We must not be too anxious to go and do something that we could be very sorry for.

I know that people do not like this statement I am going to be making to

be made, but I think there should be a consideration for it. So often Members here are quite willing to vote to put ourselves and our men in harm's way that could lead to a serious confrontation with many deaths. But if those individuals who claim that it would be best to assassinate Saddam Hussein or put land troops on there, I wonder if they would be willing to be the first ones on the beachhead. That really is the question. That is a fair statement.

If you are willing to go yourself, if you are willing to send your child, then it is more legitimate to vote casually and carelessly to go marching off with acts of war. But if that individual who is getting ready to vote, if he himself or she herself is not willing to land on that beach and risk their lives, they should think a second time.

In a war for national defense, if this country is threatened, every one of us should participate in it. We should and we can. We could do it our way, to participate in the defense of this country. But once it is being involved in a casual and a careless manner with not knowing what the goals are, not knowing what victory means, not fighting to win, this can only lead to bigger problems.

This is the time to reassess it. I know time is running short. Everybody is afraid of losing face. Some people say, well, how do we back off and we cannot let Saddam Hussein lose face, and what about our own politicians who have been saying that we must do something. They will lose face. Would that not be the worst reason in the world to do this, because they are afraid of losing face because we threatened them? If it is the wrong thing to do, we should not do it. And there seems to me to be no direct benefit to the American people, certainly no benefit to the American taxpayer, certainly no benefit to peace in the Middle East. It is more likely to cause more turmoil. It is more likely to unify the Islamic fundamentalists like they have never been unified before.

So what we are doing here is very serious business. Unfortunately, it looks like it is going to happen and it looks like there will be one or two or three or four of us that will say, go slow, do not do this, let us question this. But unfortunately, the only significant criticism we have had of the policy has been, do more faster.

We do not need to do more faster. We need to do less quicker, much less quicker. Nothing has been happening in the last few years, the last few weeks. Does President Clinton need to bomb over the weekend or next week or two weeks from now? I say absolutely not. There is no need for this.

Saddam is weaker than he used to be. He could be stronger after this is finished. So we must be cautious. We must take our time and think about this before we go off and make this declaration. It sounds like a lot of fun. We have a lot of bombers. We have a lot of equipment that we have to test, and we can go over there and see if the B–1 and the stealth bombers will work a little bit better than they have in the past. But this is not a game. This is not a game. This is serious business.

One item like this, one event like this can lead to something else, and that is what we have to be cautious about. We cannot assume that, yes, we can bomb for a day or two or three or four and the stronger the rhetoric the more damage we are going to do. We need less rhetoric. We as a Nation have on occasion been the initiators of peace talks. We encourage the two groups in the Middle East, the Israelis and the Palestinians. We bring them to our country. We ask them to sit down and talk. Please talk before you kill each other. We go to the Protestants and we go to the Catholics and we say, please talk, do not kill each other. Why do we not talk more to Hussein? He is willing to.

I know, I mean you have to take his word with a grain of salt, but would it not be better to sit down across the table and at least talk rather than pursue a course that, a military course that may be more harmful?

If this would be a guarantee that it would get a lot better and that we would solve a lot of problems, maybe we could consider it. But even those who advocate this do not claim they know when the end stage is, what the ultimate goal is, and that they would expect success. They are not expecting this. They just want to bomb, bomb people. Innocent people will die. Those pictures will be on television.

And I, quite frankly, do not believe the polls that most Americans want us to do this. I go home; I talk to a lot of my constituents. I do not find them coming and saying, do this. They do not even understand, the people who come and talk to me, they ask me what is going on up there. Why are they getting ready to do this?

I mean, most people in this country cannot even find where Iraq is on the map. I mean, they are not that concerned about it. And yet all we would have to do is have one ship go down and have loss of life and then all of a sudden, then do we turn tail? Then is it that we do not lose face after we lose 1,000 men by some accident or some freakish thing happening?

Sure, we will lose more face then. But we can save face if we do what is right, explain what we are doing and be open to negotiations. There is nothing wrong with that. I mean, there has not been a border crossing.

The other thing is it would be nice if we had a policy in this country, a foreign policy that had a little bit of consistency. I have been made fun of at one time on the House floor for being consistent and wanting to be consistent.

I do not particularly think there is anything wrong with being consistent. I think there should be a challenge on my ideas or our ideas. We should challenge ideas. But if you want to be consistent, if they are the right ideas, you should be consistent. But we talk about this horrible country, I am not defending the country and I am not defending Hussein, but we criticize him as an individual who invaded another country. I wonder what they are talking about.

I wonder if they are talking about when he invaded Iran with our encouragement and our money and our support. Is that what they are talking about? Or are they talking about the other invasion that we did not like because it was a threat to western oil? I think that might be the case.

So they talk about poison gas. Yes, there is no doubt about it. I think the evidence is out that he has used poison gas against his own people. Horrible, killed a lot of people. But never against another country, which means the line could be drawn by if he had ever used these weapons. We cannot investigate 20 countries. We cannot investigate North Korea. We cannot investigate China. Why do we have this obsession with investigating this country? But poison gases, under international agreements, we are not supposed to use poison gases.

Poison gases, we used them, not against a foreign power but we used them against our own people. No, we did not have a mass killing but those families understood it. Over 100, more than 100, 150 people were gassed with gas that was illegal, according to our own agreements, and we used them at Waco.

So at one time we were an ally of a country, at the same time he is using poison gas and invading another country and then, when he invades the wrong country, then we give him trouble.

□ 2200

For many, many years, Noriega was our ally, and he was no angel when he was our ally. He received money from the CIA, but all of a sudden he wanted to be his own drug lord. He did not want to be beholding to our CIA, so we had to do something about him.

There is nothing wrong with a foreign policy that is consistent based on a moral principle and on our Constitution. That means that the responsibility of the U.S. Congress is to provide for a strong national defense. There is nothing wrong with being friends with everybody who is willing to be friends with us. There is nothing wrong with trading with as many people that will trade with us, and there is nothing wrong with working for as low tariffs as possible.

There is no reason why we should not consider at least selling some food and medicine to Castro. We have had a confrontation with Castro now for 40 years, and it has served him well because his socialism and his communism was an absolute failure. But he always had a scapegoat. It was the Americans. It was the Americans because they boycotted and they would

not trade and, therefore, that was the reason they suffered. So it served him well.

I would think that being willing to talk with people, if we believe in our system, if we believe that liberty is something to be proud of and that that works, I am convinced that it is better to have set an example to talk with people, trade with people, and go back and forth as freely as possible and we will spread our message much better than we ever will with bombs.

How many bombs did we drop in South Vietnam? How many men were lost on our side? How many people were lost on the other side? How many innocent people were lost? So the war ends, after a decade. After a decade of misery in this country where we literally had to turn on our own people to suppress the demonstrations. But today I have friends who are doing business in South Vietnam, making money over there, which means that trade and talk works. They are becoming more Westernized.

This whole approach of militancy, believing that we can force our way on other people, will not and cannot work. Matter of fact, the few quotes that I used here earlier are indicating that we are doing precisely the wrong thing; that we are further antagonizing not only our so-called enemies, but we are further antagonizing our allies. So if there is no uniformity of opinion of the neighbors, of Iraq, that we should be doing this, if we will not listen to the moral, if we will not listen to the constitutional issue, we should listen to the practical issue. His neighbors do not want us to do it.

And what are we going to prove? We should not do it. We should reassess this. We should decide quietly and calmly and deliberately in this body that quite possibly the move toward internationalism, abiding by the U.N. resolutions, paying through the nose to the IMF to bail out the special interests, never helping the poor but always helping the rich, encouraging a system that encourages foreign countries to come in and buy influence, should be challenged. We should change it.

And we do not have to be isolationists. We can be more open and more willing to trade and talk with people and we will have a greater chance of peace and prosperity. That is our purpose. Our purpose is to protect liberty. And we do not protect American liberty by jeopardizing their liberty and the wealth of this country by getting involved when we should not be involved.

The world is a rough enough place already, and there will continue to be the hot spots of the world, but I am totally convinced that a policy of American intervention overseas, subjecting other nations to our will, trying to be friends to both sides at all times, subsidizing both sides and then trying this balancing act that never works, this is not going to work either. It did not work in the 1980s when we were closely allied and subsidizing Hussein and it will not work now when we are trying to bomb him.

Neither will it work for us to not have somewhat of a consistent policy to ignore the other countries that are doing the very same thing at the same time the real threat possibly could be a country like China. And what do we do? We give them billions and billions of dollars of subsidies.

There is nothing wrong with a consistent defense of a pro-America foreign policy. People will say, well, the world is different and we have to be involved. That is exactly the reason that we ought to be less aggressive. That is exactly the reason why we ought to take our own counsel and not do these things. Because we live in an age where communications are much more rapid. The weapons are much worse. There is every reason in the world to do less of this, not more of it.

But none of this could happen. We could never move in this direction unless we asked a simple question: What really is the role of our government? Is the role of our government to perpetuate a welfare-warfare state to take care of the large special interests who benefit from this by building weapons and buying and selling oil? No, the purpose cannot be that.

The welfare-warfare state does not work. The welfare for poor is well-motivated; it is intended to help people, but it never helps them. They become an impoverished, dependent class. And we are on the verge of bankruptcy, no matter what we hear about the balanced budget. The national debt is going up by nearly $200 billion a year and it cannot be sustained. So this whole nonsense of a balanced budget and trying to figure out where to spend the excess is nonsense. It just encourages people to take over more of the responsibilities that should be with the American people.

We here in the Congress should be talking about defending this country, providing national security, providing for a strong currency, not deliberately distorting the currency. We should be protecting private property rights and making sure that there is no incentive for the special interests of this country to come and buy their influence up here.

We do not need any fancy campaign reform laws. There is no need for those. We need to eliminate the ability of the Congress to pass out favors. I do not get any PAC money because there is no attempt to come and ask me to do special favors for anybody. I get a lot of donations from people who want liberty. They want to be left alone, and they know, they know that they can take care of themselves.

Now, this point will not be proven until the welfare state crumbles, and it may well crumble in the next decade. The Soviet system crumbled rather suddenly. We cannot afford to continue to do this, but we must be cautious not to allow the corporate state and the militant attitude that we have with our policy to rule. We have to decide here in this country, as well as in this body, what we want from our government and what kind of a government we want.

We got off from the right track with the founders of this country. They wrote a good document and that document was designed for this purpose, for the protection of liberty. We have gone a long way from that, until now we have the nanny state that we cannot even plow our gardens without umpteen number of permits from the Federal Government. So our government is too big, it is too massive, and we have undermined the very concept of liberty.

Foreign policy is very important because it is under the conditions of war; it is under the condition of foreign confrontation that people are so willing to give up their liberties at home because of the fear. We should avoid unnecessary confrontations overseas and we should concentrate on bettering the people here in this country, and it can best be done by guaranteeing property rights, free markets, sound money, and a sensible approach to our foreign policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Florida (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and Thursday, February 12, on account of a death in the family.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and Thursday, February 12, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SANCHEZ) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois for 5 minutes, today.

Mr. RAHALL for 5 minutes, today.

Ms. SANCHEZ for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Mrs. MALONEY of New York for 5 minutes, today.

Ms. JACKSON-LEE for 5 minutes, today.

Mr. THOMPSON of Mississippi for 5 minutes, today.

Mr. KLINK for 5 minutes, today.

Ms. MILLENDER-MCDONALD for 5 minutes, today.

Mrs. MEEK for 5 minutes, today.

Ms. BROWN of Florida for 5 minutes, today.

Mr. SNYDER for 5 minutes, today.

Mr. STOKES for 60 minutes, today.
Mr. OWENS for 60 minutes, today.
(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)
Mr. RIGGS for 5 minutes, today.
Mr. SOUDER for 5 minutes, on February 12.
Mr. SHAYS for 5 minutes, today.
Mr. ADERHOLT for 5 minutes, today.
Mr. RILEY for 5 minutes, today.
Mr. JENKINS for 5 minutes, today.
Mr. SHIMKUS for 5 minutes, on February 12.
Mr. COX of California for 5 minutes, on February 12.
Mrs. LINDA SMITH of Washington for 5 minutes, on February 12.
Mr. PAPPAS for 5 minutes, on February 12.
Mr. JONES for 5 minutes, on February 24.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Ms. SANCHEZ) to revise and extend their remarks and to include extraneous matter:)
Mr. TIERNEY
Mr. SKELTON
Mr. LIPINSKI
Mr. HAMILTON
Mr. VENTO
Mr. MILLER of California
Mr. SCHUMER
Mr. UNDERWOOD
Mr. TOWNS
Mr. TRAFICANT
Mrs. MALONEY of New York
Ms. SANCHEZ
Ms. SLAUGHTER
Mr. WEYGAND of Rhode Island
Mr. STARK
Mr. PASCRELL
Mr. KLECZKA
Mr. BONIOR
Mr. ACKERMAN
Mr. STOKES
Mr. BENTSEN of Texas
Mr. CLYBURN
Mr. WISE
Mr. BOYD
Ms. JACKSON-LEE
Mr. KILDEE
Mrs. MINK of Hawaii
Mr. FARR of California
(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous matter:)
Mr. RADANOVICH
Mr. OXLEY
Mr. GALLEGLY
Mr. BILIRAKIS
Mr. GILMAN
Mr. CHRISTENSEN
Mr. CRAPO
Mr. SHIMKUS
Mr. DAVIS of Virginia
Mr. SOLOMON
Ms. ROS-LEHTINEN
Mrs. MORELLA
Mrs. ROUKEMA
Mr. WELLER
Mr. FRANKS of New Jersey
Mr. SMITH of New Jersey
Mr. EWING
Mr. FORBES
(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)
Mr. HUTCHINSON.
Mr. BROWN of California.
Mr. JENKINS.
Mr. LAFALCE.
Ms. STABENOW.
Ms. NORTON.
Mr. LANTOS.
Mr. DEUTSCH.
Mr. ORTIZ.
Mr. FRELINGHUYSEN.
Mr. ADERHOLT.
Mr. RIGGS.
Mr. WATTS of Oklahoma.
Mr. TAUZIN.
Mr. ROHRABACHER.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, February 12, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7033. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146; Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV97–998–3 FIR] received January 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7034. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Decreased Assessment Rate [Docket No. FV98–979–1 IFR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7035. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV97–989–3 FIR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7036. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Fire Ant Quarantined Areas [Docket No. 97–101–1] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7037. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Intermediary Relending Program (RIN: 0570–AA15) received January 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7038. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Terbacil; Extension of Tolerance for Emergency Exemptions [OPP–300611; FRL–5768–1] (RIN: 2070–AB78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7039. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxyfluorfen; Extension of Tolerance for Emergency Exemptions [OPP–300610; FRL–5767–9] (RIN: 2070–AB78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7040. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Title IV Conservators, Receivers, and Voluntary Liquidation (RIN: 3052–AB09) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7041. A letter from the Administrator, Rural Housing Service, transmitting the Service's final rule—Electric System Operations and Maintenance (RIN: 0572–AA74) received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7042. A communication from the President of the United States, transmitting his requests for FY 1998 supplemental appropriations for the Department of State and the International Monetary Fund, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—213); to the Committee on Appropriations and ordered to be printed.

7043. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Air Force Space Command is initiating a cost comparison of libraries at F.E. Warren Air Force Base, Wyoming, Patrick AFB, Florida, Peterson AFB, Colorado, Malmstrom AFB, Montana, and Vandenberg AFB, California, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7044. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Wright-Patterson Air Force Base, Ohio, has conducted a cost comparison to reduce the cost of certain operating logistics functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7045. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7046. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the decision to convert to contractor performance the operation of Family Services Center at Naval Base San Diego, San Diego, CA, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7047. A letter from the Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report to Congress for Department of Defense purchases

from foreign entities in fiscal year 1997, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on National Security.

7048. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the feasibility of using private-sector sources for air transportation of military personnel and cargo, pursuant to Public Law 104–106, section 365(a) (110 Stat. 275); to the Committee on National Security.

7049. A letter from the Secretary of Defense, transmitting the 1998 Department of Defense Annual Report to the President and the Congress, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on National Security.

7050. A letter from the Secretary of Defense, transmitting the Department's report on Payment of Restructuring Costs Under Defense Contracts for FY 1997, pursuant to 10 U.S.C. 2324 nt.; to the Committee on National Security.

7051. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers under License Exception CTP [Docket No. 980113010–8010–01] (RIN: 0694–AB65) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7052. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of Domestic Source Restrictions [DFARS Case 97–D321] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7053. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Warranties in Weapon System Acquisitions [DFARS Case 97–D326] received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7054. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter stating that the report on Reserve retirement initiatives will be submitted on or about April 30, 1998, pursuant to Public Law 104–201, section 531; to the Committee on National Security.

7055. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter stating that the report on Reserve retirement initiatives will be submitted on or about January 30, 1998, pursuant to Public Law 104–201, section 531; to the Committee on National Security.

7056. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting a letter stating that the report regarding funds expended for performance of depot-level maintenance and repair by the public and private sectors is being prepared and will be forwarded shortly, pursuant to 10 U.S.C. 2466(e); to the Committee on National Security.

7057. A letter from the Comptroller of the Currency, transmitting the biennial report on compliance by insured depository institutions with the National Flood Insurance Program for the period September 1, 1995 through August 31, 1997, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

7058. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to Real Estate Settlement Procedures Act Regulation (Regulation X)—-Escrow Accounting Procedures [Docket No. FR–4079–F–02] (RIN: 2502–AG75) received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7059. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Property Disposition Officer Next Door Sales Program [Docket No. FR–4277–N–01] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7060. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Electronic Payment of Multifamily Insurance Premiums [Docket No. FR–4203–F–02] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7061. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grants: New York Small Cities Program [Docket No. FR–4155–F–02] (RIN: 2506–AB91) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7062. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Use of Materials Bulletins Used in the HUD Building Product Standards and Certification Program [Docket No. FR–4137–F–02] (RIN: 2502–AG84) received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7063. A letter from the Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping by Card Clubs (RIN: 1506–AA18) received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7064. A letter from the Acting Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Conditional Exceptions to Bank Secrecy Act Regulations Relating to Orders for Transmittals of Funds by Financial Institutions [31 CFR Part 103] received January 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7065. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Production of Nonpublic Records and Testimony of NCUA Employees in Legal Proceedings [12 CFR Part 792] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7066. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act 1985, as amended; to the Committee on the Budget.

7067. A letter from the Secretary of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1997, pursuant to Public Law 102–325, section 1203 (106 Stat. 794); to the Committee on Education and the Workforce.

7068. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Mine Shift Atmospheric Conditions; Respirable Dust Sample (RIN: 1219–AA82) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7069. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1997, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

7070. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7071. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 97–35: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961; to the Committee on Commerce.

7072. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's report entitled ''Annual Energy Outlook 1998,'' pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Commerce.

7073. A letter from the Secretary of Energy, transmitting a copy of the annual report on the Coke Oven Emission Control Program for fiscal year 1997, pursuant to Public Law 101–549, section 301 (104 Stat. 2559); to the Committee on Commerce.

7074. A letter from the Secretary of Health and Human Services, transmitting the FY 1995 report describing the activities and accomplishments of programs for persons with developmental disabilities and their families, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

7075. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule—Telecommunications Act Accessibility Guidelines [Docket No. 97–1] (RIN: 3014–AA19) received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7076. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Securities Credit Transactions; Borrowing by Brokers and Dealers [Regulations G, T, U, and X; Docket Nos. R–0905, R–0923 and R–0944] received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7077. A letter from the Chief Financial Officer, Department of Energy, transmitting the annual report of compliance activities undertaken by the Department for mixed waste streams during FY 1996, pursuant to 42 U.S.C. 6965; to the Committee on Commerce.

7078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA–98–3296] (RIN: 2127–AF41) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7079. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, Texas: 15% Rate-of-Progress Plan, 1990 Emission Inventory, Motor Vehicle Emission Budget, and Contingency Plan for the Beaumont/Port Arthur Ozone Nonattainment Area [TX82–1–7336b; FRL–5962–5] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7080. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Arizona—Maricopa County Ozone and PM10 Nonattainment Areas [AZ 071–009; FRL–5957–4] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7081. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Approval of Delegation of Authority to New Mexico [FRL–5962–4] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7082. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clarification to Technical Amendments to Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines [FRL–5957–2] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [IA 037–1037a; FRL–5955–4] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7084. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Washington [WA9–1–5540, WA28–1–6613, WA34–1–6937; FRL–5951–2] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7085. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Butanamide, 2,2'—[3'dichloro[1,1'-biph nyl]-4,4'-diyl)bisazobis N–2,3-dihydro-2-oxo-1H-benximdazol-5-yl -3-oxo-; Significant New Use Rule [OPPTS–50620D; FRL–5757–3] (RIN: 2070–AB27) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Auction Offerors to Set Minimum Prices in Increments of $0.01 [FRL–5961–4] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reimbursement to Local Governments for Emergency Responses to Hazardous Substance Releases [FRL–5958–1] (RIN: 2050–AE36) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Wisconsin [WI75–01–7304; FRL–5958–7] received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District; Monterey Bay Unified Air Pollution Control District; Ventura County Air Pollution Control District [CA 172–0040a; FRL–5956–9] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans; Texas; Disapproval of Revisions to the State Implementation Plan [TX35–1–6168; FRL–5962–3] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7091. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ 017–0007; FRL–5956–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7092. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ017–0008; FRL–5957–6] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Michigan [MI56–01–7264a; FRL–5961–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas; Revision to the Texas State Implementation Plan; Alternate Reasonably Available Control Technology Demonstration for Raytheon TI Systems, Inc. [TX–85–1–7344a; FRL–5955–8] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Particulate Matter and Revised Requirements for Designation of Reference and Equivalent Methods for PM2.5 and Ambient Air Quality Surveillance for Particulate Matter [AD-FRL–5963–3] (RIN: 2060–AE66) received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule—Emission Standards for Locomotives and Locomotive Engines [FRL–5939–7] (RIN: 2060–AD33) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7097. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mills, Wyoming) [MM Docket No. 97–44, RM–8974] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7098. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chewelah, Washington) [MM Docket No. 97–65, RM–9002] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7099. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Westport, Washington) [MM Docket No. 97–83, RM–8948] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7100. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Augusta, Mississippi) [MM Docket No. 97–184, RM–9120] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7101. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Soldiers Grove, Wisconsin) [MM Docket No. 97–210, RM–9166] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7102. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lindsborg, Kansas) [MM Docket No. 97–183, RM–9119] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7103. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tylertown, Mississippi) [MM Docket No. 97–45, RM–8961] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7104. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pueblo, Pueblo West, Canon City and Calhan, Colorado) [MM Docket No. 96–232; MM Docket No. 97–35] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7105. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Satellite Beach, Florida) [MM Docket No. 97–221, RM–9181] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7106. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kellnersville and Two Rivers, Wisconsin) [MM Docket No. 97–52, RM–8987, RM–9098] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7107. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carrizo Springs, Corpus Christi, George West, Pearsall, and Three Rivers, Texas) [MM Docket No. 91–283, RM–7807, RM–8772] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7108. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's ''Major'' final rule—Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands; Implementation of Section 309(j) of the Communication's Act—Competitive Bidding, 37.0–38.6 GHz and 38.6–40.0 GHz [ET Docket No. 95–183, RM–8553; PP Docket No. 93–253] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7109. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revising the Announcement Procedures for Approvals and Denials of Premarket Approval Applications [Docket No. 97N–0133] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7110. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Financial Disclosure by Clinical Investigators [Docket No. 93N–0445] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7111. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled ''Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1997,'' pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

7112. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Nuclear Fuel Cycle Facility Accident Analysis Handbook [NUREG–1320] received January 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7113. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

7114. A letter from the Secretary of Health and Human Services, transmitting the ''Report on a Sentinel Disease Concept Study,'' pursuant to Public Law 103–43; to the Committee on Commerce.

7115. A letter from the Secretary of Health and Human Services, transmitting the report on evaluating the Ryan White CARE Act program accomplishments, pursuant to Public Law 101–381 and Public Law 104–146; to the Committee on Commerce.

7116. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Beneficial Ownership Reporting Requirements [Release No. 34–39538; File No. S7–16–96 International Series—1111] (RIN: 3235–AG81) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7117. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Plain English Disclosure [Release Nos. 33–7497; 34–39593; IC–23011 International Series No. 1113; File No. S7–3–97] (RIN: 3235–AG88) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7118. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of 1 October 1997, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7119. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7120. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 1997, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7121. A letter from the Acting Director, Defense Security Assistance Agency, transmitting reports containing the status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7122. A letter from the Acting Secretary, Department of State, transmitting a report which sets forth all sales and licensed commercial exports pursuant to section 25(a)(1) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

7123. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's ''Annual Report for Fiscal Year 1997'' and the ''1998 Foreign Policy Export Controls Report,'' pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

7124. A letter from the Under Secretary (Personnel and Readiness), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1997, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

7125. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1997, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

7126. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7127. A letter from the Director, Bureau of Economic Analysis, Economics and Statistics Administration, transmitting the Administration's final rule— Direct Investment Surveys: BE–12, Benchmark Survey of Foreign Direct Investment in the United States—1997 (RIN: 0691–AA08) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7128. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in December 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

7129. A letter from the Principal Deputy Assistant Secretary for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7130. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Adoption of Revised OMB Circular A–133; Administrative Requirements for Grantees to Reflect the Single Audit Act Amendments of 1996 [Docket No. FR–4258–I–01] (RIN: 2501–AC40) received December 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7131. A letter from the Attorney General, Department of Justice, transmitting the FY 1999 Summary Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7132. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Government Contractors, Affirmative Action Requirements, Executive Order 11246; Approval of Information Collection Requirements and OMB Control Numbers; Correction (RIN: 1215–AA01) received December 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7133. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Privacy Act; Implementation [Docket No. OST–96–1472] (RIN: 2105–AC68) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7134. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the report entitled ''District of Columbia Public Schools Performance Audit: Fiscal Year 1997 Capital Improvement Program Procurement Process''; to the Committee on Government Reform and Oversight.

7135. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of the General Purpose Financial Statements and Independent Auditor's Report for the fiscal year ended September 30, 1997; to the Committee on Government Reform and Oversight.

7136. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7137. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7138. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1998 Annual Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7139. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors [5 CFR Part 1605] received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7140. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

7141. A letter from the Acting Comptroller General, General Accounting Office, transmitting the Comptroller General's 1997 Annual Report, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Reform and Oversight.

7142. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting

the Administration's final rule—Federal Acquisition Regulation; New Mexico Gross Receipts and Compensating Tax [FAC 97–03; FAR Case 97–018; Item VI] (RIN: 9000–AH79) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7143. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Part 30 Deviations [FAC 97–03; FAR Case 97–014; Item I] (RIN: 9000–AH77) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7144. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Information Technology Management Reform Act of 1996 [FAC 97–03; FAR Case 96–319; Item II] (RIN: 9000–AH75) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7145. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Final Overhead Settlement [FAC 97–03; FAR Case 95–017; Item III] (RIN: 9000–AG87) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7146. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reorganization of FAR Part 13, Simplified Acquisition Procedures [FAC 97–03; FAR Case 94–772; Item IV] (RIN: 9000–AH24) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7147. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reporting Trade Sanction Exemptions [FAC 97–03; FAR Case 97–021; Item V] (RIN: 9000–AH80) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7148. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Compensation of Certain Contractor Personnel [FAC 97–03; FAR Case 96–325; Item VIII] (RIN: 9000–AH50) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7149. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Independent Research and Development/Bid and Proposal Costs for Fiscal Year 1996 and Beyond [FAC 97–03; FAR Case 95–032; Item VIII] (RIN: 9000–AH37) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7150. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Travel Reimbursement [FAC 97–03; FAR Case 97–007; Item IX] (RIN: 9000–AH76) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7151. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Protests to GAO [FAC 97–03; FAR Case 97–009; Item X] (RIN: 9000–AH81) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7152. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Novation and Related Agreements [FAC 97–03; FAR Case 95–034; Item XI] (RIN: 9000–AH18) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7153. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Commercial Bills of Lading, Small Package Shipments [FAC 97–03; FAR Case 97–017; Item XII] (RIN: 9000–AH78) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7154. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Standard Form 1406, Preaward Survey of Prospective Contractor—Quality Assurance [FAC 97–05; FAR Case 96–022; Item XIII] (RIN: 9000–AH74) received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7155. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Technical Amendments [FAC 97–03; Item XIV] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7156. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide [48 CFR Chapter 1] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7157. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–03; Introduction [48 CFR Chapter 1] received December 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7158. A letter from the Administrator, General Services Administration, transmitting a report on agency programs undertaken in support of Public Law 103–172, the Federal Employees Clean Air Incentives Act; to the Committee on Government Reform and Oversight.

7159. A letter from the Executive Officer, National Science Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7160. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Political Activity: Federal Employees Residing in Designated Localities (RIN: 3206–AF78) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7161. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, and their survivors; to the Committee on Government Reform and Oversight.

7162. A letter from the Director, Office of Personnel Management, transmitting the Office's report on its health promotion and disease prevention activities for Federal civilian employees, pursuant to Public Law 104–208; to the Committee on Government Reform and Oversight.

7163. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Annual Performance Plan for fiscal year 1999, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

7164. A letter from the Director, United States Information Agency, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7165. A letter from the Public Printer, Government Printing Office, transmitting a copy of the Biennial Report to Congress on the Status of GPO Access, an online information service of the Government Printing Office, pursuant to Public Law 103–40, section 3 (107 Stat. 113); to the Committee on House Oversight.

7166. A letter from the Secretary of the Interior, transmitting a detailed boundary map for the 76-mile segment of the Niobrara National Scenic River, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

7167. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

7168. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting the Department's findings and progress respecting the design, construction and operation of the demonstration projects in Phase II of the groundwater recharge of aquifers in the High Plains States, pursuant to 43 U.S.C. 390g—2(c)(1); to the Committee on Resources.

7169. A letter from the Co-Chairs, Franklin Delano Roosevelt Memorial Commission, transmitting a report on the completion of the mission to plan, design and construct a permanent memorial, pursuant to the Act of August 11, 1955, ch. 833, section 1 (69 Stat. 694); to the Committee on Resources.

7170. A letter from the Acting Director, Indian Arts and Crafts Board, transmitting the Board's final rule—Protection for Products of Indian Art and Craftsmanship (RIN: 1090–AA45) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7171. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 971208295–7295–01; I.D. 012398D] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7172. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; At-Sea Scales [Docket No. 960206024–8008–03; I.D. 043097A] (RIN: 0648–AG32) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7173. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA–111–FOR] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7174. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 23, 1997, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

7175. A letter from the Assistant Secretary and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Changes to Continued Prosecution Application Practice [Docket No. 980108007–8007–01] (RIN: 0651–AA97) received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7176. A letter from the Attorney General, Department of Justice, transmitting a report regarding grants awarded by the Department of Justice's Office of Community Oriented Policing Services under the COPS MORE program, pursuant to 42 U.S.C. 3796dd(b)(2)(B); to the Committee on the Judiciary.

7177. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Editorial Amendments [BOP–1074–F] (RIN: 1120–AA70) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7178. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Fines and Costs for ''Old Law'' Inmates [BOP–1033–F] (RIN: 1120–AA29) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7179. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Temporary Entry of Business Persons Under the North American Free Trade Agreement [INS No. 1611–93] (RIN: 1115–AB72) received January 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7180. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Agency Relationships with Organizations Representing Federal Employees and Other Organizations (RIN: 3206–AH72) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7181. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled ''Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols,'' pursuant to 42 U.S.C. 1975; to the Committee on the Judiciary.

7182. A letter from the Clerk, United States Court of Appeals for the D.C. Circuit, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

7183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Inland Navigation Rules; Lighting Provisions [CGD 94–011] (RIN: 2115–AE71) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advance Notice of Arrival: Vessels bound for ports and places in the United States [CGD 97–067] (RIN: 2115–AF54) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7185. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay, Tampa, Florida [CGD 0798–002] (RIN: 2115–AE46) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7186. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes (Federal Aviation Administration) [Docket No. 97–CE–151–AD; Amdt. 39–10292; AD 98–01–14] (RIN: 2120–AA64) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7187. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere Flacon 200 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–189–AD; Amdt. 39–10293; AD 98–03–01] (RIN: 2120–AA64) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7188. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Houston Class B Airspace Area; TX (Federal Aviation Administration) [Airspace Docket No. 95–AWA–1] (RIN: 2120–AA66) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7189. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Tracy, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–10] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7190. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Sheridan, WY (Federal Aviation Administration) [Airspace Docket No. 97–ANM–18] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Powell, WY (Federal Aviation Administration) [Airspace Docket No. 97–ANM–12] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7192. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA (Federal Aviation Administration) [Airspace Docket No. 97–ACE–34] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7193. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iola, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–37] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7194. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Salina, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–35] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7195. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Topeka, Philip Billard Municipal Airport, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–36] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7196. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Model HC-E4A–3(A,I) Propellers (Federal Aviation Administration) [Docket No. 97–ANE–35–AD; Amendment 39–10289; AD 98–02–07] (RIN: 2120–AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7197. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–2, -3, -3B, -3C, and -5 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 89–ANE–05; Amdt. 39–10290; AD 89–23–06 R1] (RIN: 2120–AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sommerset, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–43] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7199. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pineville, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–27] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7200. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wellsboro, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–26] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7201. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Allentown, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–42] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7202. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; York, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–41] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7203. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lewisburg, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–40] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7204. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Amendment to Class E Airspace; Syracuse, NY (Federal Aviation Administration) [Airspace Docket No. 97–AEA–39] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Ticonderoga, NY (Federal Aviation Administration) [Airspace Docket No. 97–AEA–37] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Towanda, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–36] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Churchville, MD (Federal Aviation Administration) [Airspace Docket No. 97–AEA–35] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–293–AD; Amdt. 39–10295; AD 98–03–03] (RIN: 2120–AA64) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Excess Flow Valve—Customer Notification [Docket PS–118A; Amdt. 192–82] (RIN: 2137–AC55) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7210. A letter from the Administrator, Environmental Protection Agency, transmitting the report entitled ''Incidence and Severity of Sediment Contamination in Surface Waters of the United States,'' pursuant to Public Law 102–580, section 503(a)(2), (b)(2) (106 Stat. 4866); to the Committee on Transportation and Infrastructure.

7211. A letter from the Secretary of Transportation, transmitting the report on the potential for use of land options in federally funded airport projects, pursuant to Public Law 102–581, section 127; to the Committee on Transportation and Infrastructure.

7212. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Revisions to the NASA FAR Supplement Coverage on Contract Administration [CFR Part 1842] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7213. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510–AA37) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7214. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [Nos. 08–98 and 09–98] received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7215. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on decision in *John D. and Karen Beatty* v. *Commissioner* [T.C. Dkt. No. 8273–94] received January 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7216. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications of Bad Debts and Dealer Assignments of Notional Principal Contracts [TD 8763] (RIN: 1545–AU06) received January 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7217. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 98–20] received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1998 Calendar Year Resident Population Estimates [Notice 98–13] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7219. A letter from the Director, Congressional Budget Office, transmitting the CBO Sequestration Preview Report for Fiscal Year 1999, pursuant to 2 U.S.C. 904(b); jointly to the Committees on Appropriations and the Budget.

7220. A letter from the Secretary of Defense, transmitting a report on several initiatives for Gulf War veterans, pursuant to Public Law 103–337, section 721(h); jointly to the Committees on National Security and Veterans' Affairs.

7221. A letter from the Director, Congressional Budget Office, transmitting the report on ''Unauthorized Appropriations and Expiring Authorizations'' by the Congressional Budget Office as of January 15, 1998, pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

7222. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report entitled ''Federal Sector Report on EEO Complaints and Appeals, FY 1996,'' pursuant to 42 U.S.C. 2000e–4(e); jointly to the Committees on Education and the Workforce and Government Reform and Oversight.

7223. A letter from the Attorney General and Secretary of Health and Human Services, transmitting the annual report on the deposits to the Medicare Trust Fund and the appropriations to the Health Care Fraud and Abuse Control Program for the Fiscal Year 1997, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Commerce and Ways and Means.

7224. A letter from the Secretary of Energy, transmitting the Department's tenth Annual Report to Congress summarizing the Department's progress during fiscal year 1996 in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); jointly to the Committees on Commerce and Transportation and Infrastructure.

7225. A letter from the Chairman, United States National Tourism Organization Board, transmitting the report of the National Tourism Organization Board, pursuant to 22 U.S.C. 2141b; jointly to the Committees on Commerce and International Relations.

7226. A letter from the Administrator, Agency for International Development, transmitting a report on development assistance program allocations for FY 1998, pursuant to 22 U.S.C. 2413(a); jointly to the Committees on International Relations and Appropriations.

7227. A letter from the Acting Comptroller General, General Accounting Office, transmitting the report on General Accounting Office employees detailed to congressional committees as of January 16, 1998, pursuant to Public Law 101–520; jointly to the Committees on Government Reform and Oversight and Appropriations.

7228. A letter from the Executive Director, Office of Compliance, transmitting the annual report on the use of the Office of Compliance by covered employees, pursuant to section 301(h) of the Congressional Accountability Act; jointly to the Committees on House Oversight and Education and the Workforce.

7229. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting a report entitled ''Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii,'' pursuant to 48 U.S.C. 1681 nt.; jointly to the Committees on Resources and International Relations.

7230. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to make permanent the exemption of the Railroad Retirement Board trust funds from the payment to the General Services Administration of charges for rental of property occupied by the Board in excess of the actual cost of providing such property; jointly to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

7231. A letter from the Commissioner, Social Security Administration, transmitting the Social Security Administration's Accountability Report for Fiscal Year 1997, pursuant to 42 U.S.C. 904; jointly to the Committees on Ways and Means and the Judiciary.

7232. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Surety Bond and Capitalization Requirements for Home Health Agencies [HCFA–1152–FC] (RIN: 0938–AI31) received December 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7233. A letter from the Secretary of Health and Human Services, transmitting the report on Medicare reimbursement of telemedicine services, pursuant to Public Law 104–191, section 192 (110 Stat. 1988); jointly to the Committees on Ways and Means and Commerce.

7234. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Physicians' Referrals; Issuance of Advisory Opinions [HCFA–1902–IFC] (RIN: 0938–AI38) received January 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7235. A letter from the Secretary of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Limit on the Valuation of a Depreciable Asset Recognized as an Allowance for Depreciation and Interest on Capital Indebtedness After a Change of Ownership [HCFA–1004–FC] (RIN: 0938–AI34) received January 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7236. A letter from the Secretary of Health and Human Services, transmitting a report regarding Medicare SELECT supplemental policies, pursuant to Public Law 104–18; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on House Oversight. House Resolution 355. Resolution dismissing the election contest against Loretta Sanchez (Rept. 105–416). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THORNBERRY:

H.R. 3175. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by increasing the amount of taxable income which is taxed at the lowest income tax rate; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself and Mr. RYUN):

H.R. 3176. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3177. A bill to require the installation of a system for filtering or blocking matter on the Internet on computers in schools and libraries with Internet access, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 3178. A bill to amend the Internal Revenue Code of 1986 to encourage the use of public transportation systems by allowing individuals a credit against income tax for expenses paid to commute to and from work or school using public transportation, and to reduce corporate welfare; to the Committee on Ways and Means, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANTON (for himself, Mr. SCHUMER, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. ACKERMAN, and Ms. VELAZQUEZ):

H.R. 3179. A bill to require that an environmental impact statement be prepared evaluating the impact of slot exemptions for operation of new air service at LaGuardia Airport; to the Committee on Resources, 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.

By Mr. DOOLEY of California (for himself, Mrs. TAUSCHER, Mr. SAXTON, Mr. BOYD, Mrs. THURMAN, Ms. STABENOW, Mr. GILCHREST, Mrs. JOHNSON of Connecticut, and Mr. DAVIS of Florida):

H.R. 3180. A bill to provide for innovative strategies for achieving superior environmental performance, and for other purposes; 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.

By Ms. SANCHEZ (for herself, Mr. MARTINEZ, Mr. TORRES, Mr. FROST, Mr. LIPINSKI, Mr. PALLONE, and Mrs. MALONEY of New York):

H.R. 3181. A bill to provide for reviews of criminal records of applicants for participation in shared housing arrangements, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 3182. A bill to limit the authority of Federal courts to fashion remedies that require local jurisdictions to assess, levy, or collect taxes or to implement spending measures, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 3183. A bill to impose certain conditions with respect to the appointment of masters in Federal actions; to the Committee on the Judiciary.

By Mr. RIGGS:

H.R. 3184. A bill to clarify any doubts as to the application of Federal controlled substances laws in States where State law authorizes the medical use of marijuana or other drugs; to the Committee on the Judiciary, 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. RILEY (for himself, Mr. BACHUS, Mr. DELAY, Mr. PICKERING, Mr. REDMOND, Mr. ADERHOLT, Mr. CALVERT, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. WATTS of Oklahoma, Ms. RIVERS, Mr. LARGENT, Mr. COOKSEY, Mr. GRAHAM, Mr. OXLEY, Mrs. ROUKEMA, Mr. SANDLIN, Mr. FOLEY, Mrs. KELLY, Mr. BURR of North Carolina, and Mr. SOLOMON):

H.R. 3185. A bill to amend title 18, United States Code, to make illegal all private possession of child pornography; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 3186. A bill to provide for the transfer of administrative jurisdiction over certain public lands in the State of Oregon located within or adjacent to the Rogue River National Forest; to the Committee on Resources.

By Mr. SMITH of Oregon:

H.R. 3187. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt not-for-profit entities that hold rights-of-way on public lands from certain strict liability requirements imposed in connection with such rights-of-way; to the Committee on Resources.

By Mr. SOLOMON:

H.R. 3188. A bill to prohibit the construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes; to the Committee on Resources.

By Mr. TIAHRT (for himself, Mr. LARGENT, Mr. SOLOMON, Mr. RYUN, Mr. WICKER, Mr. COBURN, Mr. GRAHAM, Mr. SOUDER, Mr. HILLEARY, Mr. TALENT, Mr. BARCIA of Michigan, Mr. LIPINSKI, Mr. HULSHOF, Mr. MCINTOSH, Mrs. MYRICK, Mr. PETERSON of Pennsylvania, Mr. NORWOOD, Mr. GUTKNECHT, Mr. ENSIGN, Mr. CALVERT, Mr. STEARNS, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. REDMOND, Mr. PAPPAS, Mr. BLUNT, Mr. SESSIONS, Mr. HUTCHINSON, Mr. FORBES, Mrs. EMERSON, Mrs. CHENOWETH, Mr. ARMEY, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. HOEKSTRA, Mr. CRAPO, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. TAYLOR of North Carolina, Mr. MCINNIS, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. PITTS, Mr. WAMP, Mr. SHADEGG, Mr. ADERHOLT, Mr. DICKEY, Mr. DELAY, and Mr. INGLIS of South Carolina):

H.R. 3189. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Education and the Workforce.

By Mr. WEYGAND:

H.R. 3190. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-[[1-[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl) amino]; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3191. A bill to suspend until December 31, 2002, the duty on 4-[[5-[[[4-(Aminocarbonyl) phenyl] amino] carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphen yl)-3-hydroxynaphthalene-2-carboxamide; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3192. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[[4-methoxyphenyl) amino]carbonyl]-1-naphtha-lenyl]azo]-4-methylbenzoyl]amino]- calcium salt (2:1); to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3193. A bill to suspend until December 31, 2002, the duty on N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-[(methylamino) sulphonyl]phenyl]azo]naphthalene-2-carboxaminde; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3194. A bill to suspend until December 31, 2002, the duty on N-[4-(aminocarbonyl)phenyl]-4-[[1-[[(2,3-dihydro-2-oxo-1H- benzimidazol-5-yl)amino] carbonyl]-2-oxopropyl]azo] benzamide; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3195. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2'-[3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[N- (2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3196. A bill to suspend until December 31, 2002, the duty on Butanamide, N,N'-(3,3'dimethyl[1,1'-biphenyl]-4,4'-diyl)bis[2-[2,4-dichl orophenyl)azo]-3-oxo-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3197. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 2-[[3-[[(2,3-dihydro-2-oxo-1H–1H-benzimidazol-5-yl)amino]car onyl]-2-hydroxy-1-naphthalenyl]azo]-, butylester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3198. A bill to suspend until December 31, 2002, the duty on Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-[[2-(trif luoro-methyl)phenyl]azo]-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3199. A bill to suspend until December 31, 2002, the duty on Benzoic acid, 4-[[(2,5-dichlorophenyl)amino]carbonyl]-2-[[2-hydroxy-3-[[(2-methoxyphenyl)amino]carbonyl]-1-naphthalenyl]-, methyl ester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3200. A bill to suspend until December 31, 2002, the duty on 1,4–Benzenedicarboxylic acid, 2-[[1-[[(2,3-di-hydro-2-oxo-1H-benzimidazol-5-yl)amino carbonyl]-2-oxopropyl]azo]-, dimethyl ester; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3201. A bill to suspend until December 31, 2002, the duty on Butanamide, 2,2'-[1–2,-ethanediylbis(oxy-2,1-phenyleneazo)]bis[N-(2,3-di hydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-; to the Committee on Ways and Means.

By Mr. WEYGAND:

H.R. 3202. A bill to suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol -4-yl]azo]-5-methyl-,calcium salt (1:1); to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. BLUNT, Mr. BARTON of Texas, Mr. SESSIONS, Mr. STUMP, Mr. DICKEY, Mr. BONILLA, and Mr. SOLOMON):

H.J. Res. 109. A joint resolution relating to the expenditure of funds by the Federal Government under National or State tobacco industry settlements; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. MANZULLO:

H.J. Res. 110. A joint resolution proposing an amendment to the Constitution of the UnitedStates prohibiting courts from levying or increasing taxes; to the Committee on the Judiciary.

By Mr. PAUL:

H. Con. Res. 211. Concurrent resolution opposing increased Federal income taxes on variable annuities and other variable contracts; to the Committee on Ways and Means.

By Mr. CHRISTENSEN:

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress relating to the European Union's ban of United States beef and the World Trade Organization's ruling concerning that ban; to the Committee on Ways and Means.

By Mr. EWING:

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union; to the Committee on Ways and Means.

By Mr. JENKINS (for himself and Mr. BOUCHER):

H. Con. Res. 214. Concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself and Mr. BISHOP):

H. Con. Res. 215. Concurrent resolution congratulating the people of the Co-operative Republic of Guyana for holding muliparty elections; to the Committee on International Relations.

By Mr. SHAW (for himself, Mr. LAHOOD, and Mr. BACHUS):

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress regarding the use of future budget surpluses; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. BOUCHER, Mr. LIVINGSTON, Mr. STEARNS, Mr. KLUG, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. PAXON, Mrs. CUBIN, Mr. HASTERT, Mr. OXLEY, Mr. BURR of North Carolina, and Mr. ROGAN):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress with respect to the authority of the Federal Communications Commission; to the Committee on Commerce.

By Mr. SAXTON:

H. Res. 354. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GINGRICH (for himself, Mr. ARMEY, Mr. DELAY, Mr. KING of New York, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. ISTOOK, Mr. GILMAN, Mr. MCINTOSH, Mr. SPENCE, Mr. SOLOMON, and Mr. STUMP):

H. Res. 356. A resolution recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the House of Representatives will not forget that more than 2,000 members of the United States Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for a final accounting for all such servicemembers whose fate is unknown; to the Committee on National Security.

By Mr. FORBES (for himself and Mr. ACKERMAN):

H. Res. 357. A resolution waiving clause 2(b) of rule XXII to permit introduction and consideration of a joint resolution to designate November of each year as National Child Cancer Awareness Month; to the Committee on Rules.

By Mrs. LOWEY (for herself, Ms. PELOSI, Ms. BROWN of Florida, Ms. SANCHEZ, Mrs. MORELLA, Ms. DELAURO, Mr. BOUCHER, Ms. NORTON, Ms. DEGETTE, Mr. DEFAZIO, Mr. MENENDEZ, Mr. ADAM SMITH of Washington, Mr. HINCHEY, Mr. WAXMAN, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. NADLER, Mr. BROWN of California, Mr. HILLIARD, Mr. BALDACCI, Mr. GEJDENSON, Mr. FARR of California, Mr. BARRETT of Wisconsin, Mr. FORD, Mr. THOMPSON, Mr. DOGGETT, Ms. WOOLSEY, Mr. HOYER, Mr. ABERCROMBIE, Mr. SCHUMER, Mr. ACKERMAN, Mr. ALLEN, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. MEEHAN, Mr. DELAHUNT, Mr. PASTOR, Mr. DEUTSCH, Ms. KILPATRICK, Mr. RANGEL, Mr. GREEN, Mr. PRICE of North Carolina, Mr. CLAY, Ms. FURSE, Mr. STARK, Mr. SANDERS, Ms. LOFGREN, and Mrs. KELLY):

H. Res. 358. A resolution expressing the sense of the House of Representatives with respect to the protection of reproductive health services clinics; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. THOMAS, Mr. CARDIN, Mr. HASTINGS of Florida, Mr. SISISKY, Mr. BERRY, Mrs. CLAYTON, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FROST, Mr. HILLIARD, Ms. KILPATRICK, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. SANDLIN, Mr. SCHUMER, and Mr. SERRANO):

H. Res. 359. A resolution expressing the sense of the House of Representatives that the Secretary of Health and Human Services should carry out a national public awareness campaign to educate American men and women with respect to colorectal cancer; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

242. The SPEAKER presented a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 19 urging the 105th Congress of the United States to conduct thorough oversight hearings of the Office of the Inspector General audit process sufficient to ensure that the rights and protections inherent in the nation's legal code are maintained and upheld in the process; to the Committee on Commerce.

243. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 25 urging the 105th Congress of the United States to acknowledge the Federal Government's partnership with Oregon's counties and communities, especially where it owns significant tracts of land; to the Committee on Resources.

244. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 177 memorializing the Congress and President of the United States to enact the federal ''Telemarketing Fraud Prevention Act of 1997''; to the Committee on the Judiciary.

245. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 6 urging the 105th Congress of the United States to promptly propose an amendment to the United States Constitution specifying that Congress and the several states shall have the power to prohibit the physical desecration of the flag of the United States of America; to the Committee on the Judiciary.

246. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 24 urging the 105th Congress of the United States to expeditiously pass an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for the fiscal year; to the Committee on the Judiciary.

247. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 169 memorializing the Congress of the United States to approve a project request, as part of the reauthorization of the federal Intermodal Surface Transportation Efficiency Act of 1991, to support the efforts to enhance trans-harbor rail-freight float-barging operations throughout the Port of New York and New Jersey; to the Committee on Transportation and Infrastructure.

248. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 1 urging the President and the 105th Congress of the United States to continue a federally administered, nationally uniform funding system for complete federal responsibility and funding for maintenance dredging on federally authorized navigation projects in Oregon; to the Committee on Transportation and Infrastructure.

249. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Concurrent Resolution 26 urging the 105th Congress of the United States to continue to fund the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTLETT of Maryland:

H.R. 3203. A bill for the relief of Roma Salobrit; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3204. A bill for the relief of Walter Borys; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. SISISKY.

H.R. 65: Ms. HOOLEY of Oregon and Mr. SISISKY.

H.R. 74: Mr. PAYNE, Mr. GUTIERREZ, Ms. DEGETTE, Mr. MARTINEZ, Mrs. LOWEY, Mr. THOMPSON, Mr. WEXLER, Mr. YATES, Mr. ENGEL, and Mr. CLYBURN.

H.R. 107: Mr. MANTON, Mr. WALSH, Mr. GOODLING, and Ms. RIVERS.

H.R. 145: Mr. ACKERMAN

H.R. 165: Mr. SHERMAN.

H.R. 166: Mr. SHERMAN.

H.R. 167: Mr. SHERMAN.

H.R. 168: Mr. SHERMAN.

H.R. 230: Mr. PRICE of North Carolina.

H.R. 251: Mr. METCALF.

H.R. 303: Mr. SHERMAN.

H.R. 304: Mr. TOWNS

H.R. 306: Mr. HARMAN.

H.R. 339: Mr. MICA.

H.R. 350: Mr. HALL of Ohio, Mr. ENGEL, Mr. CLYBURN, and Mr. ENGLISH of Pennsylvania.

H.R. 352: Mr. BACHUS.

H.R. 371: Mr. SKAGGS, Mr. MCHALE, Mr. LUTHER, Mr. WEYGAND, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. BORSKI, and Mrs. LOWEY.

H.R. 445: Mr. PASCRELL.

H.R. 476: Mrs. MINK of Hawaii and Mr. COYNE.

H.R. 589: Mr. METCALF.

H.R. 777: Mr. DOOLEY of California and Mr. FORBES.

H.R. 820: Mr. WYNN.

H.R. 859: Mr. HOEKSTRA, Mr. MICA, Mr. BARTON of Texas, Mr. DOOLITTLE, and Mr. HEFNER.

H.R. 919: Ms. KILPATRICK and Mr. FALEOMAVAEGA.

H.R. 981: Mr. PALLONE, Mr. WEXLER, and Mr. RANGEL.

H.R. 1016: Ms. MCKINNEY, Mr. MANTON, and Mr. COOK.

H.R. 1018: Mr. ROTHMAN.

H.R. 1031: Mr. METCALF.

H.R. 1059: Mr. LAZIO of New York.

H.R. 1108: Mr. CHABOT.

H.R. 1114: Mr. JOHNSON of Wisconsin.

H.R. 1126: Mrs. KELLY.

H.R. 1176: Mr. SHERMAN and Mr. COYNE.

H.R. 1202: Mr. LEWIS of Georgia, Mr. FRANKS of Massachusetts, and Mr. SHERMAN.

H.R. 1320: Ms. KAPTUR.

H.R. 1355: Mr. KUCINICH.

H.R. 1356: Mr. UNDERWOOD, Mr. GILMAN, Ms. LOFGREN, and Mr. PALLONE.

H.R. 1376: Mr. WYNN, Mr. DIXON, and Mr. FORD.

H.R. 1450: Mr. INGLIS of South Carolina, Mr. YATES, and Mr. STRICKLAND.

H.R. 1455: Mr. STOKES.

H.R. 1456: Mr. PETERSON of Minnesota.

H.R. 1496: Mr. PAUL.

H.R. 1500: Mr. LEVIN, Mr. LUTHER, and Ms. STABENOW.

H.R. 1521: Ms. DANNER and Ms. Dunn of Washington.

H.R. 1531: Mrs. LOWEY and Mr. NADLER.

H.R. 1555: Mr. ENGEL.

H.R. 1670: Mr. NADLER.

H.R. 1842: Mr. NEY and Mr. REDMOND.

H.R. 1870: Mr. FATTAH, Mr. PAYNE, Mr. KUCINICH, and Mr. SHERMAN.

H.R. 1951: Mr. SNYDER.

H.R. 2004: Mr. PASCRELL.

H.R. 2009: Mr. VENTO, Mr. KIM, and Mr. SHAYS.

H.R. 2021: Mr. FORD,

H.R. 2077: Ms. LOFGREN.

H.R. 2173: Mr. MARTINEZ.

H.R. 2212: Ms. CHRISTIAN-GREEN.

H.R. 2253: Mr. STUPAK, Mr. SCOTT, and Mr. TIERNEY.

H.R. 2257: Mr. WATT of North Carolina, Mr. UNDERWOOD, Ms. KILPATRICK, and Mr. GUTIERREZ.

H.R. 2281: Mr. BERMAN.

H.R. 2290: Mr. BONIOR.

H.R. 2351: Mr. BROWN of Ohio and Mr. RUSH.

H.R. 2354: Mr. ENGEL and Mrs. LOWEY.

H.R. 2409: Mr. PASCRELL, Mr. GUTIERREZ, Ms. JACKSON-LEE, Mr. CLYBURN, and Mr. DELAHUNT.

H.R. 2454: Mr. LAMPSON.

H.R. 2457: Mr. LAMPSON.

H.R. 2467: Ms. LOFGREN.

H.R. 2500: Mr. SPRATT, Ms. HOOLEY of Oregon, and Mr. COLLINS.

H.R. 2509: Mr. RADANOVICH and Mr. SANFORD.

H.R. 2547: Ms. FURSE, Mrs. MINK of Hawaii, Mr. ROMERO-BARCELO, and Mr. ACKERMAN.

H.R. 2581: Mr. FILNER and Mr. CANADY of Florida.

H.R. 2593: Mr. GREEN, Ms. LOFGREN, Mr. KIM, Mr. COX of California, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. HUTCHINSON, Mr. RILEY, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. BONILLA, Mr. NORWOOD, and Mr. PETERSON of Pennsylvania.

H.R. 2627: Mr. CANADY of Florida, Mr. ISTOOK, Mr. ROMERO-BARCELO, Mr. BOYD, and Mr. SNOWBARGER.

H.R. 2671: Mr. FORD.

H.R. 2681: Mr. WATT of North Carolina.

H.R. 2692: Mr. NORWOOD.

H.R. 2695: Mr. MILLER of California, Mr. ANDREWS, and Mr. CONYERS.

H.R. 2710: Mr. KOLBE.

H.R. 2713: Mr. LEWIS of Georgia, Mr. FATTAH, Mr. JACKSON, and Mr. FALEOMAVAEGA.

H.R. 2733: Ms. DELAURO, Mr. HALL of Ohio, Mr. EVANS, and Mr. SANFORD.

H.R. 2752: Mr. KOLBE, Mr. CONDIT, Ms. ROYBAL-ALLARD, Mr. BENTSEN, and Mrs. MEEK of Florida.

H.R. 2755: Mr. GREEN, Mr. KLECZKA, Mr. LAFALCE, Ms. FURSE, Mr. BLUMENAUER, Mr. NEAL of Massachusetts, Mr. SANDLIN, and Mr. CRAMER.

H.R. 2807: Mr. MORAN of Virginia, Mr. TOWNS, Mr. SCHIFF, Mrs. LOWEY, Mr. GOODLATTE, Ms. HOOLEY of Oregon, Mr. BOEHLERT, Mr. MCGOVERN, Mr. CAMPBELL, Mr. PAPPAS, Mr. DELAHUNT, and Mr. LAMPSON.

H.R. 2826: Mr. FATTAH, Mr. KENNEDY of Massachusetts, Mr. OWENS, Mr. DAVIS of Illinois, Mr. COYNE, and Mr. PALLONE.

H.R. 2827: Mr. HAMILTON and Ms. LOFGREN.

H.R. 2828: Mr. HASTINGS of Florida and Mr. MARTINEZ.

H.R. 2829: Mr. CLYBURN, Mr. HALL of Texas, Mr. MENENDEZ, and Mr. SKAGGS.

H.R. 2868: Mr. PALLONE.

H.R. 2870: Mr. SHERMAN.

H.R. 2912: Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. LOBIONDO, Mr. WATKINS, and Mr. SANDERS.

H.R. 2914: Mr. CAMPBELL.

H.R. 2921: Mr. PETERSON of Pennsylvania, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. HASTERT, Mr. GUTKNECHT, Mr. BILBRAY, Mr. PICKERING, Mr. HILLEARY, Mr. LUCAS of Oklahoma, Ms. STABENOW, Mr. MINGE, Mr. MCGOVERN, Mr. STUPAK, Mr. SHAYS, Mr. MURTHA, Mr. KENNEDY of Massachusetts, Mr. GOODLING, Mrs. LINDA SMITH of Washington, Mr. CANNON, Mr. BOEHLERT, Mr. GILCHREST, Mr. WELDON of Pennsylvania, and Mr. HEFNER.

H.R. 2923: Ms. KILPATRICK, Mr. STRICKLAND, Mr. SANDLIN, and Mr. SKAGGS.

H.R. 2925: Mr. WEXLER, Mr. EVANS, Mr. FROST, Mr. FOLEY, Mr. POSHARD, Mr. ACKERMAN, Mr. MARTINEZ, Mr. DAVIS of Virginia, Mr. BALDACCI, Mrs. LOWEY, Ms. KILPATRICK, Mr. LIPINSKI, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. LAMPSON, Mr. MEEHAN, Mr. OLVER, Ms. RIVERS, Ms. PELOSI, Mr. LANTOS, Ms. FURSE, Mr. COSTELLO, Mr. FRANK of Massachusetts, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MANTON, Mr. THOMPSON, Mr. CLEMENT, Ms. DELAURO, Mrs. KELLY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. HASTINGS of Florida, Mr. SCHUMER, Mr. GRAHAM, Mr. WEYGAND, Mr. DEUTSCH, Mrs. CLAYTON, Ms. HOOLEY of Oregon, and Mr. NEAL of Massachusetts.

H.R. 2934: Ms. FURSE.

H.R. 2936: Mr. PAXON, Mr. FARR of California, and Mr. OXLEY.

H.R. 2938: Mr. GILLMOR, Mr. GOSS, Ms. BROWN of Florida, Mr. SHAW, and Mrs. FOWLER.

H.R. 2964: Ms. FURSE.

H.R. 2970: Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. ROMERO-BARCELO, Mr. UPTON, Mrs. MYRICK, and Mr. METCALF.

H.R. 2989: Mr. GIBBONS.

H.R. 3043: Mrs. MINK of Hawaii.

H.R. 3050: Ms. FURSE, Mrs. THURMAN, Mr. BONIOR, Mr. LIPINSKI, Mr. UNDERWOOD, Ms. KILPATRICK, Mr. PALLONE, Mr. LANTOS, Mr. MCGOVERN, Mr. LAMPSON, Mr. BARCIA of Michigan, Ms. RIVERS, and Mrs. MORELLA.

H.R. 3054: Mr. BERMAN and Mrs. MALONEY of New York.

H.R. 3070: Mr. FRANK of Massachusetts.

H.R. 3089: Mr. BURTON of Indiana.

H.R. 3090: Mr. BARR of Georgia.

H.R. 3097: Mr. POMBO, Mr. BLILEY, Mr. NEUMANN, Mr. MICA, Mr. SOLOMON, Mr. BARR of Georgia, Mr. DELAY, Mr. PAPPAS, Mr. COX of California, Mr. ROHRABACHER, Mr. KINGSTON, Mr. SMITH of New Jersey, Mr. PARKER, Mr. PACKARD, Mr. CRANE, Mr. BILBRAY, Mr. TRAFICANT, and Mr. YOUNG of Alaska.

H.R. 3099: Mr. DAVIS of Illinois and Mr. MICA.

H.R. 3104: Mr. STUMP, Mr. PACKARD, Mr. REDMOND, Mr. LARGENT, Mrs. LINDA SMITH of Washington, Mr. SHIMKUS, Mr. HANSEN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. WELDON of Florida, Mr. COOKSEY, Mr. SMITH of Oregon, Mr. WATKINS, Mr. CALVERT, Mr. COOK, Mr. GOODLING, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. GINGRICH, Mr. CHABOT, Mr. MCCOLLUM, Mr. SOLOMON, Mr. HERGER, Mr. CHAMBLISS, Mr. PARKER, Mr. GALLEGLY, Mr. CRANE, and Mr. BRYANT.

H.R. 3108: Mrs. ROUKEMA and Mr. DUNCAN.

H.R. 3127: Mr. HASTERT, Mr. DEFAZIO, Mrs. EMERSON, Mr. HOEKSTRA, Mr. BACHUS, Mr. DREIER, Mrs. MYRICK, Mr. BLUNT, Mr. GOODLATTE, Mr. COOK, and Mrs. BROWN of California.

H.R. 3131: Mr. BERMAN.

H.R. 3133: Mr. PAPPAS.

H.R. 3134: Mr. UNDERWOOD, Mr. ROTHMAN, and Ms. KILPATRICK.

H.R. 3137: Mrs. MYRICK, Mr. MOLLOHAN, Mr. WAMP, Mr. PICKERING, Mr. HULSHOF, Mr. NETHERCUTT, Mr. CANNON, Mr. THOMPSON, Mr. CALLAHAN, Mr. CLEMENT, Mr. MCINTYRE, Mr. EVANS, and Mr. BISHOP.

H.R. 3143: Mr. HASTINGS of Florida, Mr. FORD, and Mr. FOX of Pennsylvania.

H.R. 3147: Mr. BARCIA of Michigan, Mr. RUSH, Mr. KUCINICH, Mr. HOUGHTON, Mr. ENGLISH of Pennsylvania, Ms. KILPATRICK, Mr. EHLERS, Mr. BLAGOJEVICH, Mr. STOKES, and Mr. KLECZKA.

H.R. 3152: Mr. GREENWOOD, Mr. HALL of Ohio, Mr. GALLEGLY, and Mr. FARR of California.

H.R. 3161: Mr. ROHRABACHER, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. VENTO, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. FURSE, Mr. BONIOR, and Mr. UNDERWOOD.

H.R. 3162: Mr. LUCAS of Oklahoma and Mr. DUNCAN.

H.R. 3172: Mr. ENGLISH of Pennsylvania.

H.J. Res. 83: Mr. PITTS, Mr. TRAFICANT, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. MANZULLO, and Mr. SESSIONS.

H.J. Res. 102: Mr. KOLBE, Ms. DELAURO, Mr. SISISKY, Ms. WOOLSEY, Mrs. TAUSCHER, Mr.

TIERNEY, Mr. LOBIONDO, Mr. DIXON, Mr. CLYBURN, Mr. LIPINSKI, Mr. JACKSON, Mr. ADAM SMITH of Washington, Mr. BEREUTER, Mr. MCNULTY, Mr. EVANS, Mr. STRICKLAND, and Mr. HOYER.

H. Con. Res. 55: Mr. COYNE.

H. Con. Res. 114: Mr. FRANK of Massachusetts, Mr. STRICKLAND, and Mrs. MORELLA.

H. Con. Res. 152: Mr. WEXLER and Mrs. MALONEY of New York.

H. Con. Res. 158: Mr. BURTON of Indiana.

H. Con. Res. 202: Mr. WELDON of Florida, Mr. REGULA, Mr. SENSENBRENNER, Mr. NORWOOD, Ms. DUNN of Washington, Mr. DELAY, Mr. RYUN, Mr. ARMEY, Mr. EHLERS, Mr. COMBEST, Mr. WICKER, Mr. SHAW, Mr. BOEHNER, Mr. THUNE, Mr. MANZULLO, Mr. HAYWORTH, Mr. RILEY, Mr. ENSIGN, Mr. LAZIO of New York, Mr. GILMAN, Ms. GRANGER, Mr. WELLER, Mr. GIBBONS, Mr. SHADEGG, Mrs. ROUKEMA, Mr. DOOLITTLE, Mrs. KELLY, Mr. PETRI, and Mr. HILLEARY.

H. Con. Res. 210: Mr. ALLEN and Mrs. KELLY.

H. Res. 37: Mr. ROMERO-BARCELO and Mr. KOLBE.

H. Res. 83: Mr. COYNE and Mr. SNYDER.

H. Res. 279: Mr. BROWN of California, Mr. FAZIO of California, Mr. CONYERS, Mr. MANTON, and Mr. DAVIS of Illinois.

H. Res. 350: Mr. PALLONE and Mr. FALEOMAVAEGA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2604: Mr. BERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

36. The SPEAKER presented a petition of the Rockland County Legislature, New City, New York, relative to Resolution No. 694 endorsing a peaceful settlement of the Northern Ireland Conflict; to the Committee on International Relations.

37. Also,a petition of the Rockland County Legislature, New City, New York, relative to Resolution No. 15 supporting the nomination of the Hudson River as an American Heritage River; to the Committee on Resources.

38. Also,a petition of John Rolczynski and Robert W. Gillies of Grand Forks, North Dakota, relative to a petition for redress of grievance regarding the statehood of North Dakota; to the Committee on the Judiciary.

39. Also,a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 315 supporting continuation of the ISTEA Program for Highway Infrastructure and the Bridge Program; to the Committee on Transportation and Infrastructure.

40. Also,a petition of the Metropolitan King County Council, Seattle, Washington, relative to Motion No. 10354 commending Microsoft Corporation for its superb leadership, encouraging Microsoft to continue in its present direction, and requesting local, state, and national leaders to be supportive of Microsoft and the principles of free enterprise that have allowed Microsoft to flourish; jointly to the Committees on Commerce and the Judiciary.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, WEDNESDAY, FEBRUARY 11, 1998 *No. 10*

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:

Gracious Father, our loving, forgiving Lord of new beginnings, we listen intently to Your assurance spoken through Jeremiah, ''I have loved you with an everlasting love; therefore with loving kindness I have drawn you.''—Jeremiah 31:3.

We begin this day with these amazing words sounding in our souls. Can they be true? You judge our sins and forgive us. Your grace is indefatigable. It is magnetic; it draws us out of remorse or recrimination into reconciliation. You draw us to Yourself and we receive healing and hope.

Now we are ready to live life to the fullest. We are secure in You and therefore can work with freedom and joy. We know Your commandments are as irrevocable as Your love is irresistible. We have the strength to live Your absolutes for abundant life. We accept Elijah's challenge, ''Choose this day whom You will serve,'' and Jesus' mandate, ''Set your mind on God's kingdom before everything else!''—Matt 6:33;NEV. In His powerful name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning as previously ordered the Senate will resume debate on the cloture motion on the motion to proceed to S. 1601, the cloning bill, with the time until 10 a.m. equally divided between the two leaders or their designees.

Also, as previously ordered, at 10 a.m. a rollcall vote will occur on the cloture motion on the motion to proceed to S. 1601. If cloture is invoked, the Senate will debate the motion to proceed to the cloning bill. If cloture is not invoked, the Senate can be expected to resume debate on the Massiah-Jackson nomination and then, at approximately 4 p.m. today, the Senate can be expected to begin debate on the nomination of Margaret Morrow, of California, to be U.S. district judge.

I want to emphasize that even though we are going back to debate on Massiah-Jackson, that does not mean we will stay on that nomination all the way until 4 o'clock. We will probably have some announcement later on this morning about that matter, and how we would expect to handle it. Additional votes can be expected to occur during today's session of the Senate.

As a reminder to all Senators, at 10 a.m. this morning a vote will occur on the cloture motion and we probably will have a vote late this afternoon on the Morrow nomination. It appears at this time that would occur probably around 6 o'clock, even though we have not advised everybody that that is our intent, or gotten an absolute commitment, but I believe there will probably be a vote about 6 o'clock on the Morrow nomination.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for a very brief time.

The PRESIDING OFFICER. Without objection, is so ordered.

PICABO STREET

Mr. CRAIG. Mr. President, I thank my colleagues for yielding but a brief moment for the Senate to recognize something that went on last night nearly halfway around the world while all of us slept. A marvelous young lady from Idaho, and a superb athlete, won the gold medal, one of our first gold medals in this Olympics in Nagano, Japan. Picabo Street, from the Sun Valley area of Idaho, who was a silver medalist in the 1994 Olympics, brought home the gold.

I think all of us are extremely proud this morning of our country and our athletes, and this fine woman athlete, Picabo Street, who some months ago had major knee surgery, while she was at the World Cup had a major accident, but with tremendous guts and tenacity and ability she is now one of our gold medalists and we are all proud.

I yield the floor.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Who seeks the floor? Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have 15 minutes.

The PRESIDING OFFICER. The time between now and 10 o'clock is evenly divided.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, it is my intention to open the debate, then yield to Senator MACK, then Senator THURMOND, and then Senator KENNEDY for the remainder of my time.

Mr. President, I urge the Members of this distinguished body to vote no on cloture. I do so because I believe that by voting for cloture today we could do enormous harm.

The technique involved here, somatic cell nuclear transfer, creates what are called stem cells, which can be used for creation of tissue which has the same DNA as the person whose tissue it is. Therefore they are used as important adjuncts in cancer research; they offer

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

important opportunities to overcome rejection of tissue in third-degree burns; to solve major problems inherent in juvenile diabetes; for osteoporosis; for Alzheimers; for Parkinsons disease; and for a host of other diseases.

Mr. President, there is no need to rush to judgment. No one, I believe, in this body, supports human cloning. There is a scientific moratorium on human cloning. The FDA has exercised jurisdiction to prevent it.

There is no need to rush to judgment. This bill is less than a week old. There has been no hearing on it. There are no definitions of critical terms in this bill.

Let me quote what the American Cancer Society has said in a letter dated February 9:

> The American Cancer Society urges you to oppose S. 1601, legislation that would prohibit the use of somatic cell nuclear transfer. The American Cancer Society agrees with the public that human cloning should not proceed at this time. However, the legislation as drafted would have the perhaps unintended effect of restricting critical scientific research. The language could hamper or punish scientists who contribute to our growing knowledge about cancer.

Last evening I had printed in the RECORD a huge volume of letters from virtually every single patient group, 27 Nobel prize winners, and industry groups—all saying go slow, use caution.

I urge this body to vote no on cloture.

If I may, now, I yield 3 minutes of my time to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. I thank the distinguished Senator from California for yielding this time. I have prepared remarks that I have gone over with my staff that cover things like it is obvious that there is no medical or ethical justification for human cloning. We all understand that. We also know there have been no hearings. We know as well that we have information from 27 Nobel laureates who say we should not pass this legislation. We have letters from 71 patient groups and scientific organizations that say we should not do this.

But let me say to my colleagues that I stand here this morning to make a special appeal. My father died of cancer. My mother died of cancer. My brother died of cancer. I was diagnosed with cancer. My wife was diagnosed with cancer. Our daughter was diagnosed with cancer.

I say to my colleagues, I appeal to you, don't get drawn into this debate that we should pass this legislation because we want to stand up and make a statement that we are against cloning. We are all against human cloning. We are all against human cloning. What I am asking you to do is to vote no on cloture so we will have an opportunity to hear from those patient groups that want to represent people like myself, represent families that have been affected like my family has been affected. Let us hear from the scientific community that tells us whether this is the right thing to do or the wrong thing to do. I don't make a suggestion here that this is an easy decision to be made. It is a very difficult one. But that's all the more reason that you should vote against cloture and allow the process to take place—to have input, to have discussion, to have understanding. Then we then will be in a position to try to make a decision about what is the right thing to do. We just say let the process work. Let there be input.

So I urge my colleagues to vote no on cloture and to support moving the process forward.

I thank the distinguished Senator from California for yielding.

Mrs. FEINSTEIN. I thank the distinguished Senator for his comments. Indeed, they were very, very moving. I can share my family story, although it is not as dramatic, Senator, as yours—I lost my husband to cancer, I lost my mother, my father, my in-law's. So I, in a sense, share this with the Senator. I know in their last days how important research is to patients and how willing they are to try new things. Life is critically important.

I thank the Senator for his comments.

If I may, I allot 3 minutes of my time to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to address an issue of great international concern. Since February 1997, when Scottish scientists succeeded in cloning an adult sheep, the world has been consumed with the issue of cloning. There are great social and ethical implications of the potential application of this procedure to totally reproduce human beings. Obviously, there is no acceptable justification for replicating another human being, and the bill before the Senate, S. 1601, the Human Cloning Prohibition Act, would ensure that such a procedure would never take place in this country. However, I am concerned that this bill may be written so broadly that it will restrict future promising research which could lead to improved treatment or even a cure for many serious illnesses. The Juvenile Diabetes Foundation informs me that this bill would prohibit promising stem cell research that could make it possible to produce pancreatic beta cells that could then be transplanted into a person with diabetes. As a consequence, many of the horrible complications of this disease, including kidney failure, blindness, amputation, increased risk of heart disease and stroke, and premature death, could be eliminated. Likewise, I am informed by other representatives of the medical community that this bill could prohibit research into treatment of the following diseases and ailments: leukemia; sickle cell anemia; Alzheimers disease; Parkinson's disease; multiple sclerosis; spinal cord injuries; liver disease; severe burns; muscular dystrophy; arthritis; and heart disease.

Mr. President, there have been no committee hearings on S. 1601 and, therefore, no opportunity for the medical community to fully explain the implications of this legislation. My daughter, Julie, suffers from diabetes, and I do not want her, or others like her, to be denied the potential life saving benefits of research that this bill could restrict. But without the appropriate committee hearings, we do not fully understand what these benefits may be. This is far too important an issue for us to rush this bill to the floor without committee hearings. While we can all agree that to replicate a human being is immoral, we need to investigate this issue more thoroughly so that we do not deny our citizens and our loved ones of any possible life saving research. For this reason, I will not support cloture on the motion to proceed to S. 1601, and I strongly recommend that this bill be sent to committee so that the appropriate hearings can be held.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Missouri has 12 minutes and 30 seconds and the Senator from California has 3 minutes and 45 seconds.

Mr. BOND. Mr. President, I yield myself such time as I may need.

I urge my colleagues to vote yes on cloture so that we may proceed to debate an issue which generates many profound ethical and moral questions, ones which demand our immediate attention.

Let me be quite clear. This bill does not stop existing scientific research. I am as concerned as anyone here about the need for research on a whole range of diseases, things that can be perhaps cured or at least dealt with by stem cell research, by many other techniques that are now in progress today. Our bill does not stop any of that research.

Let's be quite clear, our bill does not stop any of that promising research now underway. The measure places a very narrow ban on the use of somatic cell nuclear transfer to create a human embryo. That is what we are talking about. Everybody said, ''We agree we shouldn't be creating a human embryo by cloning,'' and that is what this bill does.

Over the past week, we have had a lot of distortion and, unfortunately, inflamed rhetoric by some of the big special interests, the likes of which I have not seen in my many years of public service. We have asked our opponents on numerous occasions, we have sat down with them, Senator FRIST, Senator GREGG, our staffs and I sat down

and said, ''OK, if we all agree we shouldn't be creating a human embryo by cloning, how do you want to tighten it up?''

They are not willing to come forward because there are some rogue scientists, maybe some big drug companies, big biotech companies, who want to create human embryos by cloning. They think that would be a great way to be more profitable, to do some research on cloned human embryos. I think that is where we need to draw the line.

People say we want to have hearings. We have had hearings on the whole issue last year. We have debated it, and it comes down to the simple point: Do you want to say no to creating human embryos by cloning, by somatic cell nuclear transfer, or do you want to say, as my colleague from California would in her bill, ''Oh, it's fine to create those human embryos by somatic cell nuclear transfer, so long as you destroy them, so long as you kill those test tube babies before they are implanted''?

There are a couple problems, very practical problems. Once you start creating those cloned human embryos, it is a very simple procedure to implant them. Implantation of embryos is going along in fertility research now, and it would be impossible to police, to make sure they didn't start implanting them.

But even if the objectives of the bill of my California colleague were carried out, it would mean that you would be creating human embryos by cloning, researching with them, working with them and destroying them. Do we want to step over that ethical line? I say no.

It is not going to be any clearer 3 months from now, 6 months from now than it is now. What is going to be different is that in 3 or 6 months, the rogue scientist in Chicago or others may well start the process of cloning human embryos by somatic cell nuclear transfer. That is why we say it is important to move forward on this bill.

If we bring this bill to the floor, we are happy to listen to and ask for specific suggestions from those who are concerned about legitimate research, but we have been advised time and time again that there is no legitimate research being done now in the biotech industry that uses somatic cell nuclear transfer to clone and create a human embryo as part of the research on any of these diseases.

We have heard from patient groups, people who are very much concerned, as we all are, about cancer, about juvenile diabetes, cystic fibrosis, Alzheimer's—the whole range of diseases. We can deal with those diseases. We can deal with the research without cloning a human embryo.

The approach of my colleagues from California and Massachusetts would lead us down the slippery slope that would allow the creation of masses of human embryos as if they were assembly line products, not human life. How would the Federal Government police the implantation of these human embryos?

By allowing the creation of cloned test tube babies so long as they are not implanted, our opponents' bill calls for the creation, manipulation and destruction of human embryos for research purposes.

I have a letter that I will enter into the RECORD from Professor Joel Brind, Professor of Human Biology and Endocrinology at Baruch College, The City University of New York. He addresses the question of stem cell research. I quote from a portion of it:

> Industry opponents also correctly point out that S. 1601 would ban the production of human embryos for research or other purposes entirely unrelated to the aim of cloning a human being. And well it should . . . In fact, it is in this area of research and treatment, to wit, the generation of stem cells, from which replacement tissues or organs could be produced for transplantation into the patient from whom the somatic cell originally came, which is most important to the biotech industry, for obvious reasons. For reasons just as obvious to anyone with any moral sense, such practices must be outlawed, for otherwise, our society would permit the generation of human beings purely for the purpose of producing spare parts for others, and thence to be destroyed. Some may call this a ''slippery slope''—I believe ''sheer cliff'' would be more accurate.

Mr. President, I will add one other thing. He said:

> . . . S. 1601 would, in fact, place real restrictions on stem cell research. Stem cell researchers would have to continue to work with somatic cell nuclear transfer technology in animal systems, in order to learn how to transcend the need for producing zygotes first. However, this is no different from restricting cancer research by prohibiting the injection of cancer cells into human beings (instead of rats) and then testing potential anticancer drugs on them. As a civilized society, we do have to live with meaningful ethical constraints or we end up with the likes of the Tuskegee experiment.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BARUCH COLLEGE,
DEPARTMENT OF NATURAL SCIENCES,
New York, NY, February 10, 1998.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SIR: This letter is written in support of S. 1601, which is designed to ban the ''cloning'' of human beings. I have placed the word ''cloning'' in quotes, because, as claimed by opponents in the biotech industry, the bill would technically ban more than cloning, which, precisely defined, would be limited to use of somatic cells genetically identical to an existing human being (including an embryo or fetus). In other words, the bill closes a gaping loophole—to wit, the use of cells whose DNA has been modified artificially, or use of a fertilized nucleus—that would exist in the legislation, were it to be limited to cloning in its precise, technical sense. That is precisely why S. 1601 is a good bill, because it adequately defines a 'bright line' in the establishment of appropriate standards for stem cell research.

This 'bright line' drawn by S. 1601 is the line between the generation of a human zygote—i.e., a totipotent one-celled embryo; the equivalent of a complete human body at the time of conception—by the in vivo or in vitro union of haploid sperm and haploid egg, and the generation of a human zygote by the artificial means known as somatic cell transfer ('haploid' means half the normal human complement of 46 nuclear chromosomes [DNA], or 23. Only sperm and egg are haploid, while all other body cells—a.k.a. somatic cells—have 46 nuclear chromosomes. 'Totipotent' means that the one-celled embryo [zygote] is capable of giving rise to a completely differentiated human body, i.e., fully formed human being). In somatic cell transfer, a zygote is artificially produced by the introduction of a diploid (i.e., containing a full set of 46 chromosomes) nucleus from a body cell or a zygote, into an egg from which the nucleus has been removed. Thus, the bill clearly prohibits the generation of a human embryo by the artificial means of somatic cell transfer, whether the procedure may be strictly defined as cloning or not. (Note: It may be argued that in vitro fertilization is also artificial, however it is the artificial assistance of a natural process. A good analogy would be the difference between growing ordinary tomatoes in a greenhouse—artificial assistance—and growing genetically engineered tomatoes—artificially produced individuals.)

Industry opponents also correctly point out that S. 1601 would ban the production of human embryos for research or other purposes entirely unrelated to the aim of cloning a human being. And well it should, for the production of a zygote is the production of a human being, which would then be destroyed after use in research, or to generate spare parts for the treatment of patients suffering from a variety of ills. In fact, it is this area of research and treatment, to wit, the generation of stem cells, from which replacement tissues or organs could be produced for transplantation into the patient from whom the somatic cell originally came, which is most important to the biotech industry, for obvious reasons. For reasons just as obvious to anyone with any moral sense, such practices must be outlawed, for otherwise, our society would permit the generation of human beings purely for the purpose of producing spare parts for others, and thence to be destroyed. Some may call this a 'slippery slope'—I believe 'sheer cliff' would be more accurate.

What then? Does S. 1601 stop the field of stem cell research, with all its potential for life-saving and life-extending treatment, in its tracks? In a word, no. In fact one form of stem cell transplantation—bone marrow transplatation—has already been in wide use for years. Stem cells are body cells which are primitive and undifferentiated, and capable of giving rise to a variety of differentiated cell types and/or tissues and/or organs. For example, in a bone marrow transplant, the transplanted cells give rise, in the recipient's body, to the whole host of different types of white blood cells, red blood cells and platelets. Stem cells are thus 'pluripotent'—capable of forming many different types of cells, but not an entire human being, as would a totipotent cell or zygote. Of course the most precise way to obtain stem cells, especially if they are to be modified in order to correct a genetic defect, is to first generate a whole embryo—such as by somatic cell transfer—and then let it develop into a multicellular embryo, and finally harvest the desired stem cells and throw the rest away. Therefore S. 1601 would in fact place real restrictions on stem cell research. Stem cell researchers would have to continue to work with somatic cell nuclear transfer

technology in animal systems, in order to learn how to transcend the need for producing zygotes first. However this is no different from restricting cancer research by prohibiting the injection of cancer cells into human beings (instead of rats) and then testing potential anti-cancer drugs on them. As a civilized society, we do have to live with meaningful ethical constraints, or we end up with the likes of the Tuskegee experiment.

Biotech industry opponents also point out that one form of somatic cell nuclear transfer has already been used successfully in the treatment of infertility. In particular, a zygote produced the natural way—from the union of sperm and egg—is used to supply a diploid nucleus for transfer into a normal egg from which the nucleus has been removed. Who would need such a treatment?—a woman who has a genetic defect in her mitochondrial, rather than in her nuclear DNA. The mitochondria are the energy-producing parts of a cell, and we all inherit them from our mothers (from the non-nuclear part of the egg). If the mitochondrial DNA is defective the zygote will not be viable, even if the nuclear DNA is fine. Hence, transfer of the viable nucleus into a denucleated egg from a normal donor will result in a viable zygote. Fine, except that the offspring thus produced now has two biological mothers, both having provided genetic material essential for the offspring's survival. The legal nightmares following the use of this technology are easily envisioned, and the fact that it has already been done underscores the need for enacting the present legislation without delay.

I also wish to comment on alternative legislation which proposes to allow cloning or artificial production of human embryos, provided they are destroyed and not permitted to be born or even implanted into a woman's uterus. Such legislation is worse than no legislation at all. Permitting the destruction of innocent human life is abhorrent enough—but to mandate it?

Finally I report the essence of a conversation I had earlier today with some colleagues, concerning the matter at hand. They said that the banning of this technology would only result in its pursuit beyond the borders of the United States. I replied by asking them to name any foundation document or scripture for any civilization ever in history, in which was inscribed as a principle any version of ''If you can't beat'em, join 'em''? I implore you in the strongest possible terms to resist at every turn this product of corrupt mentality.

Please feel free to contact me at any time if I may be of any further assistance.

Sincerely,

JOEL BRIND, Ph.D.,
Professor, Human Biology and Endocrinology.

Mr. BOND. I reserve the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you. Mr. President, I very much regret the fact that the Senator from Missouri has chosen to mischaracterize both my position and my bill. I hope we will have a chance in committee to iron that out. But at this time, I yield the remainder of my time to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have on this?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes and 13 seconds.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, as the Senator from California has pointed out, we have someone who doesn't describe our position accurately and then differs with the position. And that is just what has happened here on the floor of the U.S. Senate.

First of all, the committee which deals with these issues on public health has not had 1 day, 1 hour, 1 minute of hearings on this legislation. The distinguished Senator, Senator BOND, has said, ''Couldn't we sit down and discuss these measures?'' All we are saying is that a no vote gives us an opportunity to sit down in the committee and hear from the research organizations and the ethicists to try and draft legislation that is in the interest of the patients of this country.

We have challenged those who support this legislation to mention one major research or patient group that supports their position. All we hear is about special interest groups that are going to benefit from this program.

Do we consider the cancer society a special interest group? Do we consider the American Heart Association, the Parkinsons Action Network and the Alzheimers Aid Society special interest groups? If they are special interest groups, we are proud to stand with them. They know what is at risk. And those who support this legislation have not been able to bring to the floor of the U.S. Senate reputable researchers who believe that research towards alleviating human suffering will not be curtailed by this legislation.

This has been pointed out effectively by the Senator from Florida and the Senator from South Carolina. This is not a partisan issue. We all want to have the best in terms of research for our families, for the American people and for the world.

We are effectively cutting off opportunities to advance biomedical research if we impose cloture today. Let's give the committees the opportunity for full, open, informed, balanced judgment and then come back to the floor of the U.S. Senate and have a debate on this issue. Don't cut off one of the great opportunities for research in this country by voting for cloture today. I reserve the remainder of our time.

Mr. BOND. Mr. President, I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to support the underlying bill and hope that we will be able to proceed with a discussion of the bill today. No longer can we divorce science from ethical consideration. Science moves too fast today. We see it, with what has resulted from Dolly with this cloning procedure. Science and ethics must march hand in hand.

What does this bill do? No. 1: It prevents cloning of a human being. It stops people, like Dr. Seed, who have proposed cloning human individuals dead in their tracks.

No. 2: It creates a commission, 25 people, bipartisan, broadly representative of the American people, ethicists on board, the very best scientists on board, social scientists on board and lay people on board. That commission will consider new technology, will consider cloning, will consider the next potential great advance that is out there with that ethical, theological and scientific environment.

What does this bill do? This bill does not stop any current research being done in in vitro fertilization, in stem cells, in transplantation. And I challenge any scientist, because the scientific community and the private industry and all say, ''No, we can't stop science,'' we need to involve that ethical decisionmaking today—I do challenge any scientist who reads the wording in the bill to send me a peer-reviewed study that is banned by the wording of this bill. Read the bill.

Do we eliminate all embryo research? No, only a single technique, that balance we have achieved between hope and the potential opportunities for a technique versus the ethical consideration and the science we have achieved by looking at a single technique.

We don't eliminate all embryo research, just a single technique when applied to the procedure when it clones a human embryo. That is the only area.

Do we eliminate all of this technique? Do we eliminate all of this somatic cell nuclear transfer? Absolutely not. The Dolly experiments continue. The animal research continues in somatic cell nuclear transfer.

The only thing we eliminate is the future application when this technique is used only in the circumstance to create a live cloned human embryo. All animal research continues today. This is an untested procedure. It may be harmful. It has not been proven to be safe today. Shouldn't we be looking at it in animal models instead of taking it to the human population? That is what this bill does. Slow down. Let's do that animal research before creating live cloned human embryos.

It is a tough issue. I don't want to slow down science and the progress of science, but I do think that we, as a society, absolutely must recognize that not all science can proceed ahead without consideration by the American people, without consideration of the ethical implications. All of the hopes that have been mentioned in terms of curing disease projected into the future, I have those same hopes, but I also recognize that we can't go totally on uncharted courses. Science has been abused in the past. We can look back at Hitler and what Hitler did in the name of science. We have to take these ethical considerations and put them hand in hand in the progress of science.

Let me close and simply say, the commission is vital to this legislation.

We have to have a forum that is not on the Senate floor, that is not just in the scientific communities, to address these issues. That is what this commission achieves.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRIST. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, today, I rise to state my unequivocal support for a federal ban on human cloning. However, I am uncomfortable with the hurried pace with which this issue is being considered in the Senate.

The issue before us is both extremely complex and consequential. Regulating the very cutting edge of medical science will impact our fights against nearly every category of disease, including cancer, heart disease, blindness, Parkinsons and Alzheimers diseases to name but a few.

The United States must maintain its preeminent position as the international leader in biotechnological research, but do so while adhering to the highest moral and ethical standards. Any prohibition of cloning needs to be very carefully constructed and tested by public hearing to assure that both of these goals might be fulfilled.

The Food and Drug Administration has claimed authority to regulate this technology now, eliminating the need for immediate legislative action. Knowing this, and with lives at stake, I believe all Senators should have the opportunity to benefit from a thorough public examination of this proposal.

For these reasons, I will not support cloture on the motion to consider S. 1601 in hopes that this matter will be further evaluated at the committee level.

Mr. BROWNBACK. Mr. President, I rise to make a few remarks on the matter of human cloning.

I believe that as the Senate debates this issue that is so fundamental to the meaning and the essence of what it means to be a person we must consider very carefully the moral implications associated with the issue of human cloning.

Certainly there is no moral prohibition, nor could one effectively be argued, against the cloning of plants or even animals—there is something fundamentally different. Also, no one is arguing against tissue research or other important research. The issue today is strictly limited to the use of technologically feasible methods to create and manipulate new life through a process of human cloning. And beyond that, the issue is whether or not it is morally permissible to clone human beings.

This issue demands the public attention because it implicitly revolves around the meaning of human dignity and the inalienable rights that belong to every person.

But before discussing this in particular I think it is necessary to engage in a discussion on an even more fundamental level.

What is even more fundamental in this discussion is the question of the place occupied by the birth of a new child in our society.

First it is worth noting that there is a symmetrical quality to the current debate in our culture. And although the underlying philosophical premise is the same, the outcomes are radically different. I believe it is one of the tragedies of our times that in the midst of a culture which has allowed over 35 million abortions to be performed over the last twenty-five years, we now desire to create human life by our own hands. On the one hand, we deny God's creation, on the other, we seek to create life in our own image and deny God yet again. This is tragic on both counts.

I personally believe, and 2,000 years of Western tradition support this belief, that the birth of any child is an unmerited gift from God to a man and woman. Some in recent years, have given us a notion of a child as an object merely for the fulfillment of a man and woman's personal desire. It should be reasserted though that a child is not and can never be an object merely for the fulfillment of a man and woman's personal desire. A child is a precious and unmerited gift from God. God alone gives human life—but human cloning usurps that role. And I do not believe that we can ever do that.

The creation of new life outside of man and woman is a gross distortion of the moral natural law.

Human cloning distorts the relationship between man and woman by negating the necessity of either one in the creation of new life and consequently also usurps the role of God in the creation of new life. Fundamentally, it alters the view of the child to the world in such a way that the child is seen as something which can fulfill the needs of an individual physically, emotionally or spiritually. This is an incorrect view and is a gross violation of our duty to protect the human dignity of each and every person. It reduces a child to a means to an end and denies them the dignity they deserve to be treated not as a means but as an end in and of themselves.

And this notion is precisely where the disagreement on this issue exists between the Administration and the cloning bill before us today.

Some will argue that the issue simply needs to be studied before any research begins—a notion which does not rest on the supposition of a child as a gift. This is wrong. There is no research that can ever justify the willful technological manipulation and creation of human life through the process of human cloning for the furtherance of science—or even for the preservation of humanity.

The White House doesn't want a permanent ban—they want a limited moratorium. This indicates that they believe there may be a use for this technology as it relates to the issue of human cloning. But no such use exists. The act of cloning a human being for the purposes of study, or for the purpose of bringing new life into the world is intrinsically evil and should be absolutely prohibited.

Also, there is another dimension to this debate which is fraught with problems and that is the rationale that will develop should cloning be allowed.

But what few have mentioned in this discourse is that implicit in the rush to begin cloning human beings is the eugenic rationale that will ultimately develop in support of it. Already, there are stories—what I would call horror stories—of people asking for specific genetic attributes when deciding to participate in *in vitro* fertilization. And when we are able to shop for a baby in the same way that we shop for a car; by whimsically creating new life based solely on our own personal convenience and satisfying our own personal desire, we effectively say: ''God we do not need You anymore, we can do this ourselves.''

And that is just wrong.

Mr. President, it would be a serious mistake and an abdication of our duty as responsible legislators to allow the devaluation of human life that would take place if we allowed for human cloning. There should be no human cloning. Period.

Mr. President, as we continue to debate this issue I would urge my colleagues to examine the role of our government in this debate and to then reach the only conclusion possible: that human cloning seriously threatens the dignity of human beings and it is our responsibility to absolutely prohibit human cloning and in so doing decisively end debate on this issue once and for all.

Mr. HATCH. Mr. President, I rise to offer some comments on the cloning legislation that we are now debating.

I think that this has been an important debate, one which should continue. It is a debate that involves many difficult, troublesome issues. I come to this debate as a concerned pro-life Senator, who also has profound questions about the scientific implications of this bill.

I can tell you that scientists from my home state of Utah are following these discussions very closely.

I am proud that researchers at the University of Utah and the Huntsman Cancer Center are at the cutting edge of science. It was scientists at Myriad Genetics of Salt Lake City who were co-discoverers of a gene—the BRCA 1 gene—that causes some types of breast cancer.

Let me share with you a letter that I received from Dr. Ray White, the Director of the Huntsman Center. I ask for unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

HUNTSMAN CANCER INSTITUTE,
Salt Lake City, UT, February 5, 1998.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: It has been brought to my attention that there is now pending legislation from the Senate leadership that would make it a criminal offense to utilize somatic cell nuclear transfer technology. The intent of the legislation is to prevent the cloning of humans. I agree completely and whole-heartedly with this intention. It would be a travesty and tragic ethical transgression to create cloned human individuals. However, this technology is the basis for a broad range of studies in biomedical research and a ban would halt research in many areas that promise major benefits for mankind.

For example, injection of fetal brain cells is thought to possibly provide benefits to individuals suffering from Parkinson's disease. Obtaining such cells from fetal materials can create its own ethical dilemmas. It would be far better to be able to reprogram the patient's own cells for this purpose. Nuclear transfer technology might well provide ways to accomplish this desired goal without raising such ethical issues.

It is important and possible to create legislation that will achieve the desired goal of preventing human cloning. I urge you to please consider carefully the downstream negative consequences of an overly broad legislative stroke. By all means, let us outlaw human cloning. But let us not eliminate promising pathways of research that could relieve human suffering.

Thank you very much for your attention.

Sincerely,

RAYMOND L. WHITE,
Executive Director.

Mr. HATCH. I agree with Dr. White that we should try to find a way to ban cloning of human beings but do so in a way that allows, to the extent ethically proper, valuable research to continue.

In these type of debates many of us value the opinion of my good friend and colleague from Tennessee, Senator FRIST. As a physician he brings a unique perspective to issues of science and medicine. He is also a co-sponsor of S. 1601, the bill pending before this body.

Let me also share with you a letter I sent to Senator FRIST on this bill. It is a short letter which I ask unanimous consent to insert in the RECORD at this point:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 6, 1998.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR BILL: I am following the debate on the human cloning bill very closely. My interest is twofold: As Chairman of the Judiciary Committee, I have a special responsibility for considering any legislation such as S. 1601 that creates new criminal penalties. In addition, my long-standing interest in biomedical research and ethics compels me to understand a bill which has such far ranging public health consequences.

As you know, throughout my career, I have always taken a strong pro-family and pro-life stance, especially those relating to abortion and human reproduction. I have also spent considerable efforts to see that the United States remains the world's leader in biomedical research so that our citizens may continue to benefit from revolutionary breakthroughs in science. I know that you share my belief that we have a responsibility to facilitate the advance of medical science in a manner that to the greatest extent possible respects the religious and ethical concerns of a diverse population.

I believe that there is widespread agreement that the cloning of human beings is undesirable and should be stopped. However, in achieving this end we must take care not to cut off—unwisely and unnecessarily—vitally important avenues of research. Dr. Raymond L. White, Director of the Huntsman Cancer Institute at the University of Utah, has voiced his concern about this matter: ''It is important and possible to create legislation that will achieve the desired goal of preventing human cloning. I urge you to please consider carefully the downstream negative consequences of an overly broad legislative stroke. By all means, let us outlaw human cloning. But let us not eliminate promising pathways of research that could relieve human suffering.''

I am committed to legislation that prevents human cloning but allows vital research to continue into areas such as Parkinson's Disease, Alzheimer's Disease, diabetes, and many cancers. You raised a number of cogent points during our debate on Thursday. To better understand the operation of S. 1601, I would appreciate it if you can provide your thoughts on the following:

1. S. 1601 does not define the term ''embryo''. Do you believe that the initially created single cell product of somatic cell nuclear transfer is an ''embryo''? Is there consensus among scientists on this?

2. What is the intent of S. 1601 with respect to allowing, or disallowing, the creation of a one cell entity through somatic cell nuclear transfer to be cultured in vitro to produce tissue intended to treat, cure, diagnose, or mitigate diseases or other conditions? Specifically, what types of research and development activities would be permitted or precluded?

3. S. 1601 does not define the term ''somatic cell.'' Do you consider fertilized eggs of the type used in mitochondrial or cytoplasmic therapy ''somatic cells''? How are such therapies treated under your interpretation of S. 1601?

4. What research and development activities does S. 1601 preclude or regulate that are currently beyond the jurisdiction of the Food and Drug Administration under current law, including its 1993 and 1997 jurisdictional statements (58 Fed. Reg. 53248; 62 Fed. Reg. 9721)?

These questions involve novel and difficult issues. I am certain that other tough questions will surface during the course of this debate. It is because of your expertise in these areas that I seek your guidance. Accordingly, I would greatly appreciate it if you could detail your reasoning in responding to these inquiries. It would be most helpful if I could learn your views prior to the cloture vote on Tuesday.

Warmest personal regards,

ORRIN G. HATCH,
Chairman.

Mr. HATCH. I think that these are some of the important questions and the type of questions on which we need to have consensus before we enact legislation:

— What are the current capabilities of cloning, in animals and humans? Should we be focusing on banning a technology, or technologies, or the results of a technology.

— What should be the status of the asexually-produced totipotent cells? What is the correct definition of an embryo? For example, is it the definition used in the Report of the National Bioethics Advisory Commission—that it is ''the developing organism from the time of fertilization until significant differentiation has occurred, when the organism becomes known as a fetus''? Would that definition preclude human somatic cell transfer technology?

— What current authority does the government have with respect to techniques which might lead to cloning human beings and human tissue?

— Although there is virtual unanimity that cloning of human beings should be banned at this time, what is the appropriate type of penalty for any attempt at such an act? Should it be a criminal penalty? If so, what type? Are the criminal penalties instituted in S. 1601 the appropriate means of preventing cloned humans?

— How does the language of this bill affect the ability to do further research on whether banning somatic cell nuclear transfer technology would affect the ability of a woman with unviable eggs to conceive children?

— Precisely what types of research could—and could not—be conducted under this bill?

These are important issues that deserve our full attention.

All of us have family, friends and loved ones afflicted by some terrible disease.

When we think about this bill we need to think about people like Nancy and Ronald Reagan as they battle against Alzheimers.

We need to think about Mohammed Ali's battle against Parkinsons.

We need to be sure that in locking off human cloning that we don't do so in a way that throws away the key to many other diseases.

Over the past few days, we have heard very compelling, heartfelt debate about this issue.

Some have expressed the belief that asexually-produced totipotent cells are, in fact, an embryo, fully deserving of the protections we accord to a human life.

Others have averred that these cells are not yet a human embryo, but rather should be viewed as a very promising tool which science should be allowed to explore as we continue our quest to cure such devastating diseases as diabetes, cancer and AIDS.

Both sides hold very strong moral convictions. There are extremely important implications for both.

This body must explore these fundamental questions. We must consider the views of our scientific experts, ethicists, religious leaders, ethicists, and men and women of medicine.

Let me also add I am very troubled that this bill should have been considered in Committee where many of the fundamental issues we have been debating can be explored in more depth, especially since S. 1601 amends Title 18 of the U.S. Code.

This is obviously an important debate, one which must be continued, and therefore I will vote ''yes'' on the motion to invoke cloture.

As we attempt to advance the public health, we must do so in a way that protects human life. I think we must work to craft legislation that achieves both of these goals.

Mr. GORTON. Mr. President, I intend to vote for cloture on the motion to proceed to Senator FRIST'S bill this morning because I believe it is imperative that we move the debate on human cloning forward. The lightening pace of scientific and medical advances, while holding immeasurable promise, often leaves society unprepared to answer the moral and ethical questions that follow. The technology used to clone ''Dolly'' the now famous Scottish sheep, somatic cell nuclear transfer, clearly should not be used to clone a human child; this is neither a moral nor medically ethical procedure. Yet it is clear that the scope of possibility for this new technology has not been fully explored. It may hold the potential to develop new lifesaving therapies for diseases that have historically plagued mankind. Can we close the door on new opportunities to heal cancer patients, those afflicted with Alzheimers, or burn victims?

Few of us in this body have background in science, medicine, or medical ethics. Yet we are being asked to make decisions that have tremendous consequences for the lives of every American. We are being asked to examine some of our fundamental beliefs about life and the ethical use of science. We must be exceedingly cautious before legislating in an area we admittedly know little about.

I commend Senator FRIST for his leadership in bringing this issue before the Senate. I hope that we can reach consensus; that prohibiting the use of somatic cell nuclear technology to produce a human child and promoting responsible biomedical research are not mutually exclusive goals. But we cannot do so unless we thoughtfully debate the issue; we cannot ignore it.

Mr. BYRD. Mr. President, in February 1997, scientists in Scotland were successful in producing a cloned sheep, named ''Dolly.'' This incredible event shocked the world and led to the realization that, at some point, cloning human beings might also be on the horizon. Shortly after the announcement about Dolly, my concern about the ethical and moral implications of cloning human beings led me to cosponsor Senator BOND'S bill, S. 368, that would prohibit the use of Federal funds for research on human cloning. I believe that, with the notable exception of Dr. Richard Seed, who has announced to the world his intention of cloning a human being, there is broad agreement that cloning humans is unacceptable on many grounds.

But, the successful cloning of ''Dolly'' has prompted scientists to ponder other potential uses of somatic cell nuclear technology, the technique used to create Dolly. Scientists believe that research using this technique might hold promise for a whole host of devastating human diseases. For this reason many in the scientific community are urging Congress to move cautiously in this area, lest overly broad legislation have unintended consequences. Care in its crafting is, therefore, imperative.

Given the concerns raised by the scientific community and patient groups, it is therefore prudent that we proceed with caution and only after thorough consideration of the ramifications that may follow if we were to enact S. 1601, the bill before us today. This bill has received not one hour of hearing before the appropriate committee. Who can say with any comfort what the impact may be on important research aimed at dread diseases? Doesn't important and potentially far reaching legislation such as this at least warrant hearings before we proceed? This legislation could have unintended and detrimental consequences.

Let us now get down to hard work and take the time necessary to determine how to go about banning the cloning of human beings in a clear and precise way that will avoid the unwanted consequence of also banning important research intended to alleviate the pain and suffering of victims of Alzheimers disease, Parkinsons disease, and many types of dreadful cancers.

I will vote against invoking cloture on the motion to proceed to S. 1601, the Human Cloning Prohibition Act. While I wish to register strong opposition to cloning a human being, I also believe that bringing this recently-introduced legislation to the Senate floor for consideration without hearings by the appropriate Senate committee, including testimony from expert witnesses is a mistake.

Mr. HELMS. Mr. President, the distinguished Senators BOND and FRIST are to be commended in introducing the underlying legislation to ban human cloning and the creation of human embryos. Congress must make unmistakably clear that human life is too precious and valuable to be cheapened by a medical procedure which replicates human beings.

Millions of Americans believe that human cloning is inconsistent with the moral responsibility that is incumbent upon modern medical technology. Put simply, so-called medical ''advances'' are not advances at all unless the dignity and sanctity of all human life are preserved. It is meaningful, I think, that the Senate's only physician has sponsored this bill. I appreciate Senator FRIST's willingness to offer his medical expertise to the American people by setting the record straight about the travesty of human cloning.

Mr. President, the overwhelming consensus among professionals in the medical industry confirms that human cloning is unethical and immoral. NIH Director Harold Vamus stated that he personally agrees with numerous polls evidencing the public's opinion that cloning human beings is ''repugnant.''

Indeed, Mr. President, the American people are outraged by the hubris of a fringe element of the medical community wishing to pursue human cloning—and they are demanding action. In fact, some states have already introduced similar legislation to the one before us that would ban human cloning.

Perhaps this debate over human cloning was inevitable because, for too long, our society has failed to stand on the principle that all life has value. Nowhere has the lack of respect for human life been more evident than in the Supreme Court's tragic Roe v. Wade decision in 1973—the infamous case; which established that unborn children are expendable for reasons of convenience and social policy. Roe v. Wade presaged an era where science, technology and medicine are no longer confined to work within the moral boundaries erased by that ill-fated decision made twenty-five years ago.

I'm sure most Americans were alarmed, as I was, when the Chicago physicist, Richard Seed, expressed his reasoning for wanting to clone a human being. Mr. Seed, states that he believes mankind should reach the level of supremacy as our Creator. Mark my words, a society that permits modern medicine to sacrifice human dignity for the sole purpose of such self-glorification will not survive its own arrogance.

Those having doubts need only to consult their history books. Evidence of this can be seen throughout the course of history. It is instructive to read the book of Genesis and the account about a group from Babylon who became so enamored by technology that they believed they could build a structure, the infamous Tower of Babel, that would reach into heaven. The Lord punished the arrogance of this civilization and disrupted their foolish work.

Some may say this is a story of irrelevance, but I believe it serves as a reminder of the ramifications to come if modern medicine is allowed to exceed beyond the moral boundaries and human limitations set by God. We should not be in the business of taking away life or creating life unnaturally.

So, Mr. President, it is extremely important that the Senate pass this legislation to outlaw human cloning. In doing so, the Senate will heed the American people's belief that this objectionable procedure is a dangerous precedent and a morally abhorrent use of medical technology.

Mr. COATS. Mr. President, I rise in support of S. 1601, a bill that would end the cloning of human beings. I urge my colleagues to support and cosponsor this legislation.

Many opponents of the bill will label its supporters as anti-technology, anti-science—seeking to return to the dark

days of ages past. Such opponents have conveniently seized on a notion that to ban this emerging technological procedure is to despise all science and progress.

Nothing could be further from the truth. Just 80 days ago, two of the primary sponsors of this bill—Senators FRIST and GREGG—and I completed three years of intense work on the FDA Modernization Act, whose sole purpose was to advance the health of patients by supporting and promoting the extraordinary, life-saving work of high-technology biotech companies and drug firms. It is too convenient—indeed, it is dishonest—for opponents to charge supporters of this cloning bill with being anti-science, anti-patient.

Indeed, we who believe human life to be one of the greatest gifts from our Creator, do not fear the development of science and technology that protects and improves that life. We know only too well of the advances in medicine and vaccines that have dramatically reduced infant deaths. We have held hearings in which extraordinary PET technology can reveal the workings of the prenatal and postnatal brain. We have constituent companies whose fetal bladder stents now save the lives of women and their children, when death used to be a certainty.

But to admire, promote, and legislate on behalf of patient-friendly technology, and scientific achievement does not require that we sacrifice all principle or that we abandon caution in the face of serious questions about a particular technology.

Few will disagree that cloning presents this country with one of the most disturbing and tantalizing scientific developments in recent time.

At once, it presents us with the opportunity to duplicate, triplicate, infinitely replicate the best that the world has to offer; and it presents the threat of too much of a good thing—the loss of individuality and the end of the security and utility inherent in diversity. Indeed, the child is now created in our own image and not God's. It becomes a product of the will and not the receipt of gift. Who can predict the emotional, the psychological, or the spiritual consequences of such a technolgy?

Cloning technology, so new to the human experience, indeed considered just ten or fifteen years ago to be practically and scientifically unachievable, has received only scant attention from the most distinguished, thoughtful, and expert-laden institutions in our society. Even today, cloning of humans is still considered only a remote possibility by means as yet untested and only barely imaginable.

Because it differs so dramatically from in vitro fertilization and other methods of reproduction, we can scarcely begin to set forth some of the practical consequences: a reduction in genetic diversity, long considered essential to the species; an increase in deformities in the child. The possibilities are numerous and unexplored.

Proponents of cloning argue that in the face of these possibilities, caution is required. But while cloning proponents call for caution that protects experimentation, the better course is caution that protects the developing human embryos that are inevitably created by such technology.

How in good conscience can we wait for the practical and ethical complications of cloning to develop—to wait for Dr. Richard Seed to use methods that unavoidably involve the destruction of living human embryos?

Perhaps in the meantime research on animal cloning will result in the cloning technology that can be used to develop human cell lines or tissue that is not derived from a developing human embryo or does not result first in the creation of such an embryo. Again, until that day, caution is required—caution in defense of life.

S. 1601 ensures that the least among us receive our full recognition and protection as members of human society. I urge passage of S. 1601.

Mr. BIDEN. Mr. President, I want to make it absolutely clear: I oppose the cloning of human beings. But, I am voting against cloture on the motion to proceed to the cloning bill because the bill and the issues the bill raises are not that simple.

I am voting against cloture because there has not been sufficient discussion; there have not been sufficient hearings; there has not been sufficient consideration of what is a very complicated scientific issue. Legislation is supposed to be the end result of a process; not the beginning of it. This bill, Mr. President, is far too premature.

Yes, hearings were held last year after it was announced that Dolly the sheep was a clone. But, those were generic hearings on the issue of cloning. And, the bill before us is not—I repeat, not—a result of those hearings. This was a bill that was introduced a week ago, has never been the subject of a hearing, and has never been considered by a committee.

Are the definitions adequate? Or, are they over broad? In the name of preventing the cloning of a human being, are we hindering medical research that might help in the battle against cancer and other diseases? Or, in the name of allowing scientific research, are we opening the door to rogue scientists who will then find it easier to clone a human?

These are all very legitimate questions that need answers. In the end, there may be significant differences over what the answers should be. But, the problem here today, Mr. President, is that we are not ready to be debating answers to these policy questions because we have not had a thorough discussion of the questions and the implications.

With the pace of scientific advancement—scientific knowledge is now doubling about every five years—more and more of these extremely complicated bioethical issues are likely to come before the Congress in years to come. Let's not set a precedent here today that we will deal with them willy-nilly—by simply taking a position and voting without having given thoughtful consideration to the issues involved.

We need to act to ban the cloning of humans. But, before we act, we need more hearings and more discussion on how best to accomplish that. Therefore, I am voting against cloture on the motion to proceed.

Mr. DURBIN. Mr. President, I rise today to suggest that we should not be rushing to consider a bill that may do far more than ban human cloning permanently. The Lott-Bond cloning bill was only introduced last Tuesday and has been available for review for a very short period of time. The identical bill that was introduced by Senator BOND was referred to the Judiciary Committee and yet we have had no Judiciary committee hearings on this topic to examine exactly what this bill does. Is the bill really written to accomplish its goal of banning the duplication of humans via this new technology? Or does it go much further than its stated goal? I don't think that many of us here on the floor of the Senate (myself included) are well equipped to make that determination without hearing from experts in the field including scientists, bioethicists, theologians and others qualified to give us advice on this very important matter.

It is also not clear as to why we are rushing to consider this bill given that the FDA has already announced that it has authority over this area. In fact I have a letter here in my hand from the FDA that explains that before any human cloning would be allowed to proceed, FDA would need proof that the technology was safe. FDA will prohibit any sponsor of a clinical study from developing this technology if ''it is likely to expose human subjects to unreasonable and significant risk of illness or injury'' or ''the clinical investigator was not qualified by reason of their scientific training and experience to conduct the investigation.'' The letter goes on to say that ''In the case of attempts to create a human being using cloning technology, there are major unresolved safety questions. Until those questions are appropriately addressed, the Agency would not permit any such investigation to proceed.''

The National Bioethics Advisory Committee recommended a five year moratorium on the use of this technology to create a human being. Due to the time limit that they were under, the committee was unable to focus on the issues beyond safety. They concluded that, at this time, the technology was unsafe for use for the purpose of cloning a human being. They did not address the many ethical issues involved with the use of this technology. The committee believed that these issues were too complex to be dealt with in such a short period of

time. Therefore, it is still necessary to allow time for discussion about the ethical use or need for a specific ban on the use of this technology.

To date, we have excluded Patient groups, physicians, scientists and other interested parties from the discussion of how this particular bill should be drafted. Yet it is these very patients whose future hope for cures may be cut off by a bill if it is improperly drafted.

I find it extremely troubling that we are rushing to consider a bill that every patient advocacy group, doctor, or scientist that has contacted my office has either urged us not to pass or has asked us to consider in a more deliberative manner. Organizations such as: The American Heart Association, the Juvenile Diabetes Foundation International, the American Association for Cancer Research, the American Society for Human Genetics, the American Academy of Allergy, Asthma and Immunology, the Association of American Medical Colleges, the American Pediatric Society, the Cystic Fibrosis Foundation, the National Osteoporosis Foundation, the Parkinson's Action Network, the AIDS Action Council, the American Academy of Pediatrics and 27 Science Nobel Laureates. These organizations and individuals are dedicated to finding cures for diseases. They are not advocates for unethical research. They are mainstream organizations committed to finding cures for such diseases as heart disease, strokes, spinal cord injuries, birth defects, asthma, diabetes, cancer, osteoporosis. These are diseases that afflict millions of Americans. Biomedical research may be some patients with these illnesses only hope.

For some, new technologies as yet undeveloped may be their only hope. For instance, some of my colleagues may have heard the story of Travis Roy. Travis is now a 21 yr old college student at Boston University. Travis grew up in Maine and was an avid ice hockey player. Unfortunately for Travis during his first collegiate hockey game 3 years ago, 11 seconds in to the game, he collided with the wall and suffered a spinal chord injury that has left him paralyzed with only a small amount of movement in his right hand. Travis has written a book about his experiences and his fight for recovery. For people like Travis that have had their spinal chords severely injured they look to new research that might help them regenerate their damaged tissue. As Travis so agonizingly stated recently: ''All I want to be able to do is to hug my mother.''

Researchers hope that they may be able to generate what are known as ''stem cells,'' that is cells that can give rise to lots of other cells, using the technology that the Lott-Bond cloning bill seeks to ban. With continuing research, those cells might be used to repair injured spinal cords or damaged livers or kidneys or hearts.

Stem cell research could provide: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; neural cells for treating those suffering from neurodegenerative diseases; blood cells to treat cancer anemia and immunodeficiencies; neural cells to treat Parkinson's Huntington's and ALS. The generation of stem cell lines using an unfertilized egg as a host is far removed from the act of creating embryos for research or creating a fetus for organ parts. In fact, it is the exact opposite giving an avenue for therapies that involve the culturing of single cells from adult cells. Some of these therapies would actually result in fetal tissue no longer being necessary for the treatment of many neurodegenerative diseases. Others might give hope to parents that conceive children that have genetic diseases, so that they are not faced with the agonizing choice between terminating a pregnancy or giving birth to a severely disabled child.

I think that many of us do not really know what the full scope for this technology really is. It is possible that this technology may be used in a life enhancing, life promoting manner.

We should have a full hearings process with opportunities to hear from specialists in medical genetics, researchers at NIH and other institutions. We should listen to what the medical community has to say on treatment options. We should also hear from patient advocacy groups and all others that may have expertise in this area or be affected by the legislation at hand. Likewise, the area of assistive reproductive technology has become incredibly complex and we should listen to bioethicists and religious leaders and their opinions which we surely value. Again, I wonder why we are rushing here. What about the committee hearing process is the Republican leadership afraid of that?

Some may argue that the announcement by the Chicago Physicist, Richard Seed of his intention to start cloning necessitates a rapid response. However, Dr. Seed has no training in medical procedures nor in biology. He does not have a lab for this purpose. He does not have the venture capital and in fact his home was recently foreclosed by the Bank. Thus to suggest that he will be cloning anything soon, seems outlandish at best. By the FDA's stated criteria of an investigator needing to demonstrate expertise, Dr. Seed would clearly fail and thus would be prohibited by FDA from proceeding.

One person's far-fetched claims should not propel us into passing legislation that has not been adequately reviewed. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine has said: ''We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed.''

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. KENNEDY. Mr. President, I yield myself 30 seconds. I have too much respect for my friend and colleague from Tennessee to let the comparison with Hitler and science be used on the floor of the U.S. Senate in reference to our position on this particular issue without comment.

Our position has been embraced by virtually every major research group in this country. This vote isn't about a ban on the cloning of human beings. We have agreed on that principle. This vote is about preserving opportunities for major advances in biomedical research in this country. I hope the Senate will vote ''no'' on cloture.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri controls 20 seconds.

Mr. BOND. I yield that time to myself.

Mr. President, unfortunately, the misinformation about this bill has our opponents saying that human cloning bans will hurt research. Show me one mainstream scientist who is currently creating cloned human embryos to fight these ailments. It is not happening. It should never happen.

Science has given us partial-birth abortions and Dr. Kevorkian's assisted suicide. We should say no to these scientific advances and no to the cloning of human embryos. If you vote against cloture, you are saying yes to human cloning.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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 motion to proceed to S. 1601, regarding human cloning.

Trent Lott, Christopher S. Bond, Bill Frist, Spencer Abraham, Michael B. Enzi, James Inhofe, Slade Gorton, Sam Brownback, Don Nickles, Chuck Hagel, Rick Santorum, Judd Gregg, Rod Grams, Larry E. Craig, Jesse Helms, and Jon Kyl.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1601, the Human Cloning Prohibition Act, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES: I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

I further announce that the Senator from Nevada (Mr. BRYAN), is absent due to illness.

I also announce that the Senator from Nevada (Mr. REID), is absent attending a funeral.

I further announce that if present and voting, the Senator from Nevada (Mr. BRYAN), would vote ''no.''

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—42

Abraham	Faircloth	Kyl
Allard	Frist	Lott
Ashcroft	Gorton	McCain
Bond	Gramm	McConnell
Brownback	Grams	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Roberts
Cochran	Hagel	Santorum
Coverdell	Hatch	Sessions
Craig	Helms	Shelby
D'Amato	Hutchinson	Smith (NH)
DeWine	Hutchison	Stevens
Domenici	Inhofe	Thomas
Enzi	Kempthorne	Thompson

NAYS—54

Akaka	Feingold	Lugar
Baucus	Feinstein	Mack
Bennett	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bumpers	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnson	Roth
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Daschle	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Lieberman	Wyden

NOT VOTING—4

Bryan	Reid
Levin	Warner

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate resume consideration in executive session to debate the nomination of Frederica Massiah-Jackson.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mr. LOTT. Now, Mr. President, we are working on an agreement with regard to this nomination—we still have to clear it with Senators on both sides of the aisle—that would allow us to announce some action in regard to this nomination within the next couple of hours, we hope certainly in the early afternoon, and then it would be our intent to go to the Morrow nomination. We have been working on a time agreement, and we will enter a request as to exactly when that would be debated and for how long. It is our intent to have a vote on that nomination at a reasonable hour this afternoon—not tonight.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. Yes, I yield.

Mrs. BOXER. Several Senators on both sides of the aisle have been trying to get a time certain for the Morrow nomination. I wonder if the distinguished majority leader would consider offering a unanimous consent request so we can at least know how to plan our day? We have already thought it was happening this morning.

Mr. LOTT. We would like to be able to do that. I think the best way to get a unanimous consent agreement is to continue to work with Senators on all sides. My intent would be that we enter into an agreement to begin as early as possible and to get a vote not later than 6 o'clock. If for some reason we could not get that agreement, then we would have to have that vote tomorrow morning, but I believe we can work with the interested Senators on both sides and get this agreement worked out. As soon as we do, hopefully even by noon, we will enter the request. I think it would be something everybody will be comfortable with.

Mr. SPECTER. If the distinguished majority leader would yield to me, there have been discussions about a time. There are 4 hours. I was just discussing with our distinguished colleague from Missouri—I see he has left the floor so I will say nothing further. I hoped we might set that vote for 2:30, but I will let it ride.

Mr. LOTT. I don't think we can do it that early, but we will work with everybody here in the next few minutes. If we could get it done right away, we will do it, but certainly we want to do it this morning if at all possible.

I will continue to consult with the Democratic leader, and we will make that request soon.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. BYRD. 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. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED BUDGET

Mr. FEINGOLD. Mr. President, I rise today to offer some initial comments on the President's proposed budget for fiscal year 1999. As with any budget, there will be occasion to discuss and debate the many individual provisions it contains. I have already heard some legitimate concerns voiced about some of the provisions from both sides of the aisle, and I very much look forward to working with my colleagues on the Budget Committee to fashion what I hope will be the second consecutive bipartisan budget agreement.

Despite the many issues surrounding individual provisions, though, we have to acknowledge what a historic moment this is. The President's budget is historic. For the first time in 30 years, a President has submitted a unified budget that actually balances. That is an achievement worth noting and noting again. While many of us believe we have a way to go before we can talk about having a genuine balance, it is fitting to pause for a moment to acknowledge the tremendous progress that has been made.

The President's proposal also marks the end of one budget era and, I think, really the beginning of a transition period that may require changing some of our budget rules, and I will have more to say on that subject in the coming weeks. It is also worth remembering how far we have come and how we reached this important benchmark. First and foremost was the 1993 deficit reduction package. That was one of the toughest votes I think many of us have ever taken in this legislative body. It wasn't pleasant and it wasn't supposed to be pleasant. As we have found, there just is no painless solution to the deficit, and we had to take a different kind of step. In fact, Mr. President, it was the very toughness of that 1993 package that told me it was worth supporting. Let me also say that last year's bipartisan budget agreement also contributed to the effort. I repeat my admiration for the work done by the chairman of the Budget Committee, the Senator from New Mexico, Mr. DOMENICI, and also the ranking member, the Senator from New Jersey, Mr. LAUTENBERG, who worked so hard to make that agreement possible.

Mr. President, I wish that agreement had gone further. As I have noted on other occasions, I really wish we had refrained from enacting that fiscally irresponsible tax package last year. If we had, the unified budget would have actually reach balance earlier. Nevertheless, both of those efforts helped bring us to where we are today and all concerned deserve praise.

Mr. President, in addition to the notable accomplishment of submitting a balanced unified budget, the President also cautioned Congress not to spend the unified budget surplus that is projected, but instead to use those funds to protect Social Security. I think this is one of the better statements we have had in a long time with regard to not only fiscal responsibility, but also our responsibility to future generations that hope to obtain the benefits of the Social Security for which they have already been paying.

The President's admonition in this regard may have been just as important as his achievement in proposing a balanced unified budget. The President is absolutely right in urging that any unified budget surpluses not be spent. But while I strongly agree with his sentiment, I approach this issue from a little different perspective. Again, there are many of us who do not view the unified budget as the appropriate measure of our Nation's budget. In particular, I want to acknowledge two of my colleagues on the Budget Committee, the Senator from South Carolina, Mr. HOLLINGS and the Senator from North Dakota, Mr. CONRAD, for their consistent warnings on this issue of how we calculate and determine and speak about what is really a balanced budget.

Mr. President, the unified budget is not the budget which should guide our policy decisions. The projected surpluses in the unified budget are not real. In fact, far from surpluses, what we really have are continuing on-budget deficits masked, in part, by Social Security revenues. Now, this distinction is absolutely critical. The very word ''surplus'' connotes that there is some extra amount of money or bonus around. One definition of the word surplus is, ''something more than, or in excess of, what is needed or required.''

Mr. President, the projected unified budget is not more than or in excess of what is needed or required. Those funds are required. Those funds are spoken for. In this regard, I take just slight exception to the President's characterization that we should use the surplus to protect Social Security. Some could infer from his comments that the President has chosen, from various alternatives, the best or most prudent option for using surplus funds. I am afraid people will look at it that way and, certainly, from the perspective of the unified budget, it is arguably the best and most prudent option, if we really had surpluses. But, Mr. President, those of us who see the unified budget as merely an accounting convenience do not believe this is an alternative or an option. To repeat, Mr. President, those revenues are already spoken for. They were raised by Social Security for future use.

Mr. President, we have various trust funds in our budget, but Social Security is unlike most other trust funds, and it is unlike the others in this respect: It is by law ''off budget.''

It was taken off budget for this very reason; namely, the decision by Congress to forward fund Social Security by raising additional revenues in the near term to ensure the long-term solvency of the program.

Mr. President, I urge all of my colleagues to choose their use of the word ''surplus'' very carefully. The problem with the use of the word, or the overuse of the word, is that it encourages a way of thinking which may jeopardize not only the work that we have accomplished over the past 5 years but also the additional work that must be done to put our Nation on a firm financial footing.

The use of this term improperly encourages the kind of ''business as usual'' policies that promise immediate gratification while putting off tough budget-cutting decisions until later.

Mr. President, it is kind of like buying an expensive Valentine's Day gift for your sweetheart and then charging it to her credit card.

That is not the way to do business. That is hardly an honest approach to budgeting either.

Mr. President, the challenge before us now is to move quickly toward eliminating the on-budget deficit, balancing the budget without using Social Security trust funds, and in so doing to begin the very important process of bringing down and paying down our national debt.

Mr. President, we have to play it straight with the American people. We need to give them an honest balanced budget.

I very much hope this body will act to put us on that path this year, and I very much look forward to working with other members of the Budget Committee to ensure that we really do reach an honest balanced budget.

Mr. President, I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Thank you, Mr. President.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF MARGARET MORROW

Ms. SNOWE. Mr. President, as in executive session, I ask unanimous consent that at 1 p.m. today the Senate proceed to executive session to consider the nomination of Margaret Morrow and a vote occur at 6 p.m. this evening with the time equally divided between Senators HATCH and ASHCROFT or their designees.

This request has been cleared by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed as if in morning business, and I ask for up to 30 minutes to be equally divided between myself and the Senator from Maine, Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Thank you, Mr. President.

THE ICE STORM OF 1998

Ms. SNOWE. Mr. President, I am pleased to join my colleague, Senator COLLINS, to discuss the unprecedented and historic storm in the State of Maine several weeks ago.

Mr. President, every once in a while—maybe only once every 100 years or more—an event happens that truly tests the strength of a people and the depth of their spirit. It is an event that strips away comforts and security and pretense and reveals for all to see the true nature of those whose lives it has in its grip. In my home State—the State of Maine—that event began on January 5 and is now known as the Great Ice Storm of 1998.

As shown here in this photograph, you can see the ice that covers the streets with the trees over the car. It wasn't just one area of the State. This really replicated almost the entire State in terms of the devastation of this storm.

As you would imagine, we are no strangers to a little winter weather. But this storm was like nothing anyone had ever seen before. By the time five days of sleet and freezing rain had worked their misery on the state, Maine was under a sheet of ice more than two inches thick, and Mainers suddenly found themselves without power, without heat, and facing a life more closely resembling one from 1898 than 1998.

The State was devastated by this unprecedented storm and many areas were described as resembling a ''war zone.'' At its peak, the storm knocked out electrical power to an estimated 80 percent of Maine's households—and a week later, about 137,000 people were still without power. Schools and local governments ground to a halt. Over the weekend as the storm finally abated, over 3,000 people sought refuge in 197 shelters and two days later there were still over 2,000 Mainers staying in 111 shelters across the State. And in the end, all of Maine's 16 counties were declared federal disaster areas.

As you can see here, another sign that shows the kind of pleas that were made by residents all across this State, saying, ''Power, please. Our transformer was taken away on Thursday.'' People lost their power for up to 2 and 3 weeks.

The Chairman of the historical committee of the American Meteorological Association, who also happens to be an associate professor of science, technology and society at Colby College in Waterville, MA, summed it up best: ''So far this century there has been nothing like it . . . It will probably make the meteorological textbooks—as one of the biggest storms ever.''

I traveled Maine extensively in the wake of the ice storm, and I was overwhelmed by the extent of the destruction, as we see here another photo of all the downed poles. That is exactly what happened all across the State. You can see the condition of the road. But it was a total destruction of the forests, the pole lines, as well as the telephone poles across the State. Three-quarters of the State, as I said, was affected by it.

Trees and branches felled, power lines snaked across ice-encrusted streets and major utility structures crumpled as if made of tin-foil. In fact about 50 such structures, an eight-mile stretch carrying the major electrical line into Washington County—the easternmost county in Maine and the United States—were destroyed.

The owner of that line, Bangor Hydro, needed 170 utility poles and 144,000 feet of 115,000 volt transmission line just to repair the eight miles of downed lines that left 10,000 Washington and Hancock County residents without power. Central Maine Power, the other major power company in the state, estimated that 2 to 3 million feet of power lines fell—2,000 utility poles had to be replaced as well as 5,250 transformers.

Between 1,200 and 2,000 National Guard soldiers were called to active duty, and 200 Army and Air National Guard personnel helped clear the roads. Central Maine Power had crews of more than 2,500 line and tree-trimming workers on the job. And Maine hosted line crews from Maryland, Massachusetts, North Carolina, Florida, Pennsylvania; New Jersey; Connecticut; Washington, D.C.; New Hampshire; and New Brunswick, Canada.

Broken trees and broken power lines littered the Maine landscape as far as the eye could see. But I discovered one thing in my travels that was never broken—one thing that may have been stronger after the storm than before—and that is the spirit of Maine's people. That is why I am speaking here today, Mr. President. Mainers faced the tremendous challenges this storm presented with resolve and a caring spirit which is truly remarkable and which makes me very proud to call Maine home.

Everywhere I went I heard stories of neighbors helping neighbors: people inviting strangers into their homes so that they might be warm, lending a hand with fallen trees so that they might be cleared and sharing advice so that no one would feel alone. Rising from the devastation left in the storm's wake was a tide of generosity and giving emblematic of Maine people, and it was deeply heartening to know that such compassion is alive and well in America.

Paul Field Sr. and his son, both of Bridgton, worked tirelessly and virtually without sleep for 10 days cutting branches, clearing roads, fighting fires, draining pipes, helping neighbors and moving generators to where they were most critically needed.

And Paul was not alone. In the Town of Albion, farmer Peter Door trucked a portable generator from farm to farm and slept in his truck while dairy farmers milked their cows. In Fairfield, Town Manager Terry York was moved to tears when talking to the Bangor Daily News about the volunteers who helped residents through the crisis.

Out of state crews found Mainers' attitudes remarkable. One member of a Massachusetts crew that put in two weeks of 16 hour days restoring power to the towns of Otis and Mariaville said, ''When I left there, I was proud to be a lineman. My hat goes off to the people of Maine. They're really a special breed.'' The same lineman said he never heard an angry word, even though many residents had gone over a week without power and heat. In fact, people offered the linemen food and even hosted a public spaghetti dinner for the crews.

Indeed, throughout the state, people took strangers into their homes, brought food to elderly residents unable to get out, looked after the homes of those who were away, and cooked meals at local shelters. Maine's potato growers gave away truckloads of potatoes to those in need of food, radio stations fielded calls from residents sharing vital information and advice, and television stations banded together to raise over $115,000 for Red Cross relief efforts.

My deepest gratitude goes to all those who made life a little easier for others during this most trying of times. In particular I want to recognize and extend my profound gratitude to the outstanding Red Cross officials and the over 1,800 volunteers who did an incredible job of organizing shelters and delivering vital emergency services, as well as the dedicated men and women of the National Guard who did not hesitate for a moment to provide assistance. Also the outstanding employees of the Maine Emergency Management Agency who deserve recognition for their timely and professional response to the disaster.

Again, you see what linemen crews did here in working on these downed power lines, as I said, and which was pervasive all over the State on miles and miles and miles of line.

I also want to extend my sincere appreciation to the men and women on utility crews from Maine and from throughout the country who toiled day and night to clear roads and rebuild a crippled power grid. These dedicated individuals worked incredible hours and in terrible weather conditions to bring the state back on line. They are truly unsung heroes and I thank them for their tireless work.

Indeed, to give you some idea of the magnitude of the effort, in one instance Air Force cargo planes made 13 trips between North Carolina and Maine to bring 50 fresh crews and 47 bucket trucks to lend a hand. It took 5,000 people to carry out the logistics at an estimated cost of this single operation of $1 million.

In Augusta, local Public Works employees logged, on average, an 80 hour week, with some as high as 102 hours. The Maine Department of Transportation spent $600,000 in overtime in one week and in that same time they used 54,000 cubic yards of sand and 5,000 tons of salt to the tune of another $600,000.

And the International Brotherhood of Electrical Workers worked with my office to coordinate their volunteer efforts to help reattach damaged entrance service cables on residences throughout the state so that the power company could re-energize the homes. (In one weekend, Local 567 helped put 75 houses back in shape so the power could come on and families who had done so long without heat could once again be warm.)

Those dedicated IBEW workers provided help where it was most needed, and I applaud these dedicated teams of electricians who donated their time, supplies, and skills to make vital repairs across the state. Indeed, it was an honor for me to spend time in the field with some of these unsung heroes to let them know how much I appreciate and admire their selfless efforts.

Finally, I want to thank all the volunteers who—in the face of their own difficulties—took the time to help others affected by this unprecedented storm. (We may never know their names or their faces, but we know what they have done and we are very, very grateful.)

It is a credit to Maine people that we coped as well as we did and made speedy progress in recovering and rebuilding. Everyone pulled together from Governor King to town officials to the Brotherhood of Electrical workers. But it was clear that we still needed help. We are an independent people and proud to solve our own problems, but this time even we couldn't do it alone. That is why the federal government's response to this disaster was and is so important.

The Vice President's personal tour of Maine in the wake of the disaster spoke to the magnitude of the challenge we were facing. I appreciate the Vice President's visit and the President's prompt declaration of 16 Maine counties as federal disaster areas.

This declaration opened the door to a variety of assistance, and it is estimated by the Federal Emergency Management Agency that about 300 Maine towns and non-profit organizations will seek public assistance from the agency. I am pleased that FEMA has established field offices in Maine to assist Mainers who are still trying to put their lives back together and I expect they will remain in the state for some time.

Because the fact is, the repercussions of this storm will be felt long after the ice melts and the first blossoms of spring make their way north. Dairy farm losses continue to mount and state agricultural officials may not know for months the full impact of the storm on the industry. Utilities are estimating that their costs will top $70 to

80 million. The State of Maine estimates that they need the release of $12 million in LIHEAP funds to help those who normally don't use the funds but will sign up this year, and to defray the costs of buying generators for those eligible.

Small businesses across the state have been reeling from lost business—as of last week the Small Business Administration has taken 450 applications for low-interest loans from individuals and businesses, and awarded loans of $173,000. And overall, FEMA has considered 20,869 applications for individual and family grants, 10,085 applications for disaster housing, 9,849 applications for SBA home and property loans and 4,410 applications for SBA business loans.

This tremendous need for assistance must be met, and that is why I will continue my efforts in conjunction with my colleague from Maine, to ensure that Maine people have rapid and efficient access to the assistance that will become available over the days and weeks ahead.

Mr. President, we are working with the other States who were hit by the storm—Vermont, New Hampshire and New York—on a supplemental funding package to help our states recover from the devastation of the ice storm. The fact remains that we still must obtain an emergency release of LIHEAP funds, we still must acquire supplemental assistance to help prevent Maine's ratepayers from having to foot all of the utility bill, estimated to be $80 million; and the U.S. Forest Service estimates that it will cost $28 million to clean up the more than 7 million acres of working Maine forest which has suffered moderate to severe damage; for making our farmers and our small businesses whole again and for the additional costs our states have identified that they cannot cover.

My colleagues from the Northeast and I and my Maine congressional delegation have started working with the Appropriations Committee to assure that supplemental funding to meet the needs of our States can be included in the first supplemental funding bill which the committee will begin work on early next month.

As many of my colleagues know, we have faced the challenges posed by disasters in their own States. They recognize how important this additional assistance is to their States, and I hope that we can get this assistance as quickly as possible in order to ensure a quick and full recovery from the impact of this historic disaster.

I thank the Chair. I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Maine.

Mr. BYRD. Mr. President, will the distinguished Senator from Maine, Ms. COLLINS, yield just for a unanimous consent request?

Ms. COLLINS. I would be happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that on the completion of the remarks by Senator COLLINS, Senator CLELAND be recognized for 5 minutes, that I be recognized then for 20 minutes, and that my colleague, Senator ROCKEFELLER, be recognized for 10 minutes to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again thank the Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to join my colleague, the senior Senator from Maine, to describe just some of what the people of Maine have experienced in recent weeks, namely, the worst natural disaster in our State's history. The ''Ice Storm of the Century,'' as we refer to it in Maine, began innocently enough with a light rain on Wednesday, January 7. By the time it let up 4 days later, however, the storm had encased the State in a layer of ice up to 10 inches thick and left well over $100 million in damages in its wake.

When all we need to do to restore power is to flip a switch in our fuse boxes, it is very easy to take for granted just how essential power is to every aspect of our lives. Electricity allows us to cook our meals, heat our homes, and communicate with our neighbors and our friends. From the second we wake up in the morning, usually from the buzz of an electric alarm clock, power plays an integral role in our daily lives. Think for a moment of everything that you are able to do today so far because of power. Then just imagine how you would cope without power for 10 days or even longer as many Maine residents had to do. This ice storm was the single most devastating natural disaster to hit Maine in recorded history. Over 800,000—that is approximately 7 out of 10—of our residents lost power for at least some part of the storm, some for as long as 2 weeks or even longer.

As you can see from these pictures, Mr. President, power lines, telephone poles and trees were snapped in two by the massive onslaught of ice. This is a picture that appeared in the Bangor Daily News of power lines and of poles, telephone poles, and as you can see the tops of them have been sheared off by the massive weight of the ice.

Mr. President, I grew up in northern Maine. I am very used to mighty winter storms but never, never in my life, have I experienced a storm like this one. As I looked out from the window of my home in Bangor, limbs from my favorite maple tree in the front yard came crashing down on my roof and against the picture window in my living room. Transformers lit up the night with blue sparks as ice brought them tumbling down as well. And I was much more fortunate than many Maine residents. Many businesses were forced to close due to the lack of power. People took to placing signs in the snow with arrows pointing to their homes reading ''No Phone No Power.'' Even the National Weather Service located in Gray, ME, lost power for over a week and had to rely on a not-so-reliable generator to track the latest weather developments and to help keep Mainers safe and informed.

These pictures of a twig and a tiny blade of grass covered with 2 inches of ice were taken on the lawn adjacent to the National Weather Service office. As you can see, telephone poles were snapped in two, trees were coated by ice.

Mr. President, this is literally a blade of grass. We have a closeup that I am going to show you next on this.

This shows you just how amazing the ice was from this storm. A single blade of grass is photographed here encased with ice.

Adding insult to injury, on Saturday, January 25, just as Mainers had begun to return to life as usual, a second ice storm hit, knocking out power to 165,000 Mainers and crippling the electric grid in a region that had managed to come through the first storm relatively unscathed.

By all accounts, the worst of natural disasters brought out the best in Mainers. Volunteers flocked to shelters to lend a hand and to help serve meals. The State's television stations joined forces to raise money for the Red Cross, and our radio stations and newspapers provided practical tips and encouragement to help keep up the spirits of Mainers during our worst natural disaster. Heartwarming stories of people with little or nothing giving all that they could were commonplace during this tragedy. For 10 straight days, for example, one man opened his home to his neighbors every single night, housing the elderly and infants in his town and helping to remove the heavy branches from roads and from his neighbors' driveways.

On a personal note, when I ran out of wood after my fourth day without power, a neighbor quickly came to the rescue to help keep my pipes from freezing. Acts of kindness like this one exhibited by my neighbor were repeated over and over again in countless communities throughout the State. One in particular touched me deeply.

When I was visiting the Red Cross shelter in Bangor at the Air National Guard base, I talked with an elderly woman in a wheelchair who had been forced to leave her home because of the storm. She was obviously a victim of a stroke and was unable to move much of her right side. In addition, it was obvious that she was a person of very modest means. Nevertheless, she said to me, ''Could you help me by reaching into my pocketbook. I have $2 there that I would like to donate to the Red Cross.''

Mr. President, that is the kind of spirit, of generosity and kindness that characterizes Maine people. Even in

her dire situation, this woman was able to think of people less fortunate than herself. That spirit of kindness and generosity helped us to survive the ''Ice Storm of the Century.''

Unfortunately, while kindness and good will and generosity and a sense of community helped us to get through the worst of the storm, they alone cannot complete the recovery.

Mainers experienced serious financial and property losses as a result of the storm. Early estimates put the damages to homes, businesses, utilities and public property at well over $100 million, and it is still growing. The estimated cost of repairs to Maine's power grid alone is a staggering $70 million, and that is money the ratepayers of Maine will have to bear unless there is assistance forthcoming from the Federal Government.

However, simply attaching a dollar amount to the damage fails to provide a true picture of the devastation experienced by virtually the entire State of Maine. To give you a more vivid idea of the destruction of the ice storm of 1998, I want to share some statistics with my colleagues.

During this ice storm, 7 out of 10 Mainers lost power, some for as long as 14 days; schools across the southern and central portion of the State closed for many days, some for over 2 weeks; all of Maine's 16 counties were declared Federal disaster areas; at just one hospital in central Maine, more than 80 people were treated for carbon monoxide poisoning, 4 people, unfortunately, died of carbon monoxide poisoning; thousands of families were forced into more than 100 emergency shelters across the State, hundreds of thousands of others spent the night with their families, with family members, neighbors or friends; more than 11 million acres of Maine's forest lands—that is more than half of the State's total—were damaged by the storm. Of this total more than 3 million acres are classified as severely damaged; 1,200 utility crews from as far away as Nova Scotia to North Carolina were sent to Maine to help restore power lines. We are very grateful for that assistance; our telephone company, Bell Atlantic, dispatched 625 fieldworkers, several of whom were on loan from other States; in a remarkable development, the Department of Defense actually airlifted bucket trucks and power crews to help us with the repairs; manufacturers of electric parts from as far away as Alabama worked overtime for 10 days to help meet our power company's needs; 3 million feet of electrical cable were irreparably damaged and nearly 3,000 utility poles had to be replaced. Think of how sturdy a utility pole is. We lost 3,000 of them during this storm.

Even after the debris has been removed and our electric infrastructure has been repaired, much of Maine's natural resources based economy will take years to recover. Dairy farmers, maple syrup producers, apple growers, and our forestry industry were particularly hard hit. In addition, because of the countless downed trees and limbs, some of the 11 million acres of damaged forest lands will remain vulnerable to fire and to insect attacks for years to come. Neighbors, Government agencies and nonprofit organizations rallied to the support of the hundreds of thousands of Mainers displaced by the ice storm, but it will take a strong commitment from the Federal Government for Mainers to truly complete the process of putting their homes, their bases and their communities back together.

Vice President GORE's tour of the hardest-hit areas and the prompt assistance of FEMA, HUD and SBA demonstrate the Federal Government's concern for Mainers and their commitment to recovery efforts. But additional help is needed. So as we enjoy the comfortable spring-like temperatures in Washington, DC, I urge my colleagues not to forget the Mainers buried in ice and snow. I hope that my colleagues will remember these statistics and the photographs that the senior Senator from Maine and I have shown you today in the coming weeks as we join with other members of the Maine delegation in asking for my colleagues' assistance through a supplemental appropriation for disaster relief.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. CLELAND. Mr. President, I would like to speak today in support of the reauthorization of the Intermodal Surface Transportation and Efficiency Act, better known as ISTEA. More importantly, I am here today to add my voice to that of the distinguished senior Senator from West Virginia, who has made an eloquent and persuasive case for bringing this legislation to the floor for consideration at the earliest possible opportunity.

That I believe was the commitment the Senate made to the American people prior to our early adjournment last year. In the last several days, I paid close attention to that said by my colleagues, many of whom in the Senate have commented on this matter. I would like to make just a few observations.

One of the most striking aspects of the debate which is apparently delaying the Senate's consideration of ISTEA is that it is taking place at all. It is not all that uncommon, I suppose, based on my limited time here, that we argue how to utilize supposedly dedicated trust fund moneys. I am here today to say that these trust fund dollars, whether for Social Security or transportation, are not ours to allocate as we see fit. They are collected from the American people based on specific usage, and we have been entrusted with the responsibility of ensuring that in the case of transportation the taxpayers' gas tax dollars are used for our great country's critical infrastructure needs.

Unlike the Senator from West Virginia, I am not an expert on the Roman Republic and the Roman Empire, but I am a student of history, and I believe that ancient Rome was one the world's earliest and most successful civilizations. Some scholars would say it was good government that allowed the empire to survive as long as it did.

Others believe that it was the strength of the Roman army. In my opinion, one of the most enduring legacies of the Empire, carried on in our American civilization today, is the practice of building roads to facilitate commerce and defense. America's transportation system is the envy of the world and so is the commerce it facilitates. I'll add that the Roman Empire was once the envy of the world too. Where is it now? With apologies to Gibbon, maybe their government failed to pass its transportation funding in a timely fashion.

By delaying the reauthorization of this multibillion-dollar ISTEA funding we put at jeopardy not only commerce and defense but the very lives and livelihoods of those who send us here. Recently I was contacted by a Georgia hospital on a different matter, but it did concern a road project in Georgia. They made the case for the need for a particular transportation corridor and stressed the difficulty their emergency service vehicles were having in this area. When we put off, day after day, action on this legislation, we impede, and sometimes, stop action on projects which may be critical to an area's economy, or vital for highway safety.

Many Senators, Democrat and Republican, North and South, East and West, have all made the case that we need to take up ISTEA legislation, and I respectfully join those colleagues in urging prompt action. We must take up this legislation now. That was the promise that was made to the American people.

When we make commitments, Mr. President, we must stick to them. We simply cannot be a body of continuing resolutions. That is not good government and it does not serve the people well. I know the leadership has heard about this a great deal the last 2 weeks, but I must respectfully request that we take up this legislation now; let's bring this matter to the floor now.

Mr. President, ISTEA legislation is important to our largest cities and our smallest communities alike. It's about jobs, safety, commerce, defense, and it's about the future. It's too important to put off until an uncertain future date. We have a responsibility to act now. Let us do the work required of us.

Mr. President, I yield the floor and I yield any remaining time to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for up to 20 minutes.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Senator MAX CLELAND, for his fine statement urging action on the ISTEA bill now.

Mr. President, bad roads are killers. In 1996, nearly 42,000 people lost their lives in traffic accidents on America's highways; in 1996, 355 of those fatalities occurred in West Virginia. The Federal Highway Administration (FHWA) maintains that poor road designs and conditions are a contributing factor in at least 30 percent of those fatal crashes. That works out to more than 12,000 Americans—over 100 West Virginians—whose lives could be saved each year by an investment in better, safer roads. These fatalities are not just numbers. They are lives, precious lives lost because we are not spending the money that is needed to make our highways safe.

And roadway fatalities are on the rise, having risen in each of the past 5 years. Highway crashes are now the fifth highest cause of all deaths and the leading cause of death for young people between the ages of 6 and 27.

This national problem can be blamed, at least in part, on the deplorable and deteriorating condition of our Nation's highways and bridges. Of the 950,215 road-miles eligible for Federal funds, the Federal Highway Administration, in its biennial Performance and Conditions Report, found that 28 percent of the pavement mileage is poor or mediocre in condition, meaning it needs immediate repair to remain passable. The FHWA also reports that the country has 181,748 bridges, in other words, 31 percent of all bridges over 20 feet in length, that are structurally deficient or functionally obsolete. The report estimates that nationwide investments must average $54.8 billion annually just to maintain current road and bridge conditions over the next 20 years, $74 billion annually to improve the highway network. Currently, all levels of government, Federal, State, and local combined, are investing only $34.8 billion annually. That means we are not even coming close to making the investments necessary to maintain our vital highway infrastructure.

Fortunately, this trend can be reversed. Well designed and maintained roads will increase our safety by reducing vehicle deaths and injuries. They also save Americans the anguish of losing a loved one.

The Federal Highway Administration has conducted extensive research on the lifesaving improvements that can be made to our highways and bridges. According to Federal Highway Administration research: Widening a road lane by 1 foot can lower crash rates by 12 percent. Widening a road lane by 2 feet can lower accident rates by 23 percent.

The construction of medians for traffic separation can reduce fatal crash rates by 73 percent. This is information from the Federal Highway Administration. The term ''fatal crash rate'' means the number of fatal crashes per 100 million vehicle miles traveled. Shoulder widening can lower fatal crash rates by 22 percent, and one of the lives that is saved may be yours, yours—and roadway alignment improvements can lower fatal crash rates by 66 percent. These are huge figures.

Widening or modifying a bridge reduces fatal crash rates by 49 percent, and constructing a new bridge when the current one is deficient can reduce fatal crash rates by 86 percent.

I well remember, and shall never forget, the fatal collapse of the Silver Bridge at Point Pleasant, WV, in 1967, in which collapse 46 people plunged to their deaths in the cold waters of the Ohio, the Ohio River; 46 people plunged to their deaths in 1967, 31 years ago, when the Silver Bridge at Point Pleasant collapsed.

So, constructing new bridges when the current bridges are deficient can reduce fatal crash rates by 86 percent. Upgrading bridge ratings can cut fatal crash rates by 75 percent.

In addition, the number of lanes on a road has an impact on safety. National statistics show that four-lane divided highways are substantially safer than other roads. Four-lane divided highways are substantially safer than other roads.

May I say to my distinguished colleague from West Virginia, Senator ROCKEFELLER, that when I was in the legislature in West Virginia in 1947, 51 years ago, West Virginia had a total of 4 miles—West Virginia had a total of 4 miles of divided four-lane highway; 51 years ago. Four miles. That was it for the entire State. And today there are almost 900 miles of divided, four-lane highways.

National statistics show that four-lane divided highways are substantially safer than other roads. In 1995, 77 percent of all fatal crashes—get that, 3 out of 4—77 percent of all fatal crashes occurred on two-lane roads, while only 5 percent of those crashes took place on four-lane divided highways.

Of course, making the types of improvements I just outlined will cost money. But making that investment will reap human dividends. According to the Department of Transportation's 1996 Annual Report on Highway Safety Improvement Programs, every $100 million invested in roadway safety improvements will result in 144—12 dozen—144 fewer traffic fatalities.

And now, Mr. President, we arrive at the crux of the matter. The U.S. Senate is sitting idle. Not exactly sitting idle. There are other matters that are being considered and they are not unimportant. But insofar as doing something about the highway conditions of the country is concerned, the United States is sitting idle—the U.S. Senate and House are sitting idle when Congress should be working to finish the ISTEA bill, a bill which was brought up last October and debated, or at least it was before the Senate for about 21 days and then it was taken down and a short-term, stop-gap highway authorization measure was enacted, which will expire at midnight—midnight, when the clock strikes 12, midnight, on May 1, just 43—43—days away. Mr. President, there is a time bomb ticking here. Congress has 43 session days. Let's talk about the Senate. The Senate has 43 session days remaining, and that includes today; 43 session days remaining until midnight May 1. So 43 days includes today and includes May 1. The clock is ticking, and the time bomb is ticking.

Roadway safety depends on the uninterrupted flow of Federal highway funds, and yet the Senate is literally inviting a shutdown of our State and Federal highway programs by delaying action on ISTEA II. Forty-three days, 43 session days when the Senate will be in session, not including Saturdays and Sundays and holidays.

Senators don't have to just take my word for that. Let's see what the law says. The short-term highway bill that the Senate passed and the House passed and was signed into law by President Clinton on December 1 of last year, let's see what that law says. That is the short-term highway authorization bill by which the time was extended 6 months, the authorization for highway programs, spending on highway programs.

Let's see what Public Law 105–130, the Surface Transportation Extension Act of 1997 says, in part. Hear it:

> A State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998.

There it is. That's the law, and further obligating by State road systems or transit systems after midnight on May 1 will be illegal. Further obligating funds for highway programs after midnight on May 1 will be against the law. Let's read it again. This is the law:

> A State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998.

Now, I hope that the Governors and the mayors and the highway agencies out there across the country will consider that language that I just read. You must know that after midnight May 1 of this year, you, the highway agencies of this country, will not be permitted to obligate further funding for Federal aid highway programs. And that is just 43 days away, including today. ''Time Bomb Ticking.'' That's it.

So if we postpone debate on ISTEA II until after finishing the fiscal year 1999 budget resolution—that is what some of the budgeteers in the Senate are importuning the Senate majority leader to do—delay, delay, don't take up the 6-year full-term extension of the highway authorization legislation, don't do that until the budget resolution is taken up.

Well, if we postpone debate on ISTEA II until after finishing the fiscal year

1999 budget resolution, the earliest then that the Senate will take up the highway bill will be late April, after the spring recess, and that assumes that we meet the April 15 statutory deadline for the budget, which we are not accustomed to doing.

But let us assume that miraculously—I still believe in miracles, but not here on this floor—let us assume that miraculously we meet the deadline and turn to ISTEA II first thing on April 20, that would leave less than 2 weeks before the May 1 funding deadline, after which States will be prohibited by law from obligating any Federal highway funds. If we wait until after the budget to consider ISTEA II, we are virtually guaranteeing—guaranteeing—that Federal highway funds will be cut off—will be cut off.

That is why the highway bill cannot wait. That is why it should not wait. Given the needs that exist on our Nation's highways and the safety risk which current conditions pose, we cannot afford to delay lifesaving highway projects. The Senate must turn to the ISTEA bill now. The time bomb is ticking—tick, tick, tick, tick. Time for action is now.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 3 seconds remaining.

Mr. BYRD. I yield that to my distinguished colleague, and that will give him more than 11 minutes, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair. I yield the floor.

Mr. ROCKEFELLER. Mr. President, I thank my esteemed senior colleague from West Virginia. The junior Senator doesn't believe he will need 11 minutes, but I am grateful to have that opportunity. As needs to be said, Senator BYRD has been remarkable in his fight for roads and infrastructure, and not just for roads for West Virginia, but also as a fighter for roads for Arkansas and every other state in this country.

My senior colleague and I—I having been Governor for 8 years, my senior colleague having worked on this problem for many, many years—we are intimately acquainted with the nature of what four-lane highways and federally qualified roads, like route 33 and route 250, can mean. So this is not a minor issue to us.

I am here on the floor to ask therefore why it is that the Senate still isn't acting on the highway bill. Why is it? I pick up the RECORD of yesterday. It is not enormously thick. There is not a lot on our calendar. My senior colleague talked about the Senate sitting idly by. We have cast a handful of votes since reconvening. We had one vote today. It may be our last one for the day. We had a couple votes yesterday. They were not votes, Mr. President, that required enormous amounts of debate. We had time laid out for debate, but they were on individual judges about whom people already felt one way or another.

One has a sense that we are filling time. I don't say that in a partisan way, I say that in just a sort of generally frustrated way. In my 13 years in the U.S. Senate, this feels like the slowest start to a year in which we have so many things that we need to accomplish.

So the excuse of not moving on the reauthorization of the Intermodal Surface Transportation Efficiency Act—an incredible name, I agree, but incredibly important legislation it is—simply escapes me. Why wouldn't we be doing it?

I can remember when I was Governor working with my senior colleague, Senator BYRD, and Senator Randolph on an amendment in this area to help West Virginia and other states obtain the matching money they needed to apply for.

The people of my State, the people of all the States where roads are needed and construction needs to be finished, where bridges need to be completed, are facing a cut-off of funds that carries no logic to it, as far as I can understand. If there is a formula problem, and there always is because that is the way we classically operate in the Senate, we should set a deadline to resolve the problem. We need to face up to a real deadline—my senior colleague is making this point, Mr. President—because waiting longer doesn't just put off the day when we even start to try to deal with these and the other outstanding issues.

But we can resolve those issues. The Senate has resolved far more contentious issues than these. So I don't have any doubt about that. I do have a very strong sense of the damage that failure to act on the highway bill will do to the State that my senior colleague and I represent. It happens to be a State which has almost no flat land. I think about 4 percent of our land is flat.

I am very familiar with the Presiding Officer's State, because my uncle was Governor of Arkansas and my first cousin now is Lieutenant Governor, as the Presiding Officer and I have discussed. I know the Ozarks are a part of Arkansas. It is very difficult there. There are also lots of mountains. West Virginia is mostly mountains. It is the oldest mountain system in the world. The Appalachian Mountains are the oldest mountains in the world. They have been worn down over the centuries, but they are very formidable and still blanket the greatest part of our State.

So I would say to my senior colleague, I can remember the last year I was Governor, it cost, for about a mile of interstate or a mile of Appalachian corridor highway, about $17 million to build a mile. That was back in 1984. I have to assume that we are talking now $25 million to $30 million per mile—per mile.

Completing and upgrading our roads is a terribly urgent situation for West Virginia. We have Corridor H which we have to finish. Some people complain that my senior colleague puts so much emphasis on Corridor H. I would say that we in West Virginia are very grateful that Senator BYRD is doing just that because it is the only way we are going to get this critical road finished.

If I can just explain the importance of roads like Corridor H and reflect on the urgent need for this ISTEA reauthorization, is to remind people listening that you still really can't get from the east coast into the central part of West Virginia or any part of West Virginia easily.

You know, trucks are not willing to drive on two-lane highways. We wish that they could, but they do not. And we have a very difficult aviation situation which some of us are also working on very hard. We have an ample amount of rivers and barges, but even there, Senator BYRD and some of my colleagues in the House have to work very, very hard to modernize the lock system, many of which were built, 50, 60, 70 years ago.

So transportation for us is not what it is, let us say, for some other States which are relatively flat or have very warm climates so that roads last far longer. We not only constantly have to repair our existing roads, but we also have not even completed our basic road system. And that is terribly disadvantageous.

You can track the economy of West Virginia, how well certain places are doing, and others are not doing, based upon how close they are to a four-lane highway. That is not unique to West Virginia, but it is West Virginia at this moment for which I speak and this Senator speaks. And, therefore, I feel very strongly about this situation.

Roads supply jobs. Why can't we look at it that way? I can remember when we were building what we call the turnpike in West Virginia, which was meant originally to be a four-lane highway and ended up to be a two-lane highway. How that happened is a mystery which has been shrouded in the history of West Virginia for many years of speculation. But the point is, building that highway involved going through some of the worst, steepest part of the beautiful, gorgeously beautiful southern mountains. And that was an enormous project. I mean, it is not like building roads in many other parts of the country—you have to build huge abutments of towering concrete walls as you cut into the side of mountains. The work involves phenomenal engineering feats. It is like building the Panama Canal to put an Appalachia corridor or interstate in most parts of West Virginia.

The construction jobs that stem from roads are tremendously important to us. The Nation's unemployment is low. But in West Virginia, our rate is approximately twice the Nation's unemployment. Every job is important to us. There is not a single job in West Virginia that anybody takes for granted. There is not a single job in West

Virginia, the potential for a job, that people do not clamor for, try for.

Toyota recently moved some of their production to West Virginia. And they are going to make half of all of their engines in North America and Canada in West Virginia. They had a need for 300 workers, and they got applications from 25,000 people. What does that tell you? Obviously some were from Ohio, some from Kentucky, some perhaps from Virginia, but we want the work.

We want the work, we want the roads, and we want the roads so then we can further create the jobs. In fact, to make the point, Toyota would not be in West Virginia if it were not for Interstate 64. They openly declare themselves to locate their plants close to where Interstate 64 is whether it be Kentucky, West Virginia or wherever.

So the economic need for turning our attention to the ISTEA reauthorization bill is obvious and clear-cut to my constituency. Our States wait to know whether they can go ahead with their infrastructure plans. They watch us approve a couple of judges and work on a couple things. We had a vote on a cloning bill this morning. It wasn't cloning, it was what leads up to cloning. Maybe we will get around to another vote this afternoon; maybe we will not.

But, good grief, this highway bill has to be done, Mr. President. It has to be done. This is the people's will. We made them a promise with the 6-month extension. And we are not keeping that promise. And there is no reason not to. It is a bill which does good. And again, there may be argument about the formula, but however it comes out, it is going to do every single State an enormous benefit.

And I have to say one last time that our State will benefit enormously from this legislation and needs this legislation to pass. We have not finished our road system. We do not have the prosperity that we deserve in West Virginia for which our people have struggled for a hundred years or more. Coal is diminishing. Only 6 percent of our work force is involved in coal.

We need to have manufacturing and we need to expand our intellectual and technological activity. We need to have all kinds of things. We cannot rely on coal and steel as much as we used to.

So I make the point that Corridor H has to be finished. It is absolutely a requirement for the State. Corridor D needs to be finished. As my senior colleague knows better than anybody, that has been nearly finished except for a few miles, but those miles are enormously expensive miles, and they have been languishing now for 2 decades or more. And that is what connects the western part of our State with Ohio and the rest of the Nation.

West Virginia is enclosed by enormous States: Pennsylvania, Ohio, Kentucky, Virginia, and Maryland. People cannot get out or cannot get in unless they can drive out or in or fly out or in. And they cannot fly out or in easily, so they have to drive. You cannot canoe down the Ohio River and up the Little Kanawha. You have to be able to drive.

So I simply say, in lending my very, very strong support to Senator BYRD's efforts, and as somebody who was a Governor for 8 years and understands the economic significance of our infrastructure, that there is no reason to go on with this uncertainty. There is simply no excuse. I join my senior colleague, and praise him for all he has done in carrying the fight over the years and carrying it almost singlehandedly. I urge my colleagues to join with Senator BYRD and join with Senator DORGAN, who was speaking earlier, and others, so that we can get immediate consideration of ISTEA. It is the right thing for the Nation. It will benefit our State and the Presiding Officer's State. And we have no reason at all not to be doing the people's business in this critical area.

I thank my senior colleague, and I thank the Presiding Officer.

Mr. BYRD. Mr. President, is any time remaining?

The PRESIDING OFFICER. Time has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes, after which I ask unanimous consent that the distinguished Senator from Texas, Mr. GRAMM, may proceed for not to exceed 15 minutes. I do not see any other Senator seeking recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Senator ROCKEFELLER, former Governor from West Virginia, who served 2 terms as Governor. I thank him for joining in urging that the ISTEA bill be called up at this time. And he made the point that partisanship isn't involved here. There is no partisanship in this.

Both sides of the aisle—there are Senators on both sides of the aisle who want ISTEA, the ISTEA bill to be called up. And there are Senators on both sides of the aisle who are supporting the amendment, the Byrd-Gramm-Baucus-Warner amendment, which would provide for the moneys that are in the trust fund, the moneys that the American people have paid at the gas pump, the 4.3-cent gas tax, for example. That is doing nothing now except building up surpluses in the trust fund.

There are Senators on both sides of the aisle, Republicans and Democrats, who want to see those moneys that are spent by the American people out there in the form of gas taxes, who want to see those spent for highways to improve highways and mass transit programs. As of now, they are just building surpluses; they are not being spent for anything.

There are those in this Senate who are importuning the distinguished majority leader not to call up this highway bill right now because they want to wait until after the budget resolution is adopted so that these moneys in the trust fund can be spent for social programs, and so on, that the administration and some Senators, of course, want to spend those moneys on. But the American people believe, because they have been told, that the moneys in the trust fund should be spent for highway improvements and transit improvements.

I have not said much on the West Virginia angle of this, but I intend to. But that is what the amendment which Senator GRAMM and Senator BAUCUS and Senator WARNER and I and 50 other Senators, making a total of 54 Senators, are urging, that that ISTEA bill be brought up, urging that the money in the highway trust fund be spent for highways to improve the highways and to improve transit programs.

So that money is there. And, as I say, there are some on the Budget Committee, not all, some on the Budget Committee who are importuning the leader, the majority leader, not to bring up ISTEA now—keep it, wait, wait until after the budget resolution is brought up. And those particular Senators, in my judgment, do not want to see those gas tax moneys spent on highways. They want to spend them on other programs.

So, Mr. President, I again urge that the leadership keep its commitment to the Senate and call up this highway bill. I can understand the pressures on the majority leader. I have been majority leader. And I can understand the pressures that are on the majority leader from other Senators. And, as I say, I have a feeling that the majority leader, if he did not have those pressures, would have the ISTEA bill brought up now. I have a feeling—I certainly have a hope—that he would support the amendment that 53 of my colleagues are supporting.

Mr. President, I again thank my distinguished colleague from West Virginia, especially for his reference to Corridor H and Corridor D and other corridors in West Virginia.

I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, there is a small vocal group in West Virginia that opposes Corridor H. But there was a poll taken in West Virginia within the last 2 weeks, I believe, that showed that 80 percent—79 percent of West Virginians support the completion of Corridor H inside West Virginia. Only about 6 percent—6 percent—of the people are very opposed, and that is the highly vocal group over there that has been opposing Corridor H. Of course, they have some people over in some of the adjoining States who add their voices to the small 6 percent in West Virginia who are opposed to completing Corridor H. About 8 or 9 percent, as I understand it, from the poll do not take any position one way or another. But 79 percent take a strong position

for the completion of Corridor H inside West Virginia.

So my colleague mentioned Corridor H. And I hope that eventually in my lifetime we can see Corridor H completed inside West Virginia. It has been promised to the people of West Virginia for 33 years. And the Appalachian highway system has been promised to the 13 States in Appalachia for 33 years. It is 78 percent complete in the region, 74 percent in West Virginia.

The time bomb is ticking. I hope that we can get that bill up and let the Senate work its will on these amendments, my amendment included.

Mr. President, I again thank the distinguished Senator from West Virginia, Mr. ROCKEFELLER. I thank the Chair and thank my colleague from Texas for his patience.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from West Virginia. It has been a great honor for me to work with him on this. I believe we are going to win on this amendment. We have 54 cosponsors. We probably have 25 other Members of the Senate who are ready to vote for the bill. We gain strength every day.

There is only one thing that is stopping us from passing a new highway bill that can begin providing money to build highways all across America on May the 2nd. And that one thing is that we have been unable to bring the highway bill up so that we can offer the amendment, our amendment, by forcing the Government to live up to the commitment it has made to the American people when it puts on a gasoline pump that about a third of the cost of a gallon of gasoline is taxes. But the good news is, those taxes go to build roads. What we are trying to do is to force the Government to do what it tells people it is doing, and that is, spend the money on roads.

We now know that between 25 and 30 cents out of every dollar collected in gasoline taxes has been going to fund everything except highways. And so what our amendment is trying to do is to require truth in Government by saying that gasoline taxes have to, in an orderly, fiscally responsible manner, be spent on highways.

This is a big deal. This is a very big deal in every State in the Union. What it means in my State, what it means in West Virginia, what it means in every State in the Union is roughly a 25 percent increase in the amount of money that is available to build roads beginning on May the 2nd.

We are not talking about doing something that is going to be felt in your State in the sweet bye and bye. This is something that on May the 2nd we can begin to see States letting contracts, putting people to work, pouring concrete, pressing asphalt, improving the quality of our roads and highways, saving lives, creating jobs, reducing the amount of time that we all spend in traffic, improving the environment in the country. You could list 100 things that are positive for America that will occur, beginning on May 2, if we can pass this amendment and pass the highway bill.

Now, Senator BYRD and I have spoken virtually every day for the last 2 or 3 weeks, and we have made a series of points that no one who opposes the amendment has come down to try to argue against. Those points are basically the following: Gasoline taxes have historically been devoted to road construction; the American people are led to believe this by every sign on every gasoline pump in America. They are paying lots of taxes, but the good news is it is a user fee for roads. And yet that is not the case today nor has it been the case through the 1990s. Money has been collected in gasoline taxes and spent on other things.

Second, we have established very clearly that this amendment does not bust the budget. Nothing in this amendment raises the total level of spending. What this amendment does is it requires that the money collected for road construction be spent for road construction and nothing else.

In fact, one of our colleagues, in arguing against the amendment, posed the question to Senator BYRD and to me, ''If you spend this money on highways, that means we are not going to be able to spend it on the other things we want to spend the money on.''

I think it can be argued in two ways. The first argument is that we have a desperate need for highways in America—31,000 miles of roads in my State are substandard. We have thousands of bridges that have been certified as not being safe. We are basically now at a point in Texas that half of the money we have for roads goes to just maintain the roads we have. The expected life of a road is between 30 and 40 years, depending on where it is built. We built our great farm-to-market roads in Texas in the 1930s and 1940s. We have long since exceeded the life of those roads. Our busiest roads in Texas, our interstates, were built in the 1960s. They are heavily used, some beyond 100 percent capacity, and they are reaching the end of their economic life.

What do we spend on in Government that is more critical than national security and roads? But as strong as that argument is, that is not the strongest argument.

Our colleagues stand up and say, if the money you collect for highways is really spent on highways—we plan to spend this money on other things. I think, quite frankly, that there is an argument in terms of basic honesty in dealing with the electorate that we have on our side, and that is that we have a revenue source dedicated to the highway trust fund. So not only is there a great need for roads, but the money was collected for that purpose and for that purpose only. The idea that we are going to collect potentially $90 billion for highway construction and simply stand by and watch the Government spending it on everything except highways is, I believe, outrageous and unacceptable. Quite frankly, I believe that is going to end this year—end this year.

Some people have raised questions about the priorities of the bill. We have answered each and every one of those questions about the amount that goes to the States, the amount held by the Secretary. Questions have been raised about the Appalachian program, started in 1965, as a percentage of money spent on highways. We are actually in our amendment asking for less than the President requested, the same amount, for all practical purposes, requested by the House.

Questions are raised about border infrastructure and international trade corridors. We actually have less money in our amendment than the bill that came out of committee, but there is one big difference. We make it possible that Congress might actually fund it, whereas the committee bill, in a sleight of hand, appears to provide the money but really doesn't provide the money.

In short, we have answered each and every one of the criticisms that have been raised in this initiative. It is the right thing. It is what we tell people we are doing. It does not violate the Budget Act. It does not raise the total level of spending, and it doesn't create any new priorities. It simply sets out an orderly fashion of fulfilling obligations we have made in the past.

Now, we are getting down to the moment of truth. The highway bill is going to expire on May 1. So road-building equipment that is currently in the process of building highways and roads and interstates all over America, come May 1, they will cut those machines off. Come May 1, people are going to be forced to walk off the job because we have not provided money for highways. It is not that we don't have the money, Senator BYRD. We have the money. It is being collected every time any American goes to the filling station and pumps gas. But they are going to stop building roads all over America on May 1 because we are not allowed to vote on a highway bill to allow the expenditure of money that is being collected specifically to build roads, even though we are collecting more money for road construction in the gasoline tax than ever in history. Despite the fact that the surplus grows every single second, we have the terrible prospect of highway construction stopping all over America on May 1.

There is only one solution to this problem—bring up the highway bill. We debated it last year. It got bogged down in other issues. I wish we could have broken the deadlock last year. It is bad public policy that it happened. But the point is this is not last year. This is this year. We have an opportunity right now to bring this bill up. I can assure you, we are not going to let any issue that has nothing to do

with highways derail this bill this year. There are a lot of legitimate issues that need to be debated. We need to bring this bill up and we need to bring it up as soon as we get back from the recess next week.

I feel an obligation to people in my State. I feel an obligation to the State where we pay in gasoline taxes on a per capita basis as much as any State in the Union. It is not uncommon for people in my State to drive in their cars and trucks 50 miles one way to work, to drive 30 miles to take their children to school. People in my State need highways. They pay for them by paying the gasoline tax.

I want to urge our leadership to work with us to bring this bill up. This is not a budget issue. We are not talking about busting the budget. We are not talking about setting the total level of spending. We are talking about requiring money to be spent for the purpose that it was collected and not on other things. But if there are those who want to talk about this within the context of the budget, Senator BYRD and I are not so busy that we don't have time to sit down and talk. I believe that the day we come back, week after next, that the situation with highways is going to be getting so desperate that we will have to do something. I think we ought to bring up the highway bill. I think it would be bad for us to be forced to try to deal with this issue as an amendment on another bill. That is not the way I want to do it. I know the Senator from West Virginia doesn't want to do it that way. We need to act and we need to do it very quickly. We are running out of time.

I want to conclude by simply urging those who would like to commingle this issue with the budget, if they want to sit down with Senator BYRD, with me, with Senator WARNER, with Senator BAUCUS, to talk about how this might fit into a budget that would be written later, we are willing to sit down and talk about it. It is not a budget issue. Quite frankly, I believe those who oppose us want to make it a budget issue so that they can say to people, look, don't vote for these highways because if you do that, then you can't spend all this money on other things, money requested by the President, money sought by other interests, money expenditures that are supported by Members of Congress.

There is one fundamental difference. Nobody is saying that child care is not important or food stamps aren't important, or funds for the IMF aren't important, or paying dues at the United Nations are not important, or that foreign aid is not important. But there is one fundamental difference. None of those expenditures has a dedicated revenue source. None of those expenditures has a tax that working Americans pay for the purpose of funding them. Americans do pay a gasoline tax to build roads. So our claim is stronger. We have committed to people we are going to do this. I believe time is running out here. I think we have been very patient. I think we have tried to work with everybody. We have been willing to sit down and talk to anyone. You don't get 54 cosponsors by accident. You do it by answering a lot of questions, by convincing a lot of people. I don't think anyone has asked Senator BYRD or asked me to sit down with them to explain this amendment, what it does, how it will affect their State, how it will affect anything they are concerned about. But we are going to reach a point here when we come back after the recess where we have to quit explaining and start acting.

I urge those who would like to commingle this with the budget, while I really believe that is a ruse to beat our amendment—they are trying to convince people that our demand that we spend money for the purpose we tell people we are going to spend it when we collect it is somehow on a par with proposals made to spend money to just simply increase the level of expenditure. There is no comparison between the two. But if somebody wants to talk to us about the budget as it relates to our amendment, we are willing, any time, day or night, to sit down and talk to them. What we are not willing to do is to sit here and let May 1 come and let highway construction stop all over the country. We are not willing to do that, and we need to get on with the task of passing the highway bill and, I believe, passing this amendment.

I want to thank my colleague, Senator BYRD, for his leadership. We have done a lot of work on this. I would like to believe the number of cosponsors, the progress we have made, is somewhat due to our persuasiveness. But I think, really, it is not our persuasiveness; it is the strength of the case we are making. This is the right thing to do. It is clearly the right thing to do. I think if the American people really understood what this debate was about, if they really understood that the critics of what we are doing are saying, ''Don't spend the money for the purpose you select it is because we want to spend it on other things,'' they would be outraged about it. I think that is one of the reasons that people don't come over and debate us on this subject.

I am glad to be on a side of an issue where we are right. I can assure you, it is much easier to argue something if the facts are on your side. Now, often here, great cases are made when the facts don't comport, but when they are on your side, it is easy. And they are on our side on this issue.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. BYRD. I want to thank the distinguished senior Senator from Texas. He worked inside the Finance Committee to offer an amendment which was adopted in the committee transferring the 4.3-cent gas tax to the trust fund, to the highway trust fund, where it would be spent on highways and mass transit programs. So he got it that far. So the money is in the trust fund, and I compliment him.

Now he has joined with me and 52 other Senators—in addition to the two of us, he has joined with me and 52 other Senators, Mr. BAUCUS and Mr. WARNER, in particular—who are initial cosponsors of this legislation. He has joined with us in attempting to authorize, to have the Congress authorize, the expenditure of the moneys in the trust fund, the 4.3-cent gas tax, to authorize the expenditure of those funds for highways and for mass transit programs.

That is what they were intended to be used for. He has stood like a stout Irish oak on his side of the aisle in urging that the ISTEA bill be brought up and in urging support of this amendment upon which we are both allied and working. I thank him for that. I thank him for his steadfastness; he has stood like a Rock of Gibraltar. We will continue to work in the effort to implore the bringing up of this highway bill. I thank him very much.

Mr. GRAMM. Mr. President, I thank the Senator from West Virginia. Let me just conclude by saying that the American people cry out for bipartisanship. This is the only real bipartisan effort of this Congress. We have 54 cosponsors on this bill; they are roughly divided, Democrats and Republicans. This is not a partisan issue. I hope we can move ahead and I believe we will. I want to thank the Senator from West Virginia. It has been a great honor for me to work with him. I believe we are going to be successful, in large part, because this is the right thing to do. But as Edmund Burke once said, ''All that is necessary for evil to triumph in the world is for good men to do nothing.''

We intend to do something to make this happen—however much work it takes. We have carried this ball all the way down to the goal line, and we are not about to fumble it or call time-out right now.

I thank the Chair and yield the floor.

Mr. BYRD. 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. 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.

THE WAR CRIMES TRIBUNAL

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, this may be a good time for me to report briefly on the travels that I undertook from December 30 to January 13, when I visited the War Crimes Tribunal in The Hague and found that this agency is moving forward with prosecutions on war crimes against humanity, arising out of the activities in Bosnia.

It is my sense that after the first conviction, which has been obtained,

the tribunal is on its way to establishing a very, very important international precedent. For the past decade-plus, many of us, including Senator DODD, Congressman JIM LEACH, myself, and others, have been working to try to bring an international criminal court into existence. It is my sense that if the War Crimes Tribunal is successful, we may have the most important institutional change in international relations in this century, if we can bring the rule of law into the international arena.

I think it is very important that the outstanding indictments be served. In talking to the military leaders and NATO in Bosnia, I have been informed that we have the capacity to do so if the instructions are given. Up until the present time, the rule has been to serve them with warrants of arrest if our military groups come into contact with those under indictment, but they are not to make an effort to search them out. It is a delicate matter and has to be handled with discretion and with regard to not losing lives in the process of making the arrests. But, I think that ultimately those warrants of arrest do have to be served.

We stopped in Bosnia and saw the activities there. Mindful of the President's recent request for an open-ended stay in Bosnia, we discussed with the military leaders and with some of the soldiers their sense as to what was going to happen there.

The Congress has legislated to bring an end to the funding as of June 30, 1998, with certain exceptions relating to a Presidential extension. But, it seems to me that it is necessary to have some idea as to how long we are going to be there. Those enmities and hatreds go back hundreds of years, and it is necessary, in my judgment, for us to have some idea as to how long we are going to stay there and how long it will take to accomplish that mission if we are, in fact, to remain there.

The U.S. contingents are still much larger than any others. We have some 8,000 personnel—substantially larger than the French, British, Russians, or others—and there ought to be more of a burden sharing than is present now if the United States is to stay there.

We traveled on to the Mideast where we had an opportunity to meet with Israeli Prime Minister Netanyahu, Syrian President Assad, Egyptian President Mubarak, King Hussein of Jordan, and other leaders. And, it is my sense that the Israeli-Syrian tract could be very close to resolution.

Before going, on December 17, I met with President Clinton, told him of my itinerary, and urged him to become personally involved in the Syrian negotiations as he had been in the past. The parties were very close to a resolution of the dispute between Israel and Syria before the assassination of Prime Minister Rabin. The President was personally involved in those negotiations. I believe that with an activist hand by the President, there could be a successful resolution there. It can't be said with certainty, but the parties were very close before Prime Minister Rabin was assassinated.

I had an opportunity to talk to Prime Minister Netanyahu and President Assad in August and November of 1996. At that time it seemed to me that the parties were far apart, with Prime Minister Netanyahu saying he wanted to negotiate for peace but would do so only if there was a clean slate and he had a new mandate. President Assad of Syria, on the other hand, said he, too, wanted to negotiate but would do so only if they would begin where the negotiations left off with Prime Minister Rabin.

While the words were very similar, when I had a chance to talk to Prime Minister Netanyahu and President Assad last month, the music, it seemed to me, was a little bit different. Syria had a new set of problems with their economy, and Netanyahu faces a new set of problems. I think activist intervention by the President could well bring the Israeli-Syrian tract to a conclusion. It is certainly worth a try.

As to the Palestinian-Israeli tract, it is much more complicated. But, here again I have urged the President to bring Mr. Netanyahu and Mr. Arafat into the same room, at the same time, to hear their complaints and to try to bring a resolution to those very serious problems.

Part of the mission on this trip was to explore persecution against Christians and other religious groups. Our travels took us to Egypt, Ethiopia, Eritrea, and Saudi Arabia. The details are spelled out in a written report, which I shall file as well. But, it seems to me that the United States ought to take a stand on the legislation which has been introduced by Congressman FRANK WOLF in the House and by myself in the Senate which would articulate the principles of religious freedom and impose sanctions on foreign governments which tolerate or encourage this kind of persecution.

In Saudi Arabia, in talking to Prince Turki, I heard again that the Koran calls for the death penalty if someone changes from Islam to Christianity. I heard the same in Egypt, and found, in fact, that those who have converted from Islam to Christianity had been imprisoned. We heard many complaints talking to people who had been victims of persecution in Saudi Arabia and in Egypt. It is my hope that this issue will come to the Senate floor. I know it is on the majority leader's list to be considered by the Senate sometime between now and the spring.

This is just a brief statement of some of the highlights.

I ask unanimous consent, Mr. President, that the full text of the report, which incorporates two op-ed pieces that have been published in the Pittsburgh Post-Gazette and the Harrisburg Patriot-News, be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON FOREIGN TRAVEL

In accordance with my practice of reporting on foreign travel, this floor statement summarizes a trip which I took from December 30, 1997 through January 13, 1998 to fourteen countries in Europe, Africa and the Middle East. My trip had several purposes: to evaluate the work of the International Criminal Tribunal for the former Yugoslavia and Rwanda in The Hague in prosecuting indicted war criminals and in laying down the precedent for the establishment of a permanent international criminal court, to evaluate the President's request for an open-ended extension of time for the U.S. military participation in United Nations Stabilization Force operations in Bosnia, to assess the progress of the Middle East peace process, and to gather information in support of my legislation to strengthen U.S. policy against countries that persecute religious minorities.

INTERNATIONAL CRIMINAL TRIBUNAL

The first phase of my trip involved a review of the progress of the International Criminal Tribunal for the former Yugoslavia and Rwanda in The Hague. This was my third trip to that body in as many years, and its good work reaffirmed my belief that the tribunal could well set the stage for the creation of a permanent International Criminal Court, which would do much to deter future crimes against humanity.

In The Hague, I met with the Tribunal's Chief Prosecutor, Louise Arbour, and several American members of her staff, to discuss pending prosecutions arising from war crimes in the former Yugoslavia and Rwanda. The prosecutors were much more optimistic than they had been on my two previous visits in 1996. One assistant prosecutor, Ms. Patricia Sellers, declared there had been more progress in international law in the last four years than in the intervening 520 years following the first conviction of a war criminal in 1474.

The most tangible of the tribunal's successes was the recent conviction, on eleven counts after a one-year trial, of Dusko Tadic, charged with crimes against humanity under the statutes of the International Tribunal and cruel treatment of civilians as defined by the Geneva Convention of 1949.

While the Tadic case is a start, it is important to note that only 19 of the 79 defendants under indictment are in custody. Most of the remaining defendants are at large in Serb-controlled portions of the former Yugoslavia.

On a later stop in Sarajevo, I saw that the multi-national force in Bosnia faces a complicated task in taking some of these major defendants, like Radovan Karadic and Ratko Mladic, into custody. The current instruction is to arrest indictees if observed, but not to hunt them down. Our military commanders told me in Sarajevo that they have the trained personnel to take them into custody if provided sufficient intelligence information on their whereabouts.

Some of the Congressional opposition to staying in Bosnia could be overcome with a strategy to hunt down war criminals as part of the SFOR mission, but this would present its own set of problems. Our experience in Somalia was bitter when we sustained extensive casualties in our unsuccessful effort to take Mohammad Aidid into custody. Consideration should be given to an arrest strategy if it could be accomplished with minimal difficulty.

A vastly preferable course to SFOR apprehension would be for Serbia to honor its commitments under the Dayton Agreement

to cooperate in apprehending the Tribunal's indictees. After discussing this matter with the Supreme Allied Commander, Europe, General Wesley Clark in The Hague, I requested and obtained a meeting with Slobodan Milosevic, President of the Yugoslavian Federation, who had been labeled a war criminal by Secretary of State Larry Eagleburger in December 1992. Fifteen minutes out of Belgrade on a special flight, I was told Milosevic had suddenly caught the flu.

In my testy substitute meeting in Belgrade with Yugoslavian Foreign Minister Zivadin Jovanovich, I pressed Yugoslavia to turn over several defendants in his country and to help apprehend Karadic and Mladic. I was not surprised by his refusal. While in Belgrade I heardthat many there are worried about the Tribunal's recently adopted procedure to obtain sealed indictments. Some ranking Serbian or Yugoslavian of officials may travel to a jurisdiction where an arrest warrant, based on a sealed indictment from the War Crimes Tribunal, could be served with a one-way ticket to custody at The Hague.

Later stops on my trip validated the importance of the International Tribunal's example to maintaining international stability. In Ethiopia, Yemen and Eritrea, I heard considerable interest in the tribunal's work on Rwanda war crimes. The U.S. Ambassador to Ethiopia expressed concern about the slow progress of the tribunal on the Rwanda indictments. Yemeni Foreign Minister Al-Iryani expressed satisfaction that 23 individuals are in custody on charges of war crimes in Rwanda.

Eritrean Foreign Minister Haile Weldensae told me that successful prosecutions against Rwanda defendants would help bring peace to that country which still suffers from massacres. Yemeni President Salih cautioned against the tribunal's handling of the Rwanda prosecutions without a better understanding of African problems. But the his Foreign Minister struck a positive chord, saying the Rwanda tribunal ''will absolutely deter'' future atrocities and that it would set a ''very good precedent that no one should get away from war crimes.''

From my review of the tribunal's progress, it is clear that it faces many hurdles: the body has only one courtroom (with a second under construction), and is frequently undercut by France and Yugoslavia in carrying out its work. The tribunal's budget has been increased, but still will have grossly insufficient resources to carry out its vital mandate. Only resources, perseverance and strong international backing will enable the War Crimes Tribunal to make a success of its unique opportunity to extend the rule of law against international criminals.

BOSNIA

The second phase of my trip involved evaluating the President's recent decision to stay to stay in Bosnia indefinitely in the face of the Defense Appropriations Act cutting off funding for our military operations there on June 30, 1998. Clearly, Congress and the President may be on a collision course on this matter. Evaluating our policy in Bosnia took me to Sarajevo, Belgrade and Italy to meet in the field with our troops and with military leaders from the U.S. and NATO Commands.

In Sarajevo, I asked our troops to estimate how long we would need to stay there to avoid the resumption of bloodshed which would happen if they left on Congress's schedule. A frequent answer was a generation, given the intensity and longevity of the religious and ethnic hatreds between the Muslims, Croats and Serbs. Command Sergeant Major Selmer Hyde, a Pittsburgh native, pointed out that Muslims in Sarajevo choose to walk up a high hill adjacent to the city over a winding dirt trail rather than using a new macadam road traveled by Serbs and Croats.

There was considerable Congressional opposition to President Clinton's deployment of U.S. troops for one year in early 1996 as part of a multi-national force, and even more skepticism when he extended their stay by 18 months shortly after the 1996 Presidential election. In articulating the three U.S. objectives for an indefinite stay in Bosnia, the President twice refers to European security and once to the rule of international law. While obviously important, those reasons do not measure up to ''vital'' U.S. national interests as defined by the historic Senate debate involving Senators Nunn, WARNER, MOYNIHAN, myself and others on the Congressional resolution to authorize the use of force in the Gulf War in January 1991.

There is no doubt about the potential dire consequences if the fighting resumes among the Muslims, Serbs and Croats. The battle may spill into Macedonia. Germany and other European countries would likely be flooded with refugees. The entire region would be de-stabilized.

But there is significant question as to how far can U.S. military resources be stretched on the current $268 billion defense budget. In the mid-1980s, those appropriations approximated $300 billion, which would exceed $400 billion in 1998 dollars. The top U.S. military brass in Bosnia and NATO had no response to my questions on priorities in deciding how to spend among Bosnia, Korea, Iran, Iraq and the world's other hot spots.

The other nations insist on U.S. leadership. The U.S. has about 8000 soldiers in the Bosnia force, compared to approximately 2500 Germans, 5100 British, 3200 French, and 1400 Russians. Most of those nations are AWOL when it comes to supporting the U.S. on tough sanctions against Iraq or on our efforts to isolate Iran, and France has chosen not to let its officers testify in front of the International Criminal Tribunal in The Hague. This is particularly outrageous given that General Shinseki's multi-national staff told me that successful prosecution of tribunal inductees forms a lynchpin of future Bosnian stability.

In the field, our Bosnian troops express mixed sentiments on our continuing role there. While there is pride on preserving the peace and noting some improvements, most say we will have to be there for decades.

Doing our part does not mean doing more than other major European nations. This is not the Cold War where the U.S. squared off against the USSR and our dominant role in NATO protected our vital national interests. Obviously, Bosnian stability is of much greater concern to the European nations than it is to the U.S.

If we are to stay, we should (1) get greater commitments from the other major powers—Great Britain, France, Germany, Italy, etc; (2) secure agreement from those nations to share on stabilizing the other world hot spots; (3) obtain real cooperation from the Serbs, Muslims and Croats on taking into custody defendants under indictment by the War Crimes Tribunal; and (4) set a timetable on benchmarks for progress which would permit a reduction and, ultimately, a withdrawal of U.S. personnel in Bosnia.

Congress is prepared to be cooperative, but there are important issues and interests which must be addressed to our satisfaction. The Defense Appropriations Subcommittee, on which I serve, should not and will not issue a blank check on Bosnia.

MIDDLE EAST PEACE

The third phase of my trip involved assessing Middle East regional stability and the progress of the peace process. Toward this end, 1 met in Israel with Prime Minister Netanyahu and various members of the Knesset, in Syria with President Assad and Foreign Minister Shara, in Jordan with King Hussein and Crown Prince Hassan, on the West Bank with Palestinian Authority Chairman Arafat and Minister of Education Hanan Ashrawi, in Eritrea with Foreign Minister Weldensae, in Yemen with President Salih and Foreign Minister al-lryani, in Saudi Arabia with Saudi Intelligence Director Prince Turki and U.S. Air Force Brigadier General Rayburn and in Egypt with President Mubarak.

Before I left I had a talk with President Clinton and urged him to become more involved in the Mideast peace process, particularly on the Israeli-Syrian track. After meeting with Prime Minister Netanyahu and President Assad, I am convinced that if the President of the United States became personally involved on that track, there could be some real movement.

In talking to President Assad and Prime Minister Netanyahu on trips to the area in August and November, 1996, President Assad's position was that he's not going to resume negotiations unless Israel agrees to start off where Prime Minister Rabin left off, and Prime Minister Netanyahu contended that he had a different mandate from the Israeli electorate. This time, I noticed the same words, but somewhat of a difference in tone. I firmly believe that progress could be made on this track with direct Presidential involvement.

On the question of the Golan, I raised with President Assad the issue of submitting the return of the Golan to an Israeli referendum as part of any agreement with Israel. While initially President Assad considered this a matter purely for Israeli domestic consumption, after we talked for a while, he acknowledged that it could form a part of a future arrangement. If the sticking point of the status of Golan were decided directly by the Israeli electorate referendum, this would allow Prime Minister Netanyahu to negotiate with Syria, notwithstanding his ''mandate.''

As I did in the past, I also raised with President Assad the issue of Israeli MIAs and I was told that the Syrians have made continuing efforts. I had raised that in the past, and they say they have not been able to find anything to this point. I raised a number of other MIA issues; I've been asked by the U.S. Embassy not to discuss those issues in detail, but I did raise them all. I was assured that work is being done on them.

By contrast with the Israeli-Syrian track, the Israeli-Palestinian peace talks are much more difficult. There are a lot of people in the region who contend that Prime Minister Netanyahu has not kept his promises on the Israeli-Palestinian process. Prime Minister Netanyahu insists that he has kept his promises. I believe that bringing both sides together in this atmosphere is going to take a lot of work. I was glad to see the President bring both Prime Minister Netanyahu and Chairman Arafat to meet with him in Washington last week, but I wish that more could have been attained by way of tangible progress during their visits. I feel that a similar Oval Office dialogue between Prime Minister Netanyahu and President Assad would prove more fruitful because the Israeli-Syrian track appears not as intractable.

As ever, Islamic fundamentalist terrorism represents the greatest threat to regional security in the Middle East, and, in light of this, my visit to Saudi Arabia was especially instructive. I visited thousands of U.S. airmen living in tents at the remote Prince Sultan Air Base, to which our forces were sent

following the terrorist attack on Khobar Towers in Dhahran in June 1996. Their living quarters made the Allenwood Federal Prison in Pennsylvania look palatial.

I had met with FBI Director Louis Freeh before departing, and discussed, among other issues, the level of Saudi cooperation with our counter-terrorism effort. In Riyadh, I met with Saudi Intelligence Director Prince Turki, and strongly objected to the Saudis' refusal to honor their commitment to allow the FBI to question suspects in the Khobar Towers bombing. Prince Turki replied that Saudi national sovereignty entitled his government to handle the matter as it chose. This is particularly irksome, given the sacrifices that our troops are making in the region to provide the Saudi government protection from Iraq.

FOREIGN RELIGIOUS PERSECUTION

The fourth phase of my trip involved gathering information on foreign religious persecution. Worldwide persecution of religious minorities, focused particularly on Christians in Muslim countries China and Tibet, led last year to the introduction of the SPECTER–Wolf bill which would create a U.S. office to monitor such persecution and impose trade sanctions on countries which systematically persecute any religious group.

Toward the goal of fact-finding, I met with religious leaders and governmental officials in Egypt, Saudi Arabia, Ethiopia, and Eritrea and Yemen. I had wanted to visit Sudan to investigate persecution of Christians by the fundamentalist Islamic Sudanese government, but was told by the State Department that Sudan was unsafe for American delegations. I did meet with the Sudanese government-in-exile in neighboring Eritrea, and discussed reports of Sudanese persecution with His Holiness Abuna Paulos, the Patriarch of the Ethiopian Orthodox Church, and with the leadership of the Ethiopian Supreme Islamic Council in Addis Ababa.

My fact-finding corroborated the widespread reports of bias, mistreatment and even persecution of religious minorities in the Middle East and Africa.

Egyptian President Mubarak and Saudi Arabian Intelligence Director Prince Turki told me that public intolerance toward non-Muslim religions springs from the Koran. Conversion from Islam to Christianity or any other religion carries the death penalty under Muslim laws that are based on teachings of the Koran.

I heard conflicting statements in Saudi Arabia about whether the death penalty is actually imposed on conversion. One U.S. citizen living in Riyadh told me of a videotaped beheading by Saudi authorities of a Filipino Christian, but there was some question as to whether this individual was put to death solely because of his faith. There appeared to be more substance to a claim of religious motivation for the execution of a Christian charged only with robbery, since that punishment far exceeded the usual penalty for that crime.

Aside from the issue of capital punishment, there is no doubt that the religious police in Saudi Arabia are very repressive against Christians. A Mormon U.S. citizen reported a Saudi investigation seventeen years ago arising from prayer meetings in a private home. A dossier, he said, has been maintained by Saudi authorities on participants resulting in a recent deportation of a Mormon found in possession of a religious video.

Other U.S. citizens in Riyadh told of Christmas decorations being torn down in hospitals, seizures of personal bibles by Saudi customs officials and prohibition of displaying a Christmas tree in the window of a private home if it could be seen from outside. Another Christian from India told of a Sunday School being ransacked by Saudi religious police with the arrest and detention of a pastor, his wife and three children.

American soldiers of Jewish faith feel particularly at risk in Saudi Arabia. They change their ''dog tags'' to eliminate any reference to their religion during their tours there. When a rabbi from the Chaplain Corps recently visited U.S. military posts in Saudi Arabia, many Jewish soldiers declined to meet with him.

The Saudi answer on the religious questions was identical to their rationale on refusing to allow the FBI to interrogate the Khobar Towers suspects. The only difference was that source of their obstinacy was the Koran instead of national sovereignty. Nevertheless, 1 believe the Saudi attitude on religious bias can be changed at least to some extent in the face of sufficient U.S. and world persuasion and pressure.

On September 12, 1997, Prince Sultan reportedly made a commitment to the Pope that Christians would be permitted to pray together in the solitude of their homes. Even that remains to be seen. Prince Turki claimed that Saudi policy did not preclude people from bringing bibles for their own personal use through customs; but, he said, zealous customs bureaucrats often act on their own in confiscating these items.

From my discussions with foreign leaders and with religious minorities, it was clear that just the introduction of the Specter-Wolf bill has had an effect on foreign repressive practices. My friend, the Special Advisor to President Mubarak, Osama el-Baz, came to see me in my Senate office before my trip to ask that Egypt not be included among countries which persecuted Christians. Also, fifty-three Egyptian Christians recently publicized a letter saying, in effect, the U.S. should mind its own business even though they acknowledged that ''there are certain annoyances that [Christians] in Egypt suffer from.''

Egyptian evangelicals were not as restrained. They cited cases of eight and nine months in jail for Muslims who sought conversion to Christianity. One scholar produced statistics showing 1624 people were killed by religious violence in Egypt from 1990 through 1992 including the deaths of 133 Christians. Evangelicals in both Egypt and Ethiopia also complained about the long time it took to secure official permission to build churches, a snag that, in effect, stymied their religious activity.

Since the State Department advised against visiting Sudan, we sought information on that country's practices in the neighboring countries of Eritrea and Ethiopia. Eritrean Christians confirmed claims of Sudanese children being sold into slavery. They attributed it to profiteering by the militia as part of the booty of war. One Eritrean Christian commented on Sudanese governmental action in closing churches in 1997.

Our Christian, Jewish and Moslem interlocutors in Saudi Arabia, Egypt, Ethiopia and Eritrea were particularly pleased that the U.S. Congress was considering the issue. An Egyptian Muslim almost withdrew his objection to the Specter-Wolf bill when he heard it applied to other nations and had no sanctions against Egypt on U.S. foreign aid. Archbishop Silvano Tomasi, Vatican Ambassador to Ethiopia, complimented the proposed legislation for raising the level of dialogue, adding that, if it were enacted with a ''little bite,'' then so much the better.

By raising the profile of the religious persecution issue in the current discourse of foreign policy, Congress has been able to make some progress on advancing the cause of religious freedom abroad. Still, many problems remain. For this reason, Congressman Wolf and I will continue to pursue our bill toward the goal of putting teeth in our country's longstanding policy against foreign religious persecution.

MAGNETIC LEVITATION TRAIN TECHNOLOGY

On my way back to Washington, I stopped in Lathen, Germany, to announce the completion of an agreement to bring German high-speed magnetic levitation (''maglev'') train technology to Pennsylvania. I took a demonstration ride on the maglev train, which is capable of speeds as high as 310 miles per hour.

This is something I have been working on in the area of Transportation Appropriations for a long time. The maglev train ride would improve the quality of life of all Pennsylvanians who feel they spend too much time in traffic or at congested airports. This technology would also bring Pennsylvania's steel industry roaring into the 21st Century because the maglev train uses steel guideways over hundreds of miles.

The train went a little over 250 miles per hour and it was exhilarating to be in a kind of mass transit which goes so fast, a little like Buck Rogers. It would be tremendous for Pennsylvania and a tremendous boon to the economy of every stop along the line from Philadelphia to Pittsburgh, such as Lancaster, Harrisburg, Lewiston, State College, Altoona, Johnstown, and Greensburg. People could go from Philadelphia to Pittsburgh in one and a half hours non-stop, revolutionizing our transportation system. I look forward to continuing to support this economical, forward-looking technology in the future.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you, very much.

THE PRESIDENT'S BUDGET

Mr. GRAMS. Mr. President, I rise today to make a few, brief observations about the President's budget.

Let me say I welcome the fact that President Clinton has come up with a budget that may finally be balanced in the next fiscal year, although I do not agree with the outlines of his plan. The good news is that if the economy stays as strong as expected, we may soon enjoy a unified budget surplus for the first time since 1969.

However, Mr. President, again, after a thorough examination of President Clinton's budget, I must say this is not at all a responsible and honest proposal. Here is why:

First, President Clinton claims it is his fiscal policies that have reduced the federal deficit and brought the budget to the edge of balance. That would be stretching the truth. The productivity of the American people has brought us to this point, in spite of what Congress has done or the President's tax-and-spend habits. The truth is, the President has only been willing to balance the budget, if he is allowed

to use all increases in revenues, plus even higher taxes, to match his appetite for spending on expanded programs, new programs, and new entitlements.

In 1992, candidate Bill Clinton promised he would balance the budget if he were elected. When President Clinton arrived at the White House in 1993, he abandoned that promise at the front door. The first budget he proposed called for the largest tax increase in history and increased federal spending of more than a trillion dollars in just five years, a jump of 20 percent.

In 1995, the President again promised America he could balance the budget, first in ten years, then nine, then eight, and finally, seven. He made a similar balanced-budget promise in 1996. Finally, after spending all of the $225 billion revenue windfall ''miraculously'' discovered by the CBO, President Clinton and the Congressional leadership agreed last year to achieve a balanced budget in six years.

Mr. President, it is the American economy that produced this unprecedented revenue windfall for the federal government, and the unexpected dollars have come directly from working Americans—taxes paid by corporations, individuals, consumers, and investors. Washington did not do any heavy lifting: the people did. Yet, Washington takes all the credit.

Second, the Clinton Administration claims that this budget will produce surpluses ''as far as the eye can see.'' Sure, as long as you are looking through rose-colored glasses. Such claims are explicitly intended to mislead the American people. Mr. President, this projected surplus is only a surplus under a unified budget. Without borrowing from the Social Security trust funds, the real federal deficit could reach $600 billion over five years. The total deficit will reach a trillion in the next decade. This means we will see deficits, not surpluses, as far as the eye can see.

In fact, the CBO estimates the possible budget surplus could easily turn into a $100 billion deficit. I asked Dr. O'Neill last week what the odds were we would achieve a budget surplus versus ending up with a deficit, and she said it was 50/50. This uncertainty requires us to exercise fiscal discipline, not to run off and approve another $123 billion in spending as the President has proposed—money from a surplus we have not seen yet and a tobacco settlement that is only a proposal.

I need to stress that a unified balanced budget is an unacceptable prospect if it is achieved at the expense of responsible governing. The truth is that the President's budget continues the tax-and-spend policies that have been the hallmark of this Administration. Again, after setting spending limits that in 1997 grew the government three times faster than inflation, or the incomes of working Americans, the President wants to blow those spending caps with another $123 billion increase in federal spending. The ink is barely dry on last year's budget agreement, which gave working Americans, or at least a few of them, $90 billion in tax relief, and now the President proposes wiping out that tax cut with $115 billion in new taxes—or increases in existing taxes, permits, or fees.

The most untruthful thing about this budget is President Clinton's rhetoric that the era of big government is over. OMB director Raines testified in the Senate Budget Committee last week that by any standard, big government was indeed over. A $100 billion government 35 years ago is now 18 times larger, at $1.8 trillion. Who is kidding who?

If he does not get those new taxes through Congress, the President wants to borrow from the Social Security Trust Fund. Mr. President, the Congress must not permit the President to finance his spending programs, his big-government solutions, by borrowing from Social Security.

If you count what Senator GRAMM calls ''hidden spending'' of $42 billion, actual spending under the President's budget would reach $1.775 trillion, a 6.4 percent increase, and a Washington record. And it continues to grow from there. In 2003, the President is asking for $1.945 trillion in federal spending. Total federal spending for the next five years would reach $9.2 trillion. Annual government spending was $1.4 trillion when Mr. Clinton became president.

In five years, the President has already increased government spending by 27 percent. Is there any sign of leaner government? No. The truth is that the government is growing bigger and bigger and bigger.

Nor does this budget do anything to eliminate wasteful and unnecessary Federal programs. It does nothing to make the government more accountable and efficient. It actually increases civilian nondefense employment by 9,200. This is big, central government by any standard.

Mr. President, as I said on the floor the other day, if this is a race to prove who can be the most ''compassionate'' with the taxpayers' dollars, it is a race nobody is going to win, and one the taxpayers most certainly will lose. The truth is simple: you cannot buy compassion.

Third, the President claims that he will not bust the spending caps set up by last year's budget agreement. Again, this is not true. President Clinton has not only violated the spirit of the budget deal, he has also in effect broken the statutory spending caps established under the Balanced Budget Act of 1997.

Secretary Rubin assured us last week that the President would be bound by the budget agreement we reached last year. But by the President's own estimates, his budget does not meet the statutory caps on discretionary spending by actually reducing that spending.

The offsets proposed in the budget are highly questionable. To stay within the caps called for by last year's Balanced Budget Act, the President anticipates the use of $60 billion in tax increases to offset discretionary spending.

By doing so, without amending the law, the budget in effect violates the two separate enforcement measures set up by the 1990 Budget Enforcement Act, and it violates the spirit of last year's budget deal.

Mr. President, we broke the 1993 statutory spending caps last year, and we must never repeat that mistake. The current spending caps must stay in place.

Fourth, President Clinton claims that his budget will save Social Security. Again, the President is not being truthful to the American people. On the contrary, his budget does nothing to address our long-term financial imbalances.

And his call for increased spending would use all of any surplus, leaving nothing for Social Security. In fact, under the unified budget, the President will borrow another trillion dollars from the Social Security Trust Fund by the year 2012.

The President's Medicare proposal in this budget does more harm than good. Although the President has proposed putting the projected budget surplus into the Social Security trust funds, he has no specific plan of how to save Social Security.

Simply throwing money into the system without real reform will not preserve it. President Clinton's own Social Security Commissioner, Kenneth Apfel, recently said the President's proposal to bail out Social Security could not alone come close to solving the system's impending deficit. It may only extend the fund for two to five years.

Mr. President, I am deeply disappointed with this budget and troubled by its untruthfulness to the American people.

Although our short-term fiscal condition has improved in recent years, thanks to what Chairman Greenspan called an ''exceptionally healthy'' economy, our long-term fiscal imbalances still impose a threat to our future.

Washington's bills remain astronomic. We have a $5.5 trillion national debt, at least $14 trillion in unfunded liabilities for Social Security and Medicare, and more than $5 trillion worth of government contingencies. These risks will shatter our economy if we fail to take action now.

If the President will not step up and take the lead in ensuring fiscal responsibility, then Congress must. We must continue to cut government spending, shrink the size of the government, and reform Social Security and Medicare to save them.

Mr. President, in the next few months, I intend to work with my colleagues and the Administration to exercise the fiscal discipline necessary to ensure the federal budget will be balanced—and stay balanced—without

new taxes, without new spending, and without borrowing from the Social Security Trust Fund.

That is the responsible thing to do. That is the honest thing to do. And, Mr. President, that is the right thing to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have two different items that I want to visit with my colleagues about. No. 1 is on international trade, and the second one will be on the Massiah-Jackson nomination that is before the Senate.

(The remarks of Mr. GRASSLEY pertaining to the submission of S. Con. Res. 74 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

EXECUTIVE SESSION

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate continued with the consideration of the nomination.

Mr. GRASSLEY. Mr. President, I want to make a few comments on the nomination of Judge Frederica Massiah-Jackson to the Federal District Court for the Eastern District of Pennsylvania.

Recent resistance to her nomination has moved beyond individual opponents to wide-spread, bipartisan opposition. We've heard about opposition from the Pennsylvania District Attorneys Association.

Additional opposition comes from a Philadelphia lodge of the Fraternal Order of Police, as well as the Fraternal Order of Police, National Legislative Program. The F.O.P. has written letters to the Senate and the President voicing their concerns over the safety and welfare of the Philadelphia police force if Judge Massiah-Jackson is confirmed. They fear her established record of being extremely lenient on criminals and her insensitivity to victims of crime will ''pose a direct threat'' against police. Also, the National Association of Police Organizations, which represents more than 4,000 police unions and associations and over 220,000 sworn law enforcement officers, opposes the confirmation of Judge Massiah-Jackson.

If this isn't a strong indication of the problems this nominee's confirmation would cause, I don't know what is.

The Northampton County District Attorney has also written a letter to the Senate detailing twelve separate instances illustrating the improper conduct of Judge Massiah-Jackson. The facts on which the letter is based were compiled from internal memorandums, court transcripts and other documents from the office of the Philadelphia District Attorney's Office. The most egregious example disclosed by the letter was a 1988 acquittal of a man charged with possession of two and a half pounds of cocaine. The acquittal was the second by Judge Massiah-Jackson of alleged drug dealers arrested by the same police officers. In open court she told these arresting officers, who were working undercover, to turn around and told the drug dealers and other spectators to ''take a good look at the undercover officers and watch yourselves.'' The incident was reported in a Philadelphia newspaper and, as has been mentioned, the Judiciary Committee has also received the signed statements of Detective Sergeant Daniel Rodriguez and Detective Terrance Jones, the officers involved. This conduct not only significantly reduced the crime fighting effectiveness of the officers, but more importantly, they believed it put their lives in serious peril. This is not the type of conduct expected from a Judge, nor can it be tolerated.

In addition to this letter, the members of the Judiciary Committee also received a letter from Philadelphia District Attorney Lynne Abraham, who stands in opposition to this nomination. The opinion of Mrs. Abraham, who by the way is a Democrat, is particularly relevant since she campaigned with and served on the bench at the same time as Judge Massiah-Jackson. Mrs. Abraham concludes that, ''the nominee's record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.'' She further notes that, ''this nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar.''

These are not the biased opinions of racist or sexist opponents, as some have irresponsibly charged. They are the informed opinions of respected district attorneys and law enforcement officers with personal knowledge of the nominee. In fact, District Attorney Abraham has publicly said she ''firmly believes the next appointee to the U.S. District Court here should be an African-American woman. But that appointee should be one of the many eminently well-qualified African-American women lawyers in the area, and not Massiah-Jackson.''

Despite these fact-based opinions, supporters of the nominee have repeatedly insisted that she should not be judged on a few cases, and that her overall record can be characterized as fair to law enforcement and crime victims. They also point out that sentencing statistics show she is right in line with other judges. I must say these arguments are misleading, as demonstrated by the statistics provided to the Senate Judiciary Committee.

In reality, Judge Massiah-Jackson deviated from state sentencing guidelines, in favor of criminals, more than twice as often as other judges according to statistics compiled by the Pennsylvania Commission on Sentencing. From 1985 till 1991, Judge Massiah-Jackson sentenced below the Pennsylvania guidelines 27.5 percent of the time. Other Pennsylvania judges sentenced below the guidelines in only 12.2 percent of the cases. This record cannot be characterized as fair to victims or law enforcement, and is not in line with other judges. We've also heard the argument that district attorneys regularly disagree with judges. Well, Mr. President, in the seventeen years I've been voting on judicial nominees, I don't ever recall such local, public opposition as we've seen in this case. This is truly unprecedented.

We in the Senate can no longer overlook and excuse a record that is clearly against the interests of law enforcement personnel and victims of crime, or professional conduct which is below the dignity of a judge. No person, of any race or any gender, should be able to serve on the federal bench if she or he demonstrates a bias against police and prosecutors, is soft on crime and shows a lack of proper judicial temperament. For these reasons, I will oppose the confirmation of this nominee and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. COATS). The Chair recognizes the Senator from North Dakota.

ISTEA

Mr. DORGAN. Mr. President, I want to visit for just a minute the issue about the highway bill and roads.

I would say to the Senator from Indiana, the Presiding Officer, that when I was in high school in a small town in North Dakota, I was agitating pretty hard to get a car. The way my dad warded me off from this desire to purchase a car was he said I'll let you buy a car because I have one spotted for you. But he insisted that I would have to restore it.

Sure enough, my father, who delivered gasoline to rural users, family farmers, with his rural delivery gasoline truck, had been out on a farm and he saw a 1924 Ford Model T in a granary. It had been sitting in that granary for many, many years. He said, you know the fellow who used to own that farm and put that Model T in there, he lives out of State. You should write him a note and see if he would want to sell you that Model T. So I did, and the fellow wrote back and said he would be glad to sell me his 1924 Model T Ford. He sold it to me for $25 and sent me the original key and original owner's manual.

I went out to look at this car I just bought and the rats had eaten out all the seat cushions and all the wiring

and all there was was a metal shell with the engine, and no tires, of course. And so I was the proud owner of a 1924 Model T Ford. That's the car my dad got me for my social life. It wasn't much of a social life for long while, because it takes a long time to restore a Model T Ford. As a matter of fact, I didn't know much about it. I was told, by the way, the reason the owner drove it to the granary and put it in that granary for a long, long time was the Model T's are like the old red wagon you used to pull when you were a kid. If you turn the wheel in front too far, they would tip over. It's called jackknife. A lot of people don't remember that. But the Model T would jackknife if you turned the wheel too sharp. I was told, the fellow who owned it had been in town drinking and driving home from the bar he thought he saw some chickens in the road so he thought he'd take a sharp left turn and he jackknifed the Model T and it pinned him beneath the Model T and hurt him a little bit. He survived, but he parked the Model T in the granary and never drove it again. He was pretty upset, I guess.

Then I bought it. Then I had a 1924 Model T Ford to restore and drive on modern roads, which was really quite an interesting thing to do. It didn't improve my social life, but nonetheless I had a car, an old car on new roads.

One of the interesting things about automobiles in our society is that we have not only seen dramatic changes in our automobiles from the first Model T I purchased as a young kid, but the infrastructure that we use and that we need for those automobiles and for transportation has also changed dramatically.

I am told that a new automobile in this country, manufactured here today, has more computer power in the automobile than existed in the lunar lander that put the first American on the Moon. There were breathtaking changes in manufacturing techniques and the production of consumer products, especially in automobiles. But we also have to understand that, as a society, that no matter how much we change these consumer products in ways that are really wonderful, we also must invest in infrastructure. So we have, over the years, consistently, Republicans and Democrats, everyone, worked together, from county commissioners to U.S. Senators and mayors and Governors, to decide we need a first-class road system. We have, in part, become a world-class economy because we have a first-class infrastructure and a first-class transportation system.

We have before us in the U.S. Congress the need to pass a new highway bill. It is not a partisan issue. I don't come to the floor to blame anybody for anything. I come to the floor, as have some Republicans and some Democrats, and say it is time now to put the highway bill on the floor and let people who want to offer amendments offer the amendments and pass a highway bill so that those people out there who are running the highway programs in the State governments, and those people in the county commission offices and in the townships and the cities, will understand how much money is available to build and to repair roads and bridges. This plan must be passed by the Congress to allow all of those folks to understand what they can and cannot do; how much is available.

This morning I stopped to put some gas in my car on the way to work. I not only paid for the gasoline, I also paid a tax. That tax is going to go from that station that I stopped at to the Government coffers and will be put in a trust fund, and it is going to be used in one way or another, I expect, to build a road or repair a bridge. That's the purpose of the gas tax that we have imposed, in order to provide for this infrastructure investment.

We have a responsibility now to do last year's work. Some say, ''Gee, we didn't get it done last year. That is somebody else's fault.'' Or they point a number of different ways. ''But now we must wait for next year's budget in order to bring the highway bill to the floor.''

We don't need to delay last year's work to deal with next year's budget. It doesn't make any sense to me. Those people who have come to the floor of the Senate on a bipartisan basis and said this Congress is moving at a Model T speed here—this is really glacial speed, at least as we have taken off from the blocks. Let us bring something to the floor that we must do and must do soon. Let all those who have amendments to it offer those amendments, have a debate on the amendments, and vote so we can do our business.

Some say if we do it the other body will not do it anyway. The other body has signaled that it does not intend to take up a highway bill until the budget is complete this spring.

I was on a television program with the chairman of the committee in the other body that deals with this issue. He said that the Speaker has indicated he doesn't want this to come up until after the budget process. I respectfully say to the Speaker, ''That may be your desire, but I don't think that's what the American people desire.'' It's certainly not what I desire. I hope at least those of us in the Senate could pass the bill and send it over to the House and then say to them the American people want this done. Let's put some pressure on them. The best way to apply pressure to get something done is to do our work. Our job at this point is to bring the bill to the floor and begin to deal with this bill.

I have traveled in various parts of the world at various times. One of the interesting things that distinguishes a Third World country or a developing country from a developed country or an industrialized country is its infrastructure. I have been in hotels, the best hotel in a town, and turned on the tap and have gotten rust and water together because their infrastructure was terrible. And I have driven from that town in a Jeep, going only 25 or 30 miles an hour because the roads, the main roads, the best roads, are full of holes and ruts that will tear up a car's underside if you go faster than that. We all understand that many of those countries have not had the opportunity or the resources to develop their infrastructure.

In some ways, the inability to develop the infrastructure predicts that they will not become a developed country; that they will remain a country that is a Third World country. We distinguish ourselves and have become an enormously successful country over a couple of hundred years by our desire to build in this country, to build and create. Part of that building and creating is to invest in infrastructure. And part of that is to invest in the best road and highway system anywhere.

We face some daunting tasks now with respect to bridges and some of our roads in this country. They are in desperate need of repair. We have been putting money in a trust fund with which to do that. Yet, in many cases the trust fund hasn't been used because they want to build up that money to use it as an offset to make the deficit look different than it should have looked. Or others have other ideas on what to do with the money. The point is, we have a responsibility, all of us serving now, to deal with the infrastructure needs of our country now. I implore the majority leader and others to consider, as they develop the agenda for this Senate, that, beginning tomorrow or the day after tomorrow or next Monday, decide that high on the agenda, at the top of the list, will be for us to do what we must and should do: Pass a highway program that invests in this country's infrastructure.

Mr. President, I indicated that this is not an issue of partisanship. It is, interestingly enough, every time you get a highway bill to the floor, it is a debate between a group of States that think the formula by which we divide the highway moneys is a terrible formula and others who think the formula is a wonderful formula. It depends on who gets and who gives. My State, I just would say with respect to the formula, as you might think, gets more back than it sends in for the highway program. So some States would look at my State and say: ''Well, your State is a receiving State or a recipient State or a beneficiary'' and my State, somebody else's State, they would say, ''is a donor State. We are upset about that.''

Without getting into a debate about the formula, I would just say this. We are a State that is 10 times the size of Massachusetts, in North Dakota. You can put 10 States the size of Massachusetts inside the borders of North Dakota. Yet we have only 640,000 citizens. Those 640,000 citizens cannot by themselves pay sufficient gas taxes locally

to maintain the roads and bridges necessary in our State, in order to make it a national road system. We cannot do it.

In fact, if you measure the burden another way, we in North Dakota rank among the highest in the country in per-person payments of Federal gas tax. Our burden ranks among the highest in the country. But others want to segregate it out and say, ''Well, you are a recipient State and that is not right.''

I say, but we in North Dakota pay for the Coast Guard.

We don't mind doing that. I am a taxpayer. My constituents are taxpayers. We pay for the Coast Guard. We don't really have any coast to guard. North Dakota is landlocked. We don't mind really doing that. That is the way these things should be done on a national basis.

When it comes to investing in highway programs, we feel also that there ought to be a national program to make sure that our country is a country that is not divided by those areas that have good roads and those that don't, because some can afford it and some can't.

Roads and infrastructure represent a national need and a national priority, and the satisfaction of that need and priority makes this a better and a stronger country. I hope that the discussions on the floor of the Senate by Senator BYRD, Senator GRAMM and Senator BAUCUS and so many others who are urging that we be allowed on this agenda to consider very, very soon the highway reauthorization bill, I hope those urgings will be heard and that we will very soon be on that particular business.

Mr. President, with that, I see a colleague is on the floor. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 1631 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HUTCHINSON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. THOMAS. Thank you very much.

JACKSON HOLE AIRPORT

Mr. THOMAS. Mr. President, I rise today to talk a little bit about a parochial issue that is peculiar to Wyoming, but it is one that is troublesome. It has to do with the Jackson Hole Airport. I am rising to express my frustration regarding the Federal Aviation Administration (FAA) and its lack of action with respect to an environmental assessment (EA) regarding safety issues at the Jackson Hole Airport.

Let me explain why the issue is so important to us in Wyoming. Jackson Hole is the busiest airport in Wyoming. It is the only commercial service airport in the country that is located within a national park, Grand Teton National Park. As a consequence, of course, the FAA and the Park Service are very careful about making safety or other improvements at this facility. And they should be. As chairman of the Senate subcommittee on national parks, I agree that all of the proposals for changes at the Jackson Hole Airport ought to be carefully examined. You won't find a bigger advocate for our national parks in the U.S. Senate than me. However, there are some significant safety issues that must be addressed quickly.

Between 1984 and 1992, the airport had more ''runway excursions,'' which is a nice way of saying they ran off the end of the runway, than any other airport in the country. This includes a broad range of aircraft, from general aviation and small commuters, to large aircraft such as 757s.

Since 1992, there have been seven additional runway ''incidents'' that have occurred.

In response to these problems, the Jackson Hole Airport board began an environmental assessment in 1992. All the interested parties, including the Park Service and the FAA were at the table. In fact, in 1993, I wrote Transportation Secretary Pena asking for interagency cooperation on this important issue, including the National Park Service, the Interior Department, the FAA, and the Department of Transportation. I wrote that letter in order to avoid the kind of situation that we have now.

In April of 1997, the airport board finally completed the assessment, after 5 years, and submitted it to the FAA. The results of the environmental assessment appeared to be very reasonable.

It would bring the runways into compliance with current FAA runway standards. That makes sense.

It would improve safety without increasing the length of the runways, which is very important. There is opposition by some to making the runways longer because they are in the park. And there is some opposition to making them longer because that could accommodate bigger airplanes, and some people are not anxious to see that happen.

It would not result in any significant noise increase. In fact, I am told that the newer airplanes are less intrusive with noise perhaps than the older ones.

If, in fact, these statements are correct—and they appear to be—then why is the proposal being delayed? The FAA has been unresponsive and uncooperative with my office on this matter.

In December of 1997, 8 months after the completion of the study, the FAA still had not acted on the environment assessment. I wrote the agency asking it to expedite its consideration of this matter and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

DECEMBER 4, 1997.

JANE F. GARVEY,
Administrator, Federal Aviation Administration, Washington, DC.

DEAR ADMINISTRATOR GARVEY: We write to request that you expedite action on the Final Environmental Assessment (EA) submitted by the Jackson Hole Airport Board in April of this year. Prompt action by the Federal Aviation Administration (FAA) is vital to maintaining safe air travel to and from Jackson Hole Airport.

As you may know, the Jackson Hole Airport enplanes more passengers than any other in our State and provides an essential transportation link to the northwest area of Wyoming. In addition, between 1984 and 1992, the Jackson Hole Airport had more ''runway excursions'' than any other air carrier airport in the United States. Both you and Secretary of Transportation Slater have emphatically stated that safety is the top priority of this administration. We agree that the traveling public's safety is vital and consequently ask that you expedite the consideration of this plan.

In the fall of 1993, the Wyoming Congressional Delegation requested inter-agency cooperation in the preparation of an Environmental Assessment of Master Plan Alternatives to enhance the safety and efficiency of the Jackson Hole Airport. The Delegation was assured by then Secretary of Transportation Federico Peña that the FAA would work toward the development of a responsible and ''timely'' airport plan. We are asking you to keep that commitment, particularly because seven months have passed since the Final EA was sent to the FAA for review.

The EA describes a preferred alternative designed to contain these runway excursions on pavement without actually extending the runway or expanding Airport boundaries. Unless action is taken quickly, runway safety improvements in the preferred alternative will be delayed until 1999. In fact, since the environmental assessment process began in 1992, seven additional runway accidents have occurred.

The concern the delegation expressed over four years ago remains: that timely action to be taken so that runway safety improvements at the Jackson Hole Airport will not be unduly delayed. If the FAA's record of decision on the Final EA will not be issued by January 1, 1998, we request that you inform us as to the reasons for the delay and when a decision should be expected.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL ENZI,

U.S. Senator.
BARBARA CUBIN,
Member of Congress.

Mr. THOMAS. I still have not received an answer to my letter from the FAA. The letter was sent in early December of 1997. All the letter asked was for a date by which we could expect a decision. I didn't ask for a decision, I didn't urge a certain outcome, just the date.

I called the FAA Administrator several weeks ago and though she said she would check into it I have heard nothing from her or her staff. For an agency that claims safety as its No. 1 priority, these delays are hard to understand.

This assessment is not an effort to expand the airport. There won't be longer runways, bigger airplanes or more flights. It is about safety, safety for everyone flying in and out of this airport. Time is of the essence—there is a short construction period, as you might imagine, in Jackson Hole, WY. The FAA needs to come to a decision quickly or these safety improvements will be delayed for yet another year.

Mr. President, I guess I have to admit that I am simply expressing my frustration with this situation. The FAA's primary responsibility is safety. The Jackson Hole Airport presents an opportunity to deal with an important safety issue and we've received no response from the FAA. I, therefore, intend to be rather critical of the FAA until it decides to act and comes to a conclusion. This process has gone long enough. The FAA needs to move forward now.

I typically am not anxious to come to the floor of the Senate and grumble about a federal agency, but I think this is something that needs to be grumbled about, and therefore I am here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

INDEPENDENT COUNSEL

Mr. TORRICELLI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have written on this day to Attorney General Janet Reno.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 11, 1998.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: As a member of the Senate Judiciary Committee, which is charged with conducting oversight of the Department of Justice and the Office of the Independent Counsel (''OIC''), I believe public confidence in our system of justice must be maintained. I therefore respectfully request that you conduct a formal inquiry of Independent Counsel Kenneth Starr to determine whether he should be removed or disciplined for repeated failures to report and avoid conflicts of interest pursuant to the powers vested in the Attorney General by the Ethics in Government Act (''The Act''), 28 U.S.C. §591, et seq.

Recent events involving the Independent Counsel's probe are further evidence of Mr. Starr's entanglements that cast a cloud over his ability to conduct an investigation objectively. Over the course of his entire investigation, Mr. Starr, in his continuing work as a partner at the law firm of Kirkland & Ellis and as Independent Counsel, has embraced (and been embraced by) persons and interests that seek to undermine the President as part of their political agenda. He has continually turned a blind eye to his own conflicts of interest at his law firm, to the conflicts engendered by the actions of his clients, and to benefactors that seek to discredit the President for partisan political gain. A person of Mr. Starr's numerous conflicts of interest cannot carry out the even-handed and fair-minded, independent investigation contemplated by the Act. Moreover, the evidence that has surfaced thus far regarding the expansion of Mr. Starr's jurisdiction into these matters raises serious concerns about the OIC's collusion with the Paula Jones legal team in an effort to unfairly and illegally trap the President.

This possible misconduct demands an immediate investigation by the Department to determine if Mr. Starr remains sufficiently ''independent'' to continue to serve in his current position.

I. THE ETHICS IN GOVERNMENT ACT REQUIRES THE ATTORNEY GENERAL TO INVESTIGATE ALLEGED MISCONDUCT OF THE INDEPENDENT COUNSEL

The Independent Counsel statute provides the Attorney General with jurisdiction to investigate alleged misconduct, conflict of interest and other improprieties that would render an Independent Counsel unfit to remain in office. Specifically, under the statute, the Attorney General may remove an Independent Counsel ''for good cause, physical disability, or other condition that substantially impairs the performance of such independent counsel's duties.'' 28 U.S.C. §596. The Supreme Court has suggested that a finding of ''misconduct'' would most assuredly constitute ''good cause'' under Section 596, and that ''good cause'' may impose no greater threshold than that required to remove officers of ''independent agencies.'' *Morrison* v. *Olson*, 487 U.S. 654, 692, n. 32 (1988).

The Attorney General's removal authority and the concomitant authority to investigate the independent counsel to determine if there are grounds for removal are essential to the continuing constitutional vitality of the Act. Indeed, the Supreme Court's holding that the Act did not violate separation of powers principles rested largely on the power reserved to the Attorney General to remove the independent counsel for ''good cause.'' Specifically, the court found that the Attorney General's removal power rendered the independent counsel an ''inferior officer,'' as required by the Constitution, 487 U.S. at 671, and that such authority ensured that undue powers had not been transferred to the judicial branch under the Act. 487 U.S. at 656. Thus, Morrison teaches that not only is the Attorney General authorized to determine whether there are reasons to remove the independent counsel, but that the Attorney General is constitutionally obliged to do so.

In addition, the Act expressly obligates the Independent Counsel to follow, to the fullest extent possible, the standards of conduct prescribed by the Department of Justice. See 28 U.S.C. §594(f) (An Independent Counsel ''shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply with the written and other established policies of the Department of Justice respecting enforcement of the criminal laws''). Accordingly, independent of your removal authority, the Department's Office of Professional Responsibility (''OPR'') has jurisdiction to investigate allegations of misconduct by the Independent Counsel and his staff or potential conflicts of interest that would disqualify him from serving as independent counsel. See Department of Justice Manual (''DOJ Manual''), Section 1–2112 (Supp. 1990) (Office of Professional Responsibility ''oversees investigation of allegations of misconduct by Department employees''). Against the backdrop of this clear constitutional and statutory mandate, I request that you initiate a formal inquiry into the following matters.

II. CONFLICTS OF INTEREST: MR. STARR HAS CONSISTENTLY IGNORED THE CONFLICTS RELATED TO HIS WORK, HIS CLIENTS, AND HIS BENEFACTORS

Mr. Starr's decision not to devote his full attention to his obligations as Independent Counsel in a matter involving the President of the United States has made inevitable the ensuing appearances of impropriety and actual conflicts of interest. His own ethics consultant, Samuel Dash, formerly Chief Counsel to the Senate Watergate Committee, noted that Starr's decision to continue representing private clients while investigating the President has ''an odor to it.'' ''How Independent is the Counsel,'' The New Yorker, April 22, 1996. The seriousness of these conflicts (and the odor) is evident by the direct involvement that his clients and others to whom he is financially dependent have assumed in Mr. Starr's investigation.

The Act makes clear that during an Independent Counsel's Tenure, neither the counsel, nor any person in a law firm that the counsel is associated with ''may represent in any matter any person involved in any investigation or prosecution under this chapter.'' 28 U.S.C. §594(j)(l)(i) and (ii). Mr. Starr, however, has violated both the spirit and letter of the statute through his own work and work of his law firm, as well as the actions of his clients and future benefactors.

A. The Expansion of the Investigation Into Matters In The Paula Jones Case Places Mr. Staff In Violation Of the Act's Conflict of Interest Provisions

Mr. Starr, as a partner at the law firm of Kirkland & Ellis and just prior to his appointment as Independent Counsel, actually provided legal advice in connection with the Paula Jones litigation. ''Mr. Starr's Conflicts,'' New York Times, March 31, 1996. While the fact that he has been involved with that litigation prior to becoming Independent Counsel certainly gave his appointment the appearance of impropriety in violation of the spirit of the Act, now that his investigation has fully inserted itself into the Paula Jones matter, concerns about his former representation certainly are magnified and call into question his role as an ''independent'' counsel in Paula Jones-related matters.

Of far greater gravity are the press reports and other information suggesting past and present representation by Kirkland & Ellis of other individuals connected to the Paula Jones civil litigation. See ''More Subpoenas and Angry Talk in Starr's Probe,'' Chicago Tribune, January 31, 1998; ''Starr Furor Lands at Firm's Door,'' Legal Times, February 9, 1998. Mr. Starr's potential breach of his duty to inform you of any association between his firm and persons involved in the Paula Jones matter, as well as the possible breach of the Act's statutory conflict of interest standards, should be the subject of investigation. Evidence that is discovered as the result of the current subpoena directed to Kirkland & Ellis for Paula Jones-related documents will undoubtedly shed light on whether Mr. Starr is in violation of the conflict of interest standards under the Act.

Chicago Tribune, January 31, 1998. Kirkland & Ellis's reported opposition to the subpoena is a significant indication of a violation of the Act. ''Chicago lawyer's role in Jones suite examined,'' Chicago Tribune, February 11, 1998. The firm's internal investigation apparently uncovered work done by one of its partners on Jones-related matters. This discovery subsequently was confirmed by one of Ms. Jones' former lawyers. Id. If, in fact, Mr. Starr failed to report the association of his law firm and such a conflict exists, that would undoubtably be grounds for his removal.

Mr. Starr, unfortunately, has failed in the past to report such direct conflicts of interest. While he was investigating the Resolution Trust Corporation and its supervision of Madison Guaranty, Kirkland & Ellis was being sued by the RTC for misconduct. ''Who Judges Prosecutor's Ethics? He does,'' Newsday, January 30, 1998. Despite his membership on the firm's management committee, Mr. Starr professed ignorance of the suit in which the RTC sued Kirkland & Ellis for one million dollars. The New Yorker, P. 63. Mr. Starr's lip-service to his ethical obligations without any apparent willingness to address the conflict of interest issues that have arisen demands that the Attorney General conduct an investigation to determine whether he should be removed.

B. Mr. Starr's Client, The Bradley Foundation, Has Been Active In Efforts To Discredit The President In Matters Directly Affecting The Investigation

The ties of Mr. Starr and his firm to persons and interest groups adverse to the President are not limited to the Paula Jones case. Indeed, in addition to his own personal involvement with the Paula Jones case, Mr. Starr represented the Lynde and Harry Bradley Foundation in an effort to uphold Wisconsin's experimental school-choice program after he was appointed Independent Counsel. The New Yorker, April 22, 1996, p. 59. Mr. Starr's position in that case was in direct opposition to the Administration. In addition to retaining Mr. Starr, the Bradley Foundation gives money to the President's ''most virulent critics,'' including the American Spectator, a publication obsessed with impugning the character of the President and First Lady, as well as the Landmark Legal Foundation and National Empowerment Television. Id.

The Bradley Foundation acknowledged freely that Mr. Starr's role was based in significant part on his long-standing ideological beliefs. Id. At 60. One noted ethics expert concluded that it was ''unwise for Starr to take Bradley money, given Bradley's funding of beneficiaries who are ideological enemies of the president he is investigating.'' ''Gov. Hires Ken Starr To Defend Plan,'' The National Law Journal, December 18, 1995, p. A5. In these instances where his private client is engaged in a highly politicized, personalized and acrimonious public policy debate with the President, Mr. Starr cannot possibly operate as an impartial investigator. This is particularly true when his private client is funding efforts devoted to publicizing Mr. Starr's investigation and related matters in an attempt to discredit the President and his political agenda.

C. Mr. Scaife, Mr. Starr's Benefactor At Pepperdine, Has Funded The ''Arkansas Project''—A Clandestine Effort To Attack The President

The question whether Mr. Starr labors under a conflict of interest in light of his ongoing relationship with Pepperdine University and Richard Scaife, a well-documented political opponent of the President's, was prompted by reports that Mr. Scaife has underwritten the faculty position that waits for Mr. Starr at Pepperdine University upon the expiration of his tenure as Independent Counsel. Washington Post, ''Starr Warriors,'' February 3, 1989. According to recent media reports, Mr. Scaife and his tax-exempt foundations are at the center of a secretive operation, coordinated with the American Spectator, called the ''Arkansas Project.'' See New York Observer, ''Richard Scaife Paid for Dirt on Clinton in Arkansas Project,'' February 4, 1998.

The ''Arkansas Project'' reportedly involved Mr. Scaife funneling more than $2.4 million from his tax-exempt 501(c)(3) foundations to the American Spectator over the last four years ''to pay former F.B.I. agents and private detectives to unearth negative material on the Clintons and their associates.'' Id. Indeed, the project apparently paid former state trooper L.D. Brown—the source of a number of allegations against the President investigated by the Office of Independent Counsel—as a ''researcher.'' Id. Mr. Starr's apparent failure to inquire into the financial motivations that may have prompted these allegations makes his investigation a ''patsy'' for the Arkansas Project, if not actually complicit in its goal to undermine the President.

Even more troubling, David Hale, Mr. Starr's alleged chief witness against the President, is linked to Mr. Scaife. The Arkansas Project was apparently run by Stephen Boynton, a Virginia lawyer and close friend of David Hale, the convicted felon that Mr. Starr considers his prize witness against the President. Recently, after his office argued to reduce Mr. Hale's 28 month sentence to time served, abated his $10,000 fine and asked the court to vacate the order that Mr. Hale provide restitution of $2 million for defrauding the Small Business Administration. Mr. Starr praised Mr. Hale saying ''This [investigation] would be over if everyone had been as cooperative as David Hale, had told the truth.'' Federal News Service, February 6, 1998. Mr. Hale's previous record, however, involved lying to a federal judge at his sentencing. ''The Real Blood Sport: the Whitewater Scandal Machine,'' Washington Monthly, May 1, 1996. Fortunately for Mr. Hale, his personal attorney is Theodore Olson, a board member of the American Spectator Education Foundation, Inc., and former law partner of Mr. Starr. Id.

The only conclusion is that Mr. Starr is inextricably intertwined with persons whose primary objective appears to be to discredit the President. While these allegations have previously been brought to the Department's attention, Mr. Starr's relationship with Mr. Scaife and others in the Arkansas Project combined with the information about the extent of Mr. Scaife's extraordinary expenditure of resources (in apparent violation of federal tax law) to discredit the President in parallel with Mr. Starr's investigation seriously undermine any contention that Mr. Starr is without a conflict of interest.

III. EVIDENCE OF OIC COLLUSION WITH PAULA JONES LEGAL TEAM WARRANTS FURTHER INQUIRY

The sequence of events leading up to the President's deposition and certain media accounts raises serious concerns that the OIC coordinated its investigation with the Paula Jones legal team and, in fact, may have played a role in the preparation of questions for the President's deposition. Such collusion, even if indirect, would constitute misconduct of the highest order and provides grounds for Mr. Starr's removal.

As you may be aware, press reports indicated that on January 12, 1998, Ms. Tripp contacted the OIC and provided them with tapes of conversations that she had unlawfully captured between herself and Ms. Lewinsky, Time, February 9, 1998. Then, the next day, January 13, the OIC equipped Ms. Tripp with a wire and taped a conversation between herself and Ms. Lewinsky. On January 16, Ms. Tripp again lured Ms. Lewinsky into a meeting with her. At that time, she was approached by FBI agents and OIC prosecutors. Id. According to press reports, she was held for several hours, threatened with prosecution and offered immunity if she agreed to a debriefing at that time. Id. According to her current attorney, the immunity offer was contingent upon her agreement not to contact her attorney in the Paula Jones matter, Frank Carter. Time, February 16, 1998. That same day, the Special Division (the court empowered to appoint an independent counsel) expanded Mr. Starr's jurisdictional mandate to cover the allegations related to Ms. Lewinsky.

Simply, the timing of events leading up to the President's deposition provides substantial reason to be concerned about possible coordination between the OIC and the Paula Jones team. But there is more. According to media reports, Ms. Tripp briefed the Jones legal team not only on the conversations that she recorded, but also on the OIC-directed monitoring of her conversation with Ms. Lewinsky. Wall Street Journal, February 9, 1998. This draws the OIC one step closer to the Jones civil litigation efforts. Moreover, the OIC's delay in seeking approval to expand its jurisdiction further heightens concerns over the OIC's coordination with the plaintiffs in the Paula Jones matter. Specifically, in seeking immediate approval of his expanded jurisdiction, Mr. Starr apparently expressed concern that impending press reports would scuttle his efforts to obtain evidence against Mr. Vernon Jordan and perhaps the President. See Washington Post, January 31, 1998. But it appears that Mr. Starr knew about the impending press coverage well before he brought the new allegations to your attention. His delay may be suggestive of an effort to maintain the secrecy of the new allegations until after the deposition of the President.

The alleged entanglement of the OIC with persons or organizations singularly devoted to the demise of the President implicate bedrock constitutional principles of due process and fair play. Indeed, ''[f]undamental fairness is a core component of the Due Process Clause of the Fifth Amendment.'' *United States* v. *Barger*, 931 F.2nd 359 (6th Cir. 1991); *United States* v. *Brown*, 635 F.2d 1207, 1212 (6th Cir. 1980). Any collusion between the OIC and the Paula Jones legal team, for example, casts serious doubt on the propriety of any investigation into the President's alleged statements regarding Ms. Lewinsky during his civil deposition. Specifically, the government may not, consistent with due process, deliberately use a judicial proceeding for ''the primary purpose of obtaining testimony from [a witness] in order to prosecute him late for perjury.'' *United States* v. *Chen*, 933 F.Supp 1264, 1268 (D.N.J. 1986).

There is little doubt that a primary purpose of the deposition questions regarding Ms. Lewinsky was to trick the President. In fact, press reports make clear that ''the goal of the Jones' team was to catch Mr. Clinton in a lie . . . Their detailed questions went well beyond simply whether there was a sexual relationship with Ms. Lewinsky and into other matters that could be independently verified.'' Wall Street Journal, February 9, 1998. Given that, as noted above, Linda Tripp was feeding information to the Paula Jones' lawyers about her conversations with Ms. Lewinsky, including the conversation recorded by the FBI, see Wall Street Journal, February 9, 1998, there is reason to suspect that the OIC may have assisted or played a role in the formation of questions asked by

Ms. Jones lawyers regarding Ms. Lewinsky. In addition, the evidence suggests that Mr. Starr deliberately delayed seeking your approval to expand his jurisdiction for improper purposes. Specifically, the delay appears to have been a calculated effort to conceal his expanded authority from the President prior to the deposition. Such conduct raises the specter that an unlawful ''trap'' may have been laid against the President.

In a similar vein, if the OIC was in fact assisting the Paula Jones legal team in any capacity, such conduct may also be inconsistent with the due process protections that preclude the government from using civil discovery to obtain information for a contemplated criminal action. See e.g. *United States* v. *Nebel*, 856 F. Supp. 392 (M.D. Tenn. 1993). In light of fundamental constitutional concerns implicated by the Independent Counsel's conduct, justice demands that you initiate an inquiry to ensure that the Independent Counsel's investigation has comported with basic rules of fairness and decency. The President, as do others in this investigation, deserves the same protections that shield all other Americans from arbitrary and unlawful government conduct. Indeed, particularly where, as here, a prosecutor has been given virtually unfettered authority to investigate almost every dimension of a person's life, we must be particularly vigilant in guarding against abuses of that authority. You thus have both a statutory and constitutional obligation to determine whether the Independent Counsel has acted properly in investigating the President.

Sincerely,

ROBERT G. TORRICELLI,
U.S. Senator.

Mr. TORRICELLI. Mr. President, I want to make myself clear at the outset. I rise today with no portfolio for President Clinton. I do not pretend to know the details of either the Whitewater case or matters pertaining to Paula Jones, with a series of other legal issues now, involving the Office of Independent Counsel, the Justice Department and President Clinton's private attorneys. Those issues are not my purpose today.

Like most Americans, I have watched events of recent weeks with some curiosity and with a deep sense of regret. I rise today for a different purpose. I want to talk about justice—not the justice of the individual in these cases but the administration of justice by the Government itself. I do so from the perspective of a member of the Judiciary Committee, recognizing that under the Ethics in Government Act it is the responsibility of the Attorney General to investigate alleged misconduct, conflicts of interest and other improprieties of the Office of Independent Counsel. This institution, through the Judiciary Committee, has a responsibility of oversight, both of the Office of Independent Counsel and the Attorney General herself as she implements the act.

My purpose, then, in this capacity, is to review a series of legal and ethical issues that pose a challenge to the integrity of the Office of Independent Counsel and whether or not it is being administered and the responsibility of the Attorney General to oversee its activities.

Within recent days, we have learned details of a series of deliberate leaks of grand jury material—not on a few occasions, not on one or two items, but virtually volumes of material impugning the character of individuals—that may undermine aspects of the investigation. Some of these leaks have been characterized as unfortunate. Some, perhaps, inevitable, as part of the process. They may be these things. But they are also something else. They represent a Federal felony. It is against the law. In this case, a potential violation of the law by members of the Justice Department or in their employment themselves.

David Kendall, President Clinton's lawyer, has detailed some of these leaks in a 15-page correspondence, virtually identifying volumes of material where some of the most reputable publications in America—including the New York Times, the Washington Post—indicate that this material comes from ''sources in Starr's office;'' ''Starr's investigators expect;'' ''sources familiar with the probe''—hardly masking the Government prosecutor's contravention of Federal statutes, punishable both by fines and jail terms, for leaking grand jury material.

I believe that the standard for such abuse was set by former Attorney General Thornburgh who, in the matter of Congressman Gray and the leaking of grand jury material, required that his associates, those familiar with grand jury material, were not simply investigated but polygraphed, with a clear or implied threat that any failure to comply or to pass the polygraph would mean their immediate dismissal.

Indeed, as much of America has heard about the grand jury leaks, it has tended to mask several other perhaps more serious ethical problems that must also be addressed by the Attorney General and are outlined in my correspondence being sent to the Attorney General on this date.

Just prior to his appointment as independent counsel, Mr. Starr was retained by the Independent Women's Forum to write an amicus brief in the matter of the civil complaint being brought by Paula Jones. The Independent Women's Forum is funded by a Richard Scaife of Pennsylvania. In the furtherance of these responsibilities it is not clear how much or whether, indeed, Mr. Starr was compensated, but it is clear that his firm and he were engaged in this activity, including researching a brief, contacting those attorneys, then representing Paula Jones. They were actively engaged.

Reports as recent as 3 months ago indicate that individuals at Mr. Starr's firm with whom Mr. Starr is still associated have continued to assist Paula Jones in her legal defense team. This morning in the Chicago Tribune it is further alleged by that publication that Mr. Starr's firm—where this financial relationship continues between Mr. Starr and his partners—has continued to provide assistance to Paula Jones' defense team, even while the investigation of President Clinton under the authority of the Attorney General was expanded to include matters relating to the civil complaint by Paula Jones.

Mr. President, the Office of Professional Responsibility, under the direction of Attorney General Reno, needs to review these serious lapses of ethical conduct and these transparent conflicts of interest. It is left with little or no choice. If there is to be any confidence in the administration of the Office of Independent Counsel, and if the American people are to believe the result of this investigation and whatever recommendations result, the Office of Professional Responsibility will need to definitively establish whether, indeed, there are conflicts of interest, as are being alleged.

Indeed, I know of no authority in the canons of ethics of the profession, the operating procedures and rules of ethics of the Justice Department, that would permit an attorney in any capacity, no less an Office of Independent Counsel, investigating any American, no less the President of the United States, to operate with ethical standards that allow he or his associates within a single case dealing with the same litigants to do work for such clearly conflicting interests.

Third, while serving as independent counsel for the Government, Mr. Starr's law firm has received and continues to receive retainers and legal payments from corporations, including Philip Morris and Brown & Williamson, potentially of millions of dollars, that not only have an interest but an extraordinary financial interest in the defeat of President Clinton's initiatives and whose interests are directly impacted by his political viability.

Mr. Starr's continuing to draw income, a year ago in excess of $1 million in personal compensation, while in the employment of the U.S. Government to investigate matters relating to President Clinton, is not only unsound judgment but as clear a conflict of interest between those of the private attorneys, the private parties that he has sworn to defend and the interests of the U.S. Government that he has similarly sworn to pursue. Both cannot be his master.

Attorney General Reno is left with the question of what other interests have continued to pay compensation to Mr. Starr, what other clients and what kind of judgment has been exercised.

Making this all the more urgent, indeed feeding suspicion, is a fourth point that in some ways may be the most troubling. Richard Scaife, who earlier in this affair was funding research into the Paula Jones case, appears again as a part of Mr. Starr's performance of his responsibilities. Mr. Scaife has provided $600,000 per year, approximately $2.5 million, to fund something that is known as the Arkansas project. The Arkansas project is a tax free 501(c)3 organization under the Tax Code of the United States. It indeed has funded this money through the American Spectator magazine.

The purpose, apparently as outlined in an article in the New York Observer, written by Joe Conason last week, has resulted in the establishment of a relationship with David Hale, the principal witness used by Mr. Starr against President Clinton, in the Whitewater case and a State trooper, former State Arkansas Trooper L.D. Brown. It appears that the American Spectator established a relationship of unknown financial or other reward to secure the cooperation of each individual in the writing of the articles.

The changing of the testimony of these witnesses, critical to Mr. Starr's work, and when those changes occurred and their relationship with the Arkansas project, becomes an important matter for the Justice Department. It would appear on its face that is at least reason to explore whether the improper use of tax-free foundation funding through this publication with the intention of influencing potential Federal witnesses did not constitute Federal witness tampering. It is, however, an issue that must immediately be established.

As a part of this aspect of the case requiring investigation, as Mr. Hale's legal representation by one Theodore Olson, who seemed to have guided Mr. Hale in his testimony in the Whitewater affair, who is also the counsel to the American Spectator funded by Mr. Scaife, who was also a former law partner of Mr. Starr.

Mr. President, sometimes facts that are coincidental can paint a picture of conspiracy where it does not exist. There are coincidences, sometimes, of extraordinary scale. But the Attorney General would need to admit that there are events in this case that are peculiar indeed—Mr. Scaife's funding of the American Spectator and its impact on Federal witnesses; Mr. Scaife's potential funding of Mr. Starr as a private attorney in the Paula Jones case; Mr. Scaife's funding of employment for Mr. Starr at Pepperdine University, where he was offered and initially accepted a teaching position in the law department.

Coincidence? Perhaps. But as our former colleague, Senator Cohen once observed on this floor, ''The appearance of justice is as important as justice itself.''

There are, in the coming weeks, important judgments to be made about the administration of justice with relation to the President of the United States. Those decisions will profoundly impact policy and the guidance of the U.S. Government. I have no knowledge and, therefore, no recommendation on the matters of how the case should be pursued. I am not here to distinguish falsehood from truth. I am here in the interest of justice.

It would appear on the facts that there is something terribly troubling about the administration of the Office of the Independent Counsel. So in my correspondence of this day, I have asked Attorney General Reno to have the Office of Professional Responsibility inquire as to whether indeed there are conflicts of interest in the Paula Jones case and, indeed, whether it is factual that Mr. Starr was once engaged as a private litigant in that matter. If so, the result is clear—he must recuse himself and professional prosecutors must pursue the matter. Similarly, to establish whether funds, through the American Spectator, were improperly used with a result of tampering of witnesses. Finally, to conclude whether or not the operation of a private law practice, including the solicitation of clients and their funding, has compromised the operations of Mr. Starr in his pursuit of the various cases before his office.

Mr. President, Members of this institution and of the respective parties have at various times praised or criticized the Attorney General in the performance of her responsibilities. Perhaps the fact that she has been criticized from all quarters for so many decisions is the best testament of her native integrity. Janet Reno is as capable an Attorney General as the United States has ever been fortunate enough to have in that office. I leave these judgments with her, knowing of her high integrity, her understanding of the importance of these cases, the profound impact on the administration of the U.S. Government and of justice itself, knowing that she will do with them what is right and proper.

Mr. President, I yield the floor.

Mr. ASHCROFT. 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. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF FREDERICA A. MASSIAH-JACKSON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate continued with the consideration of the nomination.

Mr. SANTORUM. Mr. President, I rise to continue the discussion on the judge of the Eastern District of Pennsylvania, Judge Massiah-Jackson. Within the past 24 hours, I and Senator SPECTER have been talking to the majority leader, to the chairman of the Judiciary Committee, to those who are in opposition to her nomination in an attempt to resolve a lot of issues. And what Senator SPECTER and I have referred to, to complete this process of consideration in what we believe is the only fair way to do so, is to have an additional hearing for her to be able to respond to the information that has been presented so publicly now to the Congress and the Senate with respect to her nomination.

The majority leader is intending to come down in the next 15, 20 minutes to make a statement, which I fully support, and I know Senator SPECTER supports, which will, in a sense, move this nomination aside for now and have this nominee be given the opportunity to appear before the Judiciary Committee and answer this new information, or respond to the questions of members of the Judiciary Committee.

That is all I have been asking for since the leader scheduled this nomination. I am hopeful that after we go out on recess next week, there will be scheduled a Judiciary Committee meeting for people who have provided the information to present that information formally to the committee, be questioned by committee members, and then for Judge Massiah-Jackson to have the opportunity to answer the charges that have been leveled against her.

That will complete, in my mind, the process of fair consideration.

Her nomination will remain here on the floor. It will remain on the Executive Calendar, and subsequent to the hearing, the majority leader will call the nomination up for a vote at that time.

That is, again, all I have been requesting from the leader—is to give this process time to play out, fairness dictating the order of the day, and then give the Senate the opportunity to pass judgment as to whether we believe that she should be a judge in the Eastern District of Pennsylvania.

So I see this as a very favorable resolution of what I have been asking for in the past 24 hours.

I thank the majority leader for his patience. This has been somewhat of a difficult ordeal having to juggle all the different sides on this issue.

I thank the chairman of the Judiciary Committee for his willingness to hold another hearing. He knows that he has not been formally requested to do so by the Senate but has volunteered to make the committee available to further give Judge Massiah-Jackson the opportunity to respond to this new information that has been provided.

Mr. President, I know the Senator from Missouri has more to say on this nomination. He is ready to go. So I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I rise to continue to explain the basis for my opposition to the nomination of Frederica Massiah-Jackson to be a U.S. district judge for the Eastern District of Pennsylvania.

Although I have already spent time on the floor detailing this nominee's record, I think it is important and valuable to spend the time necessary to demonstrate the serious flaws of this

nominee and to also highlight the caliber of the nominees that we are receiving from the President of the United States.

There are a number of categories into which my objections to this nomination might fall.

One would be a disrespect for the court and its environment, perhaps most clearly typified by the willingness of this nominee to use profanity in the courtroom.

No. 2, a contempt for prosecutors and police officers that is evidenced in the way she has treated them and handled them as they have appeared in court and the way in which she has handled evidence assembled by those officers.

Those are two major problems that I have with this particular nominee.

No. 3, the concept of leniency in sentencing; the effort made by this nominee as a judge in the State of Pennsylvania to reduce the sentences which were given to those who had been convicted of crimes is notable. It has, as a matter of fact, even caught the attention of the appellate courts at which time those sentences have been reversed.

These are among the most important factors that lead me to the conclusion that Judge Massiah-Jackson should not be confirmed as a United States district court judge.

She should not be considered for a lifetime responsibility in administering justice in the United States of America; that in the event that the President refuses to withdraw this nomination, which he should do, that the Senate of the United States of America should reject this nomination.

Let me just go through some of these points in order to establish a factual basis for these conclusions supporting the categories which I have mentioned.

First is the contempt for prosecutors and police officers that Judge Massiah-Jackson has evidenced in the conduct of her responsibilities as a judge in Pennsylvania.

In the case of Commonwealth v. Ruiz, Judge Massiah-Jackson acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe the testimony of two undercover police officers, Detective-Sergeant Daniel Rodriguez and Detective Terrance Jones. It was the second time she had acquitted alleged drug dealers nabbed by the same officers. The first time, the two undercover officers testified that they found two bundles of heroin on a table right next to the defendant's hand. The judge not only refused to believe this testimony, she went one step further. As the officers were leaving the courtroom, the judge reportedly told spectators in the court: ''Take a good look at these guys [the undercover officers] and be careful out there.''

This identification by the judge was reported in the Philadelphia Inquirer.

Detective-Sergeant Daniel Rodriguez confirmed this outrageous courtroom incident in a signed letter to the U.S. Senate. The detective-sergeant had the following comments regarding the incident, and I quote:

> I thought, ''I hope I don't ever have to make buys from anyone in this courtroom.'' They would know me, but I wouldn't know them. What the judge said jeopardized our ability to make buys. And it put us in physical danger.

I really believe that this officer sincerely wrote that letter and that he intended for the letter to say exactly what it said and that he felt the sense of physical danger that was occasioned by the special identification that the judge had made of him and another police officer.

Detective Terrance Jones, the other undercover officer that was identified by Judge Massiah-Jackson in open court, according to the Philadelphia Inquirer, also confirmed the facts in a signed statement to the committee staff. He stated that the comments ''jeopardized our lives.'' Detective Jones also notes:

> As a law enforcement officer who happens to be African American I am appalled that self-interest groups and the media are trying to make the Massiah-Jackson controversy into a racial issue. This is not about race. This is about the best candidate for the position of Federal judge.

Let me go to another case, the case of Commonwealth v. Hicks. In this case, in an action that led to a reversal by the appellate court, Judge Massiah-Jackson dismissed charges against the defendant on her own motion.

Although the prosecution was prepared to proceed, the defense was not ready because it was missing a witness—a police officer who was scheduled to testify for the defense apparently had not received the subpoena. The defense requested a continuance to clear up the mixup concerning the subpoena. The commonwealth stated that it had issued the subpoena. The defense did not allege any wrongdoing or failure to act on the part of the commonwealth. Nonetheless, without any evidence or prompting from defense counsel, Judge Massiah-Jackson decided she simply did not believe that the commonwealth's attorney subpoenaed the necessary witness. Judge Massiah-Jackson held the commonwealth liable for the defense's lack of preparation for its own unpreparedness, and Judge Massiah-Jackson, on the motion of the court, dismissed the case without even the suggestion from the defense that the case should be dismissed. The facts ultimately revealed that the subpoena had been issued, but the officer was on vacation and had not received it. It was not the fault of the commonwealth. Judge Massiah-Jackson's decision was reversed on appeal as an abuse of discretion. The appellate court concluded that, ''Having carefully reviewed the record, we are unable to determine the basis for the trial court's decision to discharge the defendant. Indeed the trial court was unable to justify its decision by citation to rule or law.''

There is a lot of discussion about whether we need to send this nomination back for additional information and for hearings before the Senate Judiciary Committee.

This particular case, for instance, was discussed at the hearing. When asked by a Senator if she had any comment or explanation of the situation, Judge Massiah-Jackson just replied, ''No, Senator, I don't.''

It occurs to me that it is not necessary to reconvene the committee and to move this matter back from the floor of the Senate asking that there be opportunities for explanations for cases like that when those opportunities were available then.

Commonwealth v. Hannibal is a case that is demonstrative of this particular nominee's lack of judicial temperament.

In court, in response to prosecutor's attempt to be afforded an opportunity to be heard, the following exchange took place on the record:

> The COURT. Please keep quiet, Ms. McDermott.
>
> Ms. MCDERMOTT for the Commonwealth: Will I be afforded——
>
> The COURT. Ms. McDermott, will you shut your f***ing mouth.

That is from the transcript of June 25, 1985, at page 17.

Judge Massiah-Jackson was formally admonished by the Judicial Inquiry and Review Board for using intemperate language in the courtroom. This incident, incidentally, was also discussed by the committee with the judge, and the conduct was admitted.

In the case of Commonwealth v. Burgos and Commonwealth v. Rivera, during a sentencing proceeding, the prosecutor told Judge Massiah-Jackson that she had forgotten to inform one of the defendants of the consequences of failing to file a timely appeal. Of course, such a failure would prejudice the commonwealth on appeal. Judge Massiah-Jackson responded to this legal argument with profanity, stating, ''I don't give a [expletive deleted].'' This incident was discussed at the committee hearing, and the conduct was also admitted.

District Attorney Morganelli of Northampton County, PA, has suggested that the reason there are not more instances of foul language on the record is that Judge Massiah-Jackson's principal court reporter routinely ''sanitized the record.''

It does not appear to be a coincidence that both of these profane outbursts were directed at prosecutors. Instead, Judge Massiah-Jackson's foul language appears to be part and parcel of her hostility to law enforcement.

Let me move to the issue of the leniency in sentencing which has been characteristic, I believe, of this judge's record. In the case of Commonwealth v. Freeman, the defendant shot and wounded a Mr. Fuller in the chest because Mr. Fuller had laughed at him. Judge Massiah-Jackson convicted the defendant of misdemeanor instead of felony aggravated assault. She sentenced him to do 2 to 23 months and

then immediately paroled him so that he did not have to serve jail time. The felony charge would have had a mandatory 5- to 10-year prison term. Judge Massiah-Jackson explained her decision stating, ''The victim had been drinking before being shot,'' and the defendant ''had not been involved in any other crime since the incident.''

Here we have an individual who shoots another individual, and this judge not only makes it a misdemeanor so that the sentence can be reduced from a minimum of 5 to 10 years to 2 to 23 months, but then paroles immediately the individual so that no jail time is served after the conviction. The judge explains this behavior saying that the person who had been shot had been drinking as if somehow, I guess, if you are drinking you are eligible to be shot; and that the defendant ''had not been involved in any other crime since the incident.''

This case was not discussed at the hearing. No appeal was taken from this case.

In the case of Commonwealth v. Burgos, during a raid on the defendant's house, police seized more than 2 pounds of cocaine along with evidence that the house was a distribution center.

The defendant, Mouin Burgos, was convicted. Judge Massiah-Jackson sentenced the defendant to only 1 year's probation.

Then District Attorney Ronald Castille criticized Judge Massiah-Jackson's sentence as ''defying logic'' and being ''totally bizarre.'' He commented, ''This judge just sits in her ivory tower * * * She ought to walk along the streets some night and get a dose of what is really going on out there. She should have sentenced these people to what they deserve.''

This case was discussed at the hearing, and Senators and the judge had an opportunity to explain their positions. No appeal was taken from this case.

In the case of Commonwealth v. Williams, a first-degree robbery, unreported sentencing reversal case, I would like to provide just one more example of Judge Massiah-Jackson's leniency in sentencing, an example that I think is also relevant to whether we should have another hearing on this nominee.

In the case of Commonwealth v. Williams, the defendant robbed a 47-year old woman on the street at the point of a razor. The defendant used the razor to slash the woman's neck and arms and took her purse. The defendant had to undergo surgery to repair the slashed tendons in her hand and was forced to wear a splintering device that pulled her thumb back to her wrist. The defendant pled guilty to first-degree robbery. Under the Pennsylvania sentencing guidelines, that offense carries a range of 4 to 7 years, with a mitigated range of 3¼ to 5 years. Despite these sentencing ranges, Judge Massiah-Jackson sentenced the defendant to a mere 11½ to 23 months. In order to do so, Judge Massiah-Jackson not only had to deviate substantially below the guidelines range but also had to ignore a mandatory weapons enhancement that raises the minimum sentence 1 to 2 years. The Commonwealth did appeal this meager sentence, and Judge Massiah-Jackson was reversed for her sentencing errors.

Now, this decision is important not only because it demonstrates her leniency in sentencing but also because of what it says about the equity of giving Ms. Massiah-Jackson an additional hearing. We have heard a lot about Judge Massiah-Jackson's right to be heard and have been given the impression that she has been the victim of sandbagging by her opponents. It is true that there is information that was not available at the time of the committee's hearing. This sentencing case, for example, was not addressed at the hearing. But why wasn't it addressed at the hearing? That is no one's fault but Judge Massiah-Jackson.

The committee's standard questionnaire asks every candidate to list any judicial decisions which were reversed on appeal. Judge Massiah-Jackson failed to list this case. Indeed, she testified that she had never been reversed on a sentencing appeal. So if this case wasn't debated or discussed at the hearing, it wasn't debated or discussed because at the hearing she had failed to disclose this when the committee had requested that she disclose it, and when asked additionally if there were cases like this upon which she had been reversed she informed the committee that she had not been reversed on sentencing appeal when in fact this case represented such a reversal.

Now, it seems ironic to me that when we finally find out about the existence of those things which she said did not exist, she should be accorded a second hearing now to explain that which she failed to disclose. I think that is a serious problem. This is not only a failure-to-disclose problem but this is the disclosure of something which was specifically denied in the hearing.

I make this point to make clear that this is not just a simple matter of giving someone a right to confront new allegations. She had the opportunity to respond to the allegations in this setting by providing the evidence in the first instance, or the case or the notification that she had been reversed on appeal, and in the second instance by not denying that she had ever been reversed on appeal. It strikes me that we are creating a troubling precedent by affording nominees a second hearing at least in part to explain materials that were requested prior to the first hearing.

Let me move on to the case of Commonwealth v. Smith. This is leniency not just in sentencing but a predisposition on the part of this judge to suppress evidence and to do so improperly.

Judge Massiah-Jackson has also demonstrated leniency in improperly suppressing evidence. The case that perhaps most dramatically illustrates this point is Commonwealth v. Smith, a case discussed by the chairman of the Judiciary Committee in the Chamber yesterday. It is a case that I also mentioned.

In this tragic case, the victim, a 13-year-old boy, was raped at knifepoint in some bushes near a hospital. Eventually, the young boy managed to run away from his assailant nude and bleeding. Two nurses at the hospital saw him, and he told them what had happened, pointing out the bushes where he was attacked. The two nurses called the hospital security guards. They saw the defendant in the case emerge from the bushes with his clothing disheveled and then saw him walk quickly away. The women yelled out for the man to stop, and the police arrived on the scene and apprehended the defendant.

The defendant denied raping the boy, but the police searched him and found a knife matching the description of that used in the rape. At that point the police arrested the defendant. Shockingly, Judge Massiah-Jackson ruled that the police lacked probable cause to arrest the defendant and suppressed all evidence, including the identification of the defendant by the two nurses.

Now, not surprisingly, the appellate court, when confronted with this dubious judgment, reversed Judge Massiah-Jackson.

So the situation is this, that Massiah-Jackson, lenient in suppressing evidence, was reversed by the appellate court. It has been pointed out, and I would thank Senator SPECTER for having so pointed out, that after a remand to the trial court the defendant was acquitted in a new trial before a different judge. But what seems to have received less attention is that all this occurred after Judge Massiah-Jackson was reversed by the appellate court. Unlike the second judge who conducted a full trial, Judge Massiah-Jackson threw out the evidence on the ground that the police lacked even probable cause to arrest the defendant despite his proximity to the crime scene and the victim, and the other facts that are attendant thereto, including the identification by the individuals who were there at the time of his arrest. It is, of course, one thing to acquit someone after a trial but the notion that the police officers did not even have probable cause to arrest the defendant is just shocking, and the appellate court agreed.

And the litany, incidentally, of illustrations regarding leniency in sentencing could go on. Last year there were 50 separate cases that were singled out just as exemplary of this leniency, but that was just last year. And organizations, law enforcement organizations, organizations that serve the culture by providing the safety and security for persons and their property which defines a civilized culture, have come out saying this individual should not be

confirmed as a U.S. district court judge.

The Philadelphia Lodge of the Fraternal Order of Police announced its opposition to the confirmation of Massiah-Jackson on January 13 of this year. And just yesterday I had the privilege of attending a press conference in which Philadelphia Fraternal Order of Police President Richard Costello made his opposition to this nominee unmistakably clear. The National Fraternal Order of Police announced its opposition on January 20. In coming out against this nominee, here is what the National President of the Fraternal Order of Police, Gilbert Gallegos, stated: ''Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench.''

After describing the incident in which Judge Massiah-Jackson pointed out undercover police officers in open court, Mr. Gallegos stated, ''I cannot adequately express my outrage.'' The National Fraternal Order of Police President concluded, ''To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the Nation, all of whom have a herculean task of fighting crime. We shouldn't have to have [both] the judges and the criminals against us.''

I note the presence of the majority leader in the Chamber, Mr. President, and I would gladly yield to the majority leader with the understanding that at the conclusion of his remarks my right to speak in the Chamber be retained.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader.

Mr. LOTT. Mr. President, I have had the opportunity now to discuss this nomination with Senators on both sides of the aisle and those who did support her and certainly those who are opposed to this nomination. I think that we should not go forward to a vote at this time since there are very serious allegations out there. I am convinced they are true; I am convinced this nomination should not go forward; and I would urge at this point the President withdraw this nomination because clearly this nominee has very serious problems, conduct on the bench that is certainly inappropriate and a number of concerns about the nominee's attitude toward prosecutors and toward law enforcement. Clearly this is the type of nomination that should not be confirmed. But so that some of these articles, some of the cases, some of the suggestions that are now in the public arena can be properly looked into, I thought the best thing to do at this time would be to not go forward with a vote and allow time for the committee to have a hearing on the problems that have been identified. I don't think it can be disposed of in the near future.

Having said that, I understand the chairman of the Judiciary Committee will be conducting an additional hearing on the nominee sometime when we return from the recess we are about to go into at the close of business on Thursday or Friday. So we can see what that hearing turns up. But I think that no further action can be taken at this time. I thank all Senators for their consideration and will yield the floor to the Senator from Missouri. I appreciate him yielding me this time. And I know that the Senators from Pennsylvania will both seek recognition so that they can comment on the present status of this nominee.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. I believe the Senator from Missouri still has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak in response to the majority leader for up to 1 minute.

Mr. ASHCROFT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Missouri does have the floor.

Does the Senator from Missouri object to the unanimous consent request?

Mr. ASHCROFT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of 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.

Mr. ASHCROFT. Mr. President, I had hoped to offer to the Senator from Pennsylvania an opportunity to make brief remarks, and that is the reason I placed the quorum call, for an opportunity to make that offer.

The nomination of Frederica Massiah-Jackson is a nomination which I think should call us each to a very serious consideration of our responsibilities here in the U.S. Senate. Judges who are appointed for life, who really do not answer to the voters, do not answer to the administration or the executive branch, have a very high degree of power in the culture and we should be very careful about the individuals that we endow with the authority of becoming Federal judges. The National Association of Police Organizations understands that and the National Association of Police Organizations announced its opposition on January 22, to this nominee.

Further, there is opposition from the local law enforcement community in Philadelphia, opposition from individuals that one would not expect to ordinarily oppose a nominee except in extraordinary situations: Lynne Abraham, who is the district attorney in the Philadelphia area—a Democrat, someone you would expect to be aligned with the President and his nominations—at great political cost, with substantial display of putting the benefit of the community in Philadelphia above party loyalty, came out against the nomination of Frederica Massiah-Jackson in a letter to Senator SPECTER, at least that is my information, on January 8. She wrote:

> My position on this nominee goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's record presents multiple instances of deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.
>
> This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

That is a very serious charge from the prosecutor, someone of the same party as the President who nominates this judge. I quote again:

> This nominee's judicial service is replete with [full of] instances of demonstrated leniency toward criminals, an adversarial attitude toward police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

The words ''full of'' were my amplification. Her text did not include that.

Other local law enforcement officials who feel that this is a nomination which should not go forward—the Northampton County District Attorney, John Morganelli, another Democrat, announced his all-out opposition to this nomination on January 6, 1998. Mr. Morganelli provided members of the committee with a letter detailing the numerous incidents of unprofessional conduct that have marked Judge Massiah-Jackson's tenure on the State trial bench. The concluding paragraphs of that letter are worth quoting at length:

> [The] record is one of an unusually adversarial attitude toward the prosecution and police. Much personal animosity towards prosecutors and police in general. Other portions of her record indicate a tendency to be lenient with respect to criminal defendants.

I continue with his letter:

> This judge sat as a fact finder in the vast majority of her cases because criminal defendants almost always felt it advantageous to waive their right to a jury trial in order to present their case directly to the judge. * * * In addition, she has shown a lack of judicial temperament with respect to vulgar language from the bench on the record and much of it off the record. Also, as indicated above, Judge Massiah-Jackson has attempted to meddle with the appellate process in Pennsylvania by contacting appellate courts and improperly attempting to influence appellate decisions. Her comments,

conduct, record and lack of judicial temperament by itself should call into question her stature to serve as a Federal Judge.

Numerous District Attorneys and police organizations in the Commonwealth of Pennsylvania oppose this nomination as a slap in the face to the law enforcement community.

That is the conclusion of District Attorney Morganelli's letter, opposing the confirmation of this judge.

In addition, the Executive Committee of the State of Pennsylvania's District Attorneys Association has unanimously voted to officially oppose the nomination. On January 8 the Executive Committee of the Pennsylvania District Attorneys Association, in a unanimous vote, officially opposed the nomination. The President of the association wrote a letter on January 26, expressing the association's opposition.

I would just comment it is not usual for prosecuting attorneys, or for district attorneys, or for police organizations to attack judges, especially judges who are sitting as judges in their jurisdictions, the same judges they have to go before on a regular basis in seeking to effect justice in the society, to make sure we have the right law enforcement, the right prosecution, the right conviction and the right detention of those who have been deemed guilty of a crime. It is not comfortable, it is not easy, it is not expected. It is, I think, fair to describe it as rare, that someone would, as a prosecutor, or that the association of prosecutors, or that the police, or the associations of police, would come forward and make statements that say not only is this the worst judge I have ever seen but this is the worst judge of which I have any awareness. These are individuals who have a substantial awareness of the judicial system as a result of their broad experience in the system.

If my recollection serves me correctly, the district attorney in Philadelphia, Lynne Abraham, is a former judge herself. She has an ability to know what the circumstances of the judge's responsibilities are. And when she comes forward to say that this judge is a judge that is so out of touch with the balance necessary to accord fairness in the system by being so predisposed to the defendant's position and antithetical to the prosecutor's position, and antagonistic to the position of the Commonwealth as opposed to that of the individual who is seeking to be declared innocent of the charges, she just indicates that we can do better. And I think that is really the case that we have here.

The pool of legal talent in Pennsylvania is not shallow. We have talked about Philadelphia lawyers all across the country for a long time, because Philadelphia is known as a center for individuals who know how to work with the law and to do it effectively, who know what their responsibilities are and to make sure that those responsibilities can be carried out in the best interests of their clients. And I believe that there are those in that community who could well serve this President as nominees and could well serve this country as nominees. And I believe it is the responsibility of the U.S. Senate, when you have a nominee who is not of the caliber and quality that is appropriate for membership on the Federal bench, for the Senate to stand up and say so. And I believe that is our responsibility here.

I don't believe that the Founding Fathers of this great country put the U.S. Senate in the stream that leads to the Federal judiciary so that it could act in a way which is a rubberstamp, so that it could say, well, in spite of the fact that this individual is an affront to the judicial system, disrespects it with profanity, disrespects its participants by profaning them and their conduct, is so lenient with criminals that it causes major questions, has to be reversed on criminal appeals and, when asked about it, denies ever being reversed until the appeals are found—I don't think we have to have that kind of person. I don't think we are here to pass that kind of person through to a lifetime tenure, to a system which will, really, give her great latitude in imposing upon the people of this country the authority of the United States in demanding or commanding adherence to the law. I really think that we can do better. And I think we ought to do better.

It is not hard for us to do that. Surely we have cooperated 90, 95 percent—I don't know—of the time, that these cases go through. Most of them never even get debated. This case was—they insisted that we debate. When I was last at a committee meeting I thought we should not move this case to the floor for debate. There was an outcry, a substantial, significant outcry, insisting that we move this case to the floor for debate. Now that we have moved it to the floor for debate there is a substantial outcry to move it back to the committee.

I think the real fact of the matter is we know, we know enough about this case to say this is not an individual that we want to welcome into the lifetime tenure of the Federal judge. It does not mean the individual cannot have merit, cannot do different things, is banished from any other responsibilities. It is simply someone who is not suited to be endowed with the authority of a Federal judge, a serious responsibility in this society and culture.

I suppose we can let this individual go back for additional committee hearings or additional deliberations. But in my view that is a mistake. And, in my view there are times when the Senate should simply act as the Constitution calls upon it to act, that is to either provide the advice and consent which is appropriate and constitute the nominee as a member of the judiciary or deny the advice and consent and move on because America can and should do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just want to thank the majority leader, again, for his willingness to cooperate with both Senator SPECTER and me in our request that Judge Massiah-Jackson's nomination not be voted on here in the next few days but that the process be able to be worked out and worked through, a hearing to be held. I know Senator SPECTER, who cannot be here right now, fully supports this process that we now have begun to get her a hearing in the Judiciary Committee. And then I hope very promptly to bring her back to the floor of the U.S. Senate for a vote.

I would not like to see this nomination hang out for a long period of time after the hearing. I don't think that would be fair, again, to her or to the process, or to the President who I know, in having conversations with the White House, they would like to see this matter be dealt with in an expeditious fashion after the hearing takes place. A hearing will not be able to take place until the week after next because we are not in session next week. So I am hopeful we can bring this judge up for a final vote here in the U.S. Senate within a 3-week period of time, maybe a 4-week period of time. I think that would be appropriate for her and I think appropriate for the Senate at some point to pass judgment on this nominee. I think it is important when the President puts a nominee up who has had, certainly, the amount of attention that this nominee has had, that the Senate, all Members, get an opportunity to express their opinion as to whether this nominee has the credentials and qualifications and qualities necessary to serve on the Federal judiciary.

With that, I again thank the majority leader and thank my colleagues for allowing this procedure. There are things that could have been done. I talked to several of my colleagues about those things that could be done. The Senator from Missouri and others would have liked to vote today. In fact they could force a vote today. It is within the right of any Senator on this nomination to offer a tabling motion, which would bring the debate to a stop and cause a vote. They have agreed to not do that and I appreciate that very much.

They could have derailed this effort. But their indulgence in allowing what two home State Senators believe is a fair process, their indulgence in allowing what we believe to be a fair process, in acquiescing to those desires, is noble indeed and very much appreciated. So I thank the Senators from Alabama, Missouri, and others who have expressed a willingness to expedite consideration of this nominee, for their willingness to withhold and allow the process to work out just a few more weeks. And then take the nominee back to the floor.

There will be no vote in committee. She will not be recommitted to committee. There will be no action necessary by the committee. Her nomination will remain on the floor of the U.S. Senate and will be eligible to be recalled by the leader at his discretion, which is our understanding, subsequent to the hearing in the Judiciary Committee.

So that is the state of play, if you will, of this nomination, and it is one I find wholly acceptable at this point. I know my colleague, Senator SPECTER, does also.

Mr. THURMOND. Mr. President, I rise today to express my opposition to the nomination of Frederica Massiah-Jackson for the United States District Court for the Eastern District of Pennsylvania. I opposed this nominee in Committee, and nothing has changed in the interim to make me any more likely to support her.

I believe that the President is entitled to some deference in his choice of judges for the Federal Bench, and I try to give his nominees the benefit of the doubt. However, because of Judge Massiah-Jackson's judicial temperament and record of leniency toward criminal defendants, I cannot support her nomination.

Judicial temperament is an essential quality for judges. They must be professional, civil, and fair. To earn esteem and honor, they must exhibit dignity and be respectful of those who appear before them.

Unfortunately, Judge Massiah-Jackson has shown a lack of judicial temperament while serving on the Pennsylvania trial court. She has used profane language from the Bench, which I will not repeat here. There is simply no excuse for a judge to use profanity in court.

Also, we have received numerous letters from bipartisan professionals to the effect that she is hostile and unfair toward prosecutors and police officers. The Pennsylvania District Attorneys Association, which unanimously voted to oppose her nomination, wrote that she has ''an anti-police, anti-prosecution bias'' and that her actions as a trial judge ''at times . . . have bordered on the outrageous.'' The Attorney General of Pennsylvania, Michael Fisher, has weighed in against her. The National Fraternal Order of Police wrote that she ''has made a career of dismissing out of hand testimony by police officers, treating them as second-class citizens.'' The Philadelphia FOP echoed this criticism, saying that her actions ''make it appear she is on a crusade against public safety.'' The Philadelphia District Attorney, Lynne Abraham, whose office prosecutes criminal cases within Philadelphia where Judge Massiah-Jackson has served as a judge, was resolute. She wrote that the ''nominee's record represents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers, and by extension, an insensitivity to victims of crime. The nominee's judicial demeanor and courtroom conduct . . . undermine respect for the rule of law and . . . tend to bring the law into disrepute.'' She then compared this judge to others stating, ''This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar.''

An example of the judge's hostility toward police that has created much attention is an incident where she pointed out two undercover narcotics agents and told those in her courtroom to take a good look at the officers and, quote, ''watch yourselves.'' This story was published in a Pennsylvania newspaper, and I asked her about it in writing during the hearing process, which gave her plenty of time to reflect on the matter. She responded, ''I have read the 1988 article and it is inaccurate. I would not and did not make any such statement to the spectators.'' However, the two undercover agents that the article referred to later signed statements saying she had singled them out and referred to them in this manner.

She has also made public comments about crime that warrant concern. Although she informed me in response to a written question that she is not opposed to imposing the death penalty, she was very critical of the death penalty in a 1994 speech. Quoting Justice Harry Blackman, she said, ''the death penalty experiment has failed.'' She added, ''It is not a deterrent to criminal behavior.'' Later in the speech she said, ''Locking folks up is a belated and expensive response to a social crisis.''

It is very unusual for us to receive opposition to a nominee for the Federal Court from prosecutors and professionals as we have here. I commend the prosecutors and police who have taken this bold stand. They have brought a great deal of attention to a nominee who is simply not fit to serve on the Federal court.

The public opposition to this nominee from prosecutors and police, in addition to the information we had at the time she was considered in Committee, should be more than enough for Senators to oppose her. It should not even be necessary to consider cases and statistics that have been brought to our attention in the past few weeks.

Let me close by referring again to the letter from the Fraternal Order of Police. I quote, ''To confirm Judge Messiah-Jackson would be an affront to every law enforcement officer and prosecutor in the Nation. . . . We shouldn't have to have the judges and the criminals against us.''

Mr. President, I agree. I will stand with prosecutors and police on this nomination.

At this time, I ask unanimous consent to have printed in the RECORD a copy of the letters that I quoted in my statement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PENNSYLVANIA DISTRICT
ATTORNEYS ASSOCIATION,
Harrisburg, PA, January 26, 1998.

Sen. ORIN HATCH,
Chairman, U.S. Senate Judiciary Committee, Dirksen Office Building, Washington, DC.

DEAR MEMBERS OF THE U.S. SENATE JUDICIARY COMMITTEE: As President of the Pennsylvania District Attorneys Association, I am writing to express the Association's opposition to the nomination of Judge Frederica Massiah-Jackson for a position as a Federal Judge in the Eastern District of Pennsylvania.

As you may know, recently the Executive Board of the Pennsylvania District Attorneys Association which speaks on behalf of all 67 elected District Attorneys in Pennsylvania voted unanimously to oppose the aforesaid nomination. We recently met with Senator Arlen Specter and Senator Rick Santorum of Pennsylvania in person to convey the sentiment of District Attorneys in Pennsylvania.

A review of Judge Massiah-Jackson's record during her tenure as a Criminal Court Judge clearly shows that she has exhibited an anti-police, anti-prosecution bias as a Criminal Court Judge. At times, her actions as a Common Pleas Judge in Philadelphia have bordered on the outrageous. She has used profanity in her courtroom, embarrassed and exposed police officers in her courtroom and has even interfered in the appellate process by attempting to ''recommend'' to an appellate court that a Commonwealth appeal of one of her decisions be quashed. Given the prevalence of federal habeas corpus appellate practice, especially as it related to capital convictions obtained from state courts, the prospect of seating a member to the Federal Judiciary with a record like Ms. Massiah-Jackson's should give those involved in the confirmation process pause and concern.

Therefore, I strongly urge all members of the Senate Judiciary Committee and all members of the United States Senate to oppose this particular nomination.

Very truly yours,

MICHAEL D. MARINO,
President.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF ATTORNEY GENERAL,
Harrisburg, Pa, January 29, 1998.

Hon. ARLEN SPECTER,
U.S. Senator, Washington, DC.

RE: Judge Frederica Massiah-Jackson.

DEAR SENATOR SPECTER: I wish to express my opposition to President Clinton's nomination of Judge Frederica Massiah-Jackson to serve on the United States District Court for the Eastern District of Pennsylvania.

I am writing on Judge Massiah-Jackson's nomination after spending considerable time reviewing her record on the Court of Common Pleas of Philadelphia County. Due to the importance of this nomination and because of the seriousness of the allegations raised with respect to Judge Massiah-Jackson's record, I have delayed taking a public position until I had the opportunity to review all available data. This review has also included discussions with members of my staff and other prosecutors who have personally appeared before Judge Massiah-Jackson. To a person, these prosecutors have expressed concern about the Judge's demeanor, her temperament and the manner in which she disposes of cases. I have also reviewed sentencing statistics and discussed Judge

Massiah-Jackson's sentencing practices with these prosecutors. This review and these discussions have revealed a record of leniency in sentencing criminal defendants, a bias against police and prosecutors and an insensitivity to the plight of victims.

The major criticisms about Judge Massiah-Jackson come from the period of time she was assigned to the Court's Criminal Division. In recent years, she has been assigned to the Civil Division. U.S. District Court judges have a civil and criminal court caseload. The Office of Attorney General and I represent the Commonwealth in the U.S. District Court in civil and criminal cases.

As Attorney General, I supervise a large office which includes 180 lawyers and 266 criminal agents. My prosecutors and agents are often cross-designated in federal court and also work jointly with police officers, agents and prosecutors from other federal, state and local agencies. My Office's cases are sometimes prosecuted in federal court, notably when they are developed in conjunction with a federal task force. A federal judiciary that properly safeguards individual rights and liberties while respecting the dedication and commitment of the law enforcement community is essential to our efforts on behalf of the people of the Commonwealth.

Based on my review of Judge Massiah-Jackson's criminal court record and the antipathy she has displayed toward police, prosecutors and victims, I must respectfully ask you to oppose her nomination when it is voted on by the United States Senate and to ask your colleagues to do likewise.

My hope would be that the President will quickly nominate someone who will bring the needed diversity to the United States District Court for the Eastern District of Pennsylvania, but a person with a record that shows a more balanced perspective than this nominee.

Thank you for your consideration of my position.

Very truly yours,

D. MICHAEL FISHER,
Attorney General.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, 27 January 1998.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing on behalf of the more than 270,000 members of the Fraternal Order of Police to urge that you withdraw your support for the nomination of Judge Frederica Massiah-Jackson to the Federal judiciary.

Senator Specter, Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench. Frankly, I have difficulty reconciling why you would offer her nomination any of your support. She routinely demonstrates that she lacks any sense of judicial propriety and temperament. Her manners and language in the court room are ugly. Her record of sympathy and leniency toward criminals, even violent criminals, is extreme. Most objectionably, Judge Massiah-Jackson consistently parades her anti-police bias by using her power and authority as a judge to belittle, harass, and threaten the law enforcement officers who appear in her court. Her contempt for prosecutors appearing before her is so rancorous, that a broad grassroots effort has been led by members of her own political party to oppose her elevation to the Federal judiciary.

In 1994, a man appeared before Judge Massiah-Jackson charged with numerous offenses. He had struck a pedestrian with his car, left her lying in the gutter, and then pummeled into unconsciousness a relative of the victim who attempted to prevent his fleeing the scene. She described the behavior of this man, who had a prior record of 19 arrests and eight convictions, as ''Not really criminal. He had merely been involved in a car accident.'' The man was sentenced to two years probation.

To add insult to injury, a few years earlier this same man, who then was out on bail for another offense, appeared before Judge Massiah-Jackson. His counsel asserted that a particular police officer was harassing him with ''unnecessary'' traffic stops. Despite the lack on any evidence, Judge Massiah-Jackson offered to have the court file a complaint against the officer on the defendant's behalf! She concluded, without any discernable reason other than her contempt for law enforcement officers, that this officer was masterminding a plot to threaten and harass the man and his family! Senator Specter, she threatened in open court to appear as a fact witness against this officer in the event the defendant, his family, or friends came to any harm. What kind of a judge is this?

On one occasion, Senator, Judge Massiah-Jackson acquitted a criminal of drug possession by simply refusing to believe the testimony of undercover narcotics investigators. After dismissing the charges, she urged spectators in her court to ''take a good look at the undercover officers and watch yourselves.'' I cannot adequately express my outrage, sir. She deliberately jeopardized the lives of these officers. Is this the type of judge we want sitting on the Federal bench?

This is surely the most offensive and egregious example of her conduct, but hardly an uncommon one for Judge Massiah-Jackson, who has made a career of dismissing out of hand testimony by police officers, treating them as second-class citizens barely worthy of even her contempt. Frankly, I am amazed she has served on any bench at all.

I urge you to ensure that all judicial nominees are properly screened, so that the likes of Judge Massiah-Jackson do not find their way to the Senate floor again. And I strongly urge you to withdraw your support of her nomination and cast your vote against her confirmation on 28 January. To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the nation, all of whom have the herculean task of fighting crime. We shouldn't have to have the judges and the criminals against us.

Sincerely,

GILBERT G. GALLEGOS,
National President.

FRATERNAL ORDER OF POLICE,
PHILADELPHIA LODGE NO. 5,
Philadelphia, PA, January 13, 1998.

Hon. RICHARD (RICK) SANTORUM,
U.S. Senator, Philadelphia, PA.

DEAR SENATOR SANTORUM: The Fraternal Order of Police, in an effort to protect and properly serve its members, has a keen interest in all Jurists whose appointment could affect the safety and welfare of its Police.

To this end, the Fraternal Order of Police is opposed to the nomination of Judge Frederica Massiah Jackson to the United States District Court for the Eastern District of Pennsylvania.

The reasons for this determination by the F.O.P. is that Judge Jackson has an established record of being extremely lenient on criminals; insensitive to the victims of crime; and has posed a direct threat against Police.

Judge Jackson's bizarre rulings, coupled with her challenging and adversarial attitude toward Police and prosecutors, make it appear she is on a crusade against public safety.

The Police have a hard enough time dealing with the felons on the street. They don't need to be worrying about the people in positions of authority placing them in more danger. Yet, that is exactly what Judge Jackson did to several Narcotic Officers in open Court.

It is an insult to the entire Judicial System and the community it services when a Jurist of this caliber would even be considered for an appointment to a position that could negatively affect public safety.

Must one be reminded that—Crime is out of control. Innocent people are being attacked and slaughtered on our streets. Drugs are in every neighborhood. Our citizens are fleeing the City in great numbers. Our residents are living in fear everyday. Our City is in decay.

We must stop the violence; we must stop the insanity!

The appointment of Judge Massiah Jackson to the U.S. Court would be directly counter-productive to this effort. We need a Federal Judge who has proven to be tough on crime. One who is a highly regarded professional in the field of law. We must have a Judge who can help bring new hope to those in despair.

In closing, Philadelphia has many Judges who can fill the requirements needed for this position. Unfortunately, Judge Massiah Jackson is not one of them.

Respectfully submitted,

RICHARD B. COSTELLO,
President.
MICHAEL G. LUTZ,
Past President.

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, PA, January 8, 1998.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On December 9, 1997, you phoned my office seeking my position on the nomination of Judge Frederica Massiah-Jackson as a Judge for the United States District Court for the Eastern District of Pennsylvania. When we spoke, I told you that, in my thirty years of public service, including almost sixteen years as a Judge and over six years as Philadelphia's District Attorney, never before had my United States Senator solicited my position on any of the many prior Federal District or Circuit Court nominees who had sought confirmation. I further related that it had been my general policy to refrain from speaking out on Federal judicial nominations.

Immediately after our brief phone conversation, you wrote and faxed me a letter seeking my written concurrence in a quoted paragraph regarding my general policy. I have deliberately deferred responding because, instead of offering a perfunctory response, I thought it prudent, under the present circumstances, to re-evaluate my general policy, to see if there were compelling reasons to deviate from it. I have concluded that this nomination presents such reasons.

Between the time of our conversation and today, I have carefully reviewed sentencing statistics, verdicts, courtroom testimony, newspaper and other print media reports, together with a number of other pieces of anecdotal evidence, including office memoranda. After having done so, I have concluded that I must stand opposed to this nomination.

This decision is a difficult one because I campaigned with and served on the bench at the same time as Judge Massiah-Jackson. I firmly believe in the rule of law and the independence of the judiciary, and I would never oppose a nomination merely because of a personal disagreement with some decisions or remarks that a judge might make in the heat of courtroom arguments.

My position on this nomination goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's

record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.

This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar.

I must, however, make this point perfectly clear: I believe firmly that the next member of the Eastern District judiciary should be an African-American woman. The under-representation of minorities on our federal bench has been permitted to exist for far too long. Fortunately, the Philadelphia area is blessed with many eminently well-qualified African-American women lawyers, in academia, public service, private practice, and on the bench. Had any one of these been selected, she would already be presiding on our Federal District Court bench.

I trust that this letter satisfies your inquiry.

Sincerely,

LYNNE ABRAHAM,
District Attorney.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Is there time set aside for morning business now?

The PRESIDING OFFICER. There is not. However, the Senator may, by unanimous consent, request permission to proceed.

Mr. DOMENICI. Madam President, I ask unanimous consent for 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NUCLEAR ISSUES

Mr. DOMENICI. Madam President, over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our country and the world, issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began this statement, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners or only to attacks that wildly inflate their risks.

Based on strong encouragement that I have received from people like Senator Nunn, John Deutch, Allan Bromley, Edward Teller and others, I intend to continue to speak and to seek national dialog on a wide range of nuclear issues. In fact, I will invite each of my Senate colleagues to participate in a nuclear issues caucus focused on issues ranging from nuclear power and waste to nuclear stockpiles.

My goal is that out of this dialog and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the Nation and better utilize the power of nuclear technologies. Let me give you the flavor of some of these issues that I assert need careful reexamination.

First, in 1997, the United States decided to halt research into reprocessing mixed oxides, or commonly called MOX fuel, in the hope that it would curtail other countries' pursuit of these technologies. Other countries proceeded to follow their own best interests and technical judgments.

Today, many other countries are reprocessing and using MOX fuel, mixed oxide fuel. Now the United States is unable to use these technologies to meet nonproliferation needs and has largely been left out of the international nuclear fuels cycle.

I contend we made a mistake then. The reason we made the decision is false. We said it is so that no others will do this and create some risks. Others have assessed that there are no risks, or few, and they have proceeded.

Let me move on to another example.

Today, we regulate radiation to extremely low levels based on what we have chosen to call in this country the ''linear-no-threshold'' model of radiation effects. That model, basically, asserts that the least bit of radiation exposure increases the risk of cancer, but scientific evidence does not support that assumption. As a result, the United States spends billions of dollars each year cleaning up sites to levels within 5 percent of natural background radiation, even though natural background radiation varies by large amounts; in fact, by over three times just in the United States and much larger amounts if we look outside the Nation.

On another issue, today, nuclear energy provides 20 percent of the electricity of our Nation. In 1996, nuclear energy reduced U.S. greenhouse gas emissions from electric utilities by 25 percent. Does that sound interesting to anyone? Nuclear electrically generated power reduced U.S. greenhouse gas emissions 25 percent. That means that we produce that electricity clean in terms of global warming emissions, and we did this without imposing taxes or other costly limitations on the use of carbon-based energy forms, some of the suggestions that are being made now about taxing those energy sources that do create greenhouse gases to minimize their impact by using less.

On another issue, today, we focus on the creation of bilateral accords with Russia to size our nuclear stockpile, and we expend much energy debating the pros and cons of START II versus START III. Instead, I believe that the United States should move away from sizing its nuclear stockpile in accordance with bilateral accords with Russia. Instead, within the limitations of existing treaties, the United States should move to a ''threat-based stockpile,'' driven by the minimal stockpile size that meets credible threat evaluations.

That is just another issue in the nuclear field that we ought to be addressing and debating and thinking about and listening to some experts on.

Today, many of the weapons in our stockpile and in the stockpile of Russia are on hair-trigger alert. I believe that both nations should consider de-alerting their nuclear stockpiles and even consider eliminating the ground-based leg of the nuclear triad. And I know this may not be doable, and the discussion may reveal that it is not prudent. But it should be talked about.

Today, both the United States and Russia are dismantling weapons, but both nations are storing the classified components, the so-called pits from the weapons, that would enable either nation to quickly rebuild its arsenals. We are in serious need of a fast-paced program to convert classified weapon components into unclassified shapes that are quickly placed under international verification. Then that material should be transformed into MOX—which I discussed earlier—MOX fuel for use in civilian reactors, again with due haste.

There are some who have prejudged this and will instantly say, no. I am suggesting the time is now to have a thorough discussion of these kinds of issues, because we made some mistakes 15, 20 and 25 years ago when we made some of the decisions that now guide our course in this very, very difficult area that I just spoke of with reference to nuclear arsenal components.

Today, high-level nuclear waste is stored in 41 States. Much of that is spent civilian reactor fuel that is saturating the storage capacity at many sites. The United States should move to interim storage of spent nuclear fuel while continuing to actively pursue permanent repository. In the years before that repository is sealed, there will be time to study alternatives to permanently burying the spent fuel with its large remaining energy potential. One of those alternatives for study should be a serious review of accelerator transmutation of waste technology.

Today, another issue, irradiation of food products is rarely used. Nevertheless, there is convincing evidence of its benefits in curtailing foodborne illnesses. I commend the recent acceptance of irradiation for beef products by the Food and Drug Administration. It was a long time in coming, but it is finally here.

Today, few low-level nuclear waste disposal facilities are operating in this country, jeopardizing many operations that rely on routine use of low-level radioactive materials. For example, the

Federal Government continues its efforts to block the efforts of the State of California to build a low-level nuclear waste disposal facility at Ward Valley, CA.

Today, joint programs with Russia are underway to protect Russian fissile materials and shift the activities of former Soviet weapons and their scientists into commercial projects. These programs should be expanded, not reduced. The President suggests that some should be reduced. I believe they should be expanded.

These and other issues will all benefit from a careful reexamination of past policies relating to nuclear technologies. While some may continue to lament that the nuclear genie is out of the proverbial bottle, I am ready to focus on harnessing that genie as effectively and as fully as possible so that our citizens may gain the largest possible benefit from nuclear technologies.

I have a more detailed statement that analyzes these issues and others. I ask unanimous consent that it be printed in the RECORD, not as if read, but merely as an adjunct to the speech which I have just given.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT

(By Senator Pete V. Domenici)

Over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our nation—issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began these statements, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners, or only to attacks that wildly inflate their risks.

Based on the strong encouragement I've received from people like Senator Nunn, John Deutch, Allan Bromley, and Edward Teller, I intend to continue to seek national dialogue on a wide range of nuclear issues. In fact, I will invite each of my Senate Colleagues to participate in a Nuclear Issues Caucus, focused on issues ranging from nuclear power and waste to nuclear stockpile. My goal is that out of this Caucus, and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the nation and better utilize the power of nuclear technologies.

Strategic national issues are always hard to discuss. In no area has this been more evident during these last few decades than in development of public policy involving energy, growth, and the role of nuclear technologies.

But as we leave the 20th Century, arguably the American Century, and head for a new millennium, we truly need to confront these strategic issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world.

There are no secrets to our success, and there is no guarantee that, in the coming century, we will be the principal beneficiary of the seeds we have sown. There is competition in the world and serious strategic issues facing the United States cannot be overlooked.

The United States—like the rest of the industrialized world—is aging rapidly as our birth rates decline. Between 1995 and the year 2030, the number of people in the United States over age 65 will double from 34 million to 68 million. Just to maintain our standard of living, we need dramatic increases in productivity as a larger fraction of our population drops out of the workforce.

By 2030, 30 percent of the population of the industrialized nations will be over 60. The rest of the world—the countries that today are ''under-industrialized''—will have only 16 percent of their population over age 60 and will be ready to boom.

As those nations build economies modeled after ours, there will be intense competition for the resources that underpin modern economies.

When it comes to energy, we have a serious, strategic problem. The United States currently consumer 25 percent of the world's energy production. However, developing countries are on track to increase their energy consumption by 48 percent between 1992 and 2010.

The United States currently produces and imports raw energy resources worth over $150 billion per year. Approximately $50 billion of that is imported oil or natural gas. We then process that material into energy feedstocks such as gasoline. Those feedstocks—the energy we consume in our cars, factories, and electric plants—are worth $505 billion per year.

We debate defense policy every year, as we should. But we don't debate energy policy, even though it costs twice as much as our defense, other countries' consumption is growing dramatically, and energy shortages are likely to be a prime driver of future military challenges.

Even when we've discussed energy independence in my quarter century of Senate service, we've largely ignored public debate on nuclear policies.

At the same time, the anti-nuclear movement has conducted their campaign in a way that has been tremendously appealing to mass media. Scientists, used to the peer-reviewed ways of scientific discourse, were unprepared to counter. They lost the debate.

Serious discussion about the role of nuclear energy in world stability, energy independence, and national security retreated into academia or classified sessions.

Today, it is extraordinarily difficult to conduct a debate on nuclear issues. Usually, the only thing produced is nasty political fallout.

My goal today is to share with you my perspective on several aspects of our nuclear policy. I am counting on you to join with me to encourage a careful, scientifically based, re-examination of nuclear issues in the United States.

I am going to tell you that we made some bad decisions in the past that we have to change. Then I will tell you about some decisions we need to make now.

First, we need to recognize that the premises underpinning some of our nuclear policy decisions are wrong. In 1977, President Carter halted all U.S. efforts to reprocess spent nuclear fuel and develop mixed-oxide fuel (MOX) for our civilian reactors on the grounds that the plutonium was separated during reprocessing. He feared that the separated plutonium could be diverted and eventually transformed into bombs. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

The premise of the decision was wrong. Other countries do not follow the example of the United States if we make a decision that other countries view as economically or technically unsound. France, Great Britain, Japan, and Russia all now have MOX fuel programs.

This failure to address an incorrect premise has harmed our efforts to deal with spent nuclear fuel and the disposition of excess weapons material, as well as our ability to influence international reactor issues.

I'll cite another example of a bad decision. We regulate exposure to low levels of radiation using a so-called ''linear no-threshold'' model, the premise of which is that there is no ''safe'' level of exposure.

Our model forces us to regulate radiation to levels approaching a few percent of natural background despite the fact that natural background can vary by a factor of three just within the United States.

On the other hand, many scientists think that living cells, after millions of years of exposure to naturally occurring radiation, have adapted such that low levels of radiation cause very little if any harm. In fact, there are some studies that suggest exactly the opposite is true—that low doses of radiation may even improve health.

The truth is important. We spend over $5 billion each year to clean contaminated DOE sites to levels below 5 percent of background.

In this year's Energy and Water Appropriations Act, we initiated a ten year program to understand how radiation affects genomes and cells so that we can really understand how radiation affects living organisms. For the first time, we will develop radiation protection standards that are based on actual risk.

Let me cite another bad decision. You may recall that earlier this year, Hudson Foods recalled 25 million pounds of beef, some of which was contaminated by E. Coli. The Administration proposed tougher penalties and mandatory recalls that cost millions.

But, E. Coli bacteria can be killed by irradiation and that irradiation has virtually no effect on most foods. Nevertheless, irradiation isn't used much in this country, largely because of opposition from some consumer groups that question its safety.

But there is no scientific evidence of danger. In fact, when the decision is left up to scientists, they opt for irradiation—the food that goes into space with our astronauts is irradiated. And if you're interested in this subject, a recent issue of the MIT Technology Review details the advantages of irradiated food.

I've talked about bad past decisions that haunt us today. Now I want to talk about decisions we need to make today.

The President has outlined a program to stabilize the U.S. production of carbon dioxide and other greenhouse gases at 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a $50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling of the current cost of coal or natural gas-generated electricity.

What the President should have said is that we need nuclear energy to meet his goal. After all, in 1996, nuclear power plants prevented the emission of 147 million metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide. Our electric utilities' emissions of those greenhouse gases were 25 percent lower than they would have been if fossil fuels had been used instead of nuclear energy.

Ironically, the technology we are relying on to achieve the benefits of nuclear energy

is over twenty years old. No new reactors have been ordered in this country for almost a quarter of a century, due at least in part to extensive regulation and endless construction delays—plus our national failure to address high level waste.

We have created an environment for nuclear energy in the United States wherein it isn't viewed as a sound investment. We need absolute safety, that's a given. But could we have that safety through approaches that don't drive nuclear energy out of consideration for new plants?

The United States has developed the next generation of nuclear power plants—which have been certified by the NRC and are now being sold overseas. They are even safer than our current models. Better yet, we have technologies under development like passively safe reactors, lead-bismuth reactors, and advanced liquid metal reactors that generate less waste and are proliferation resistant.

A recent report by Dr. John Holdren, done at the President's request, calls for a sharply enhanced national effort. It urges a ''properly focused R&D effort to see if the problems plaguing fission energy can be overcome—economics, safety, waste, and proliferation.'' I have long urged the conclusion of this report—that we dramatically increase spending in these areas for reasons ranging from reactor safety to non-proliferation.

I have not overlooked that nuclear waste issues loom as a roadblock to increased nuclear utilization. I will return to that subject.

For now, let me turn from nuclear power to nuclear weapons issues.

Our current stockpile is set by bilateral agreements with Russia. Bilateral agreements make sense if we are certain who our future nuclear adversaries will be and they are useful to force a transparent build-down by Russia. But our next nuclear adversary may not be Russia—we do not want to find ourselves limited by a treaty with Russia in a conflict with another entity.

We need to decide what stockpile levels we really need for our own best interests to deal with any future adversary.

For that reason, I suggest that, within the limits imposed by START II, the United States move away from further treaty imposed limitations to what I call a ''threat-based stockpile.''

Based upon the threat I perceive right now, I think our stockpile could be reduced. We need to challenge our military planners to identify the minimum necessary stockpile size.

At the same time, as our stockpile is reduced and we are precluded from testing, we have to increase our confidence in the integrity of the remaining stockpile and our ability to reconstitute if the threat changes. Programs like science-based stockpile stewardship must be nurtured and supported carefully.

As we seriously review stockpile size, we should also consider stepping back from the nuclear cliff by de-alerting and carefully re-examining the necessity of the ground-based leg of the nuclear triad.

Costs certainly aren't the primary driver for our stockpile size, but if some of the actions I've discussed were taken, I'd bet that as a bonus we'd see some savings in the $30 billion we spend each year on the nuclear triad.

Earlier I discussed the need to revisit some incorrect premises that caused us to make bad decisions in the past. I said that one of them, regarding reprocessing and MOX fuel, may hamstring our efforts to permanently dismantle nuclear weapons.

The dismantlement of tens of thousands of nuclear weapons in Russia and the United States has left both countries with large inventories of perfectly machined classified components that could allow each country to rapidly rebuild nuclear arsenals.

Both countries should set a goal of converting those excess inventories into non-weapon shapes as quickly as possible. The more permanent those transformations and the more verification that can accompany the conversion of that material, the better.

Language in this year's Energy and Water Development Appropriations Legislation that I developed clearly sets out the importance of converting those shapes as part of an integrated plutonium disposition program.

Technical solutions exist. Pits can be transformed into non-weapons shapes and weapon material can be burned in reactors as MOX fuel—which, by the way, is what the National Academy of Sciences has recommended. However, the proposal to dispose of weapons plutonium as MOX runs into that old premise that MOX is bad despite its widespread use by our allies.

I believe that MOX is the best technical solution. The economics of the MOX solution, however, need further study. Ideally, incentives can be developed to speed Russian materials conversion while reducing the cost of the U.S. effort. We need an appropriate approach for MOX to address its economic challenges—perhaps something paralleling the U.S.-Russian agreement on Highly Enriched Uranium.

I said earlier that I would not advocate increased use of nuclear energy and ignore the nuclear waste problem. The path we've been following on Yucca Mountain sure isn't leading anywhere very fast. I'm about ready to reexamine the whole premise for Yucca Mountain.

We're on a course to bury all our spent nuclear fuel, despite the fact that a spent nuclear fuel rod still has 60–75% of its energy content—and despite the fact that Nevadans need to be convinced that the material will not create a hazard for over 100,000 years.

Reprocessing, even limited reprocessing, could help mitigate the potential hazards in a repository, and could help us recover the energy content of the spent fuel. Current economics may argue against reprocessing based on present-day fuel prices, but now we seem to be stuck with that old decision to never reprocess, quite independent of any economic arguments.

For Yucca Mountain, I propose we use interim storage now, while we continue to actively advance toward the permanent repository. In addition to collecting the nation's spent nuclear fuel in one well secured facility, far from population centers, interim storage also allows us to keep our options open.

Those options might lead to attractive alternatives to the current ideas for a permanent repository in the years before we seal the repository. Incidentally, 65 Senators and 307 Representatives agreed with the importance of interim storage, but the Administration has only threatened to veto any such progress and has shown no willingness to discuss alternatives.

Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use spent nuclear fuel for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly.

There is minimal processing, but carefully done so that weapons-grade materials are never separated or available for potential diversion. Further, this isn't reprocessing in the sense of repeatedly recirculating fissile materials back into new reactor fuel—this is a system that integrates some processing with the final disposition.

When they get done, only a little material goes into a repository—but now the half lives are changed so that it's a hazard for perhaps 300 years—a far cry from 100,000 years. The industrial group believes that the sale of electricity can go a long way toward offsetting the cost of the system, so this process might not add large costs to our present repository solution. Furthermore, it would dramatically reduce any real or perceived risks with our present path. This approach, Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.

I still haven't touched on all the issues embedded in maximizing our nation's benefit from nuclear technologies, and I can't do that without a much longer speech.

For example, I haven't discussed the increasingly desperate need in the country for low level waste facilities like Ward Valley in California. In California, important medical and research procedures are at risk because the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste.

And I haven't touched on the tremendous window of opportunity that we now have in the former Soviet Union to expand programs that protect nuclear material from moving onto the black market or to shift the activities of former Soviet weapons scientists onto commercial projects. Along with Senators Nunn and Lugar, I've led the charge for these programs. Those are programs directly in our national interest. I know that some national leaders still think of these programs as foreign aid, I believe they are sadly mistaken.

We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize:

Nuclear weapons, for all their horror, brought to an end 50 years of world-wide wars in which 60 million people died.

Nuclear power is providing about 20% of our electricity needs now and many of our citizens enjoy healthier longer lives through improved medical procedures that depend on nuclear processes.

But we aren't tapping the full potential of the nucleus for additional benefits. In the process, we are short-changing our citizens.

I hope in these remarks that I have demonstrated my concern for careful reevaluation of many ill-conceived fears, policies and decisions that have seriously constrained our use of nuclear technologies.

My intention is to lead a new dialogue with serious discussion about the full range of nuclear technologies. I intend to provide national leadership to overcome barriers.

While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefits for our citizens.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, first, I wish to thank my good friend from Indiana—I know he is about to speak—for allowing me to continue just for a very few minutes as though in morning

business. And I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY KIDS ACT

Mr. LEAHY. Madam President, I am proud to join the Vice President, Vice President GORE, Senator CONRAD, and other colleagues, in support of comprehensive tobacco control legislation. I believe it is time for the Congress to join the President's call to curb teenage smoking.

But I believe that as a U.S. Senator, as a Vermonter, and as the ranking member of the Senate Judiciary Committee, that the HEALTHY Kids Act improves the proposed national tobacco settlement in two key areas—this is what I am looking at in tobacco settlements—that you have to have full document disclosure and that there can be no immunity for the tobacco industry.

The reason I say this, Madam President, is I have here a 1974 marketing plan by RJR Tobacco.

In 1974 they were saying how they have to target the 14-to-24 age group. In 1974 they were saying how they had to put their ads together so that people in the 14-to-24-year-old group could be targeted, could become cigarette smokers, could become addicted, and once addicted would remain their customers until they died. Of course, so many of them did die of lung cancer and other tobacco-related diseases.

These documents became public almost a quarter of a century later only because of the suits that are going on, only because of the forced disclosure. I say whatever we do in tobacco legislation, make sure all documents have to be disclosed and make sure that there is no immunity to the tobacco industry.

I want to thank Senator CONRAD for working with me to craft legislative language that calls for full disclosure of all tobacco industry documents relating to the health effects of tobacco products, the control of nicotine in tobacco products and the marketing of tobacco products. This disclosure to the FDA includes key documents that the industry may claim as privileged.

After internal review, the FDA has the authority to publish these documents to further the interests of public health. And these documents will be available on the Internet for every citizen to finally learn the full truth about the tobacco industry.

Contrary to its public relations ploys, the tobacco industry is still using stonewalling tactics to keep industry documents secret. Minnesota Attorney General Skip Humphrey has been prying loose documents that reveal much about the past practices of tobacco corporations. But the tobacco industry continues to abuse its attorney-client privilege by trying to block damaging documents from being publicly released. Again, yesterday, the court in Minnesota found the tobacco industry improperly used the attorney-client privilege to hide thousands of industry documents.

This stonewalling will stop and the American people will know all the facts about the tobacco industry under our bill. Second, our bill scraps the sweetheart deal of immunity for the tobacco industry from punitive damages and class action lawsuits that was in the proposed national settlement.

Every day we learn more and more about documents that reveal industry schemes to market their deadly product to children and hide smoking-related health research.

Marketing cigarettes to 14 year-old children is outrageous. Is that the kind of conduct that we should reward with unprecedented legal protections? In the words of today's 14 year-olds, ''Get real.''

Under our bill, a state may resolve its attorney general suit or take on the tobacco industry in court, as Minnesota is doing. It is up to the people of that state, not a Washington knows best approach. I am confident that Vermont Attorney General William Sorrell knows the facts in his lawsuit against big tobacco and will weigh the best interests of Vermonters in making the decision whether to opt-in to the bill's settlement provisions.

I strongly believe that this comprehensive tobacco control legislation puts the interests of our children ahead of the interests of the tobacco lobby.

I look forward to working with President Clinton, Vice President GORE, Senator CONRAD and my other colleagues on both sides of the aisle to enact it into law.

I thank again my good friend from Indiana. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT COUNSEL

Mr. COATS. Madam President, over the past 3 weeks or so, Independent Counsel Ken Starr has been the subject of a sustained attack by individuals speaking on behalf of the President. Judging by some of these statements, it seems there is little that the President's surrogates are unwilling to say about Judge Starr. The objective of these comments seems clear—to undermine public confidence in the very legal processes designed to assure public integrity in the White House.

In an extraordinary televised interview, the First Lady accused the independent counsel of being ''politically motivated'' by an investigation of the Monica Lewinsky matter and part of a ''vast right-wing conspiracy'' to bring down the President. Other Presidential advisors have also taken to the airwaves, attacking Kenneth Starr as a ''scumbag,'' and ''merchant of sleaze.'' One of these advisors went so far as to declare war on Judge Starr and the Office of the Independent Counsel.

Now these tactics bring to mind the old adage known to every trial lawyer in the country: When you have the facts, argue the facts; when you have the law, argue the law; and when you have neither the facts nor the law, go after the prosecutor, go after the witnesses, go after the accuser, attack their credibility.

Yesterday in the Wall Street Journal in an editorial entitled ''Spinning Starr,'' the editors state:

> Events of recent days suggest that an analysis by Mr. Clinton's legal team has concluded that their strongest strategy is not to meet on the battlefield of facts and law, but to conduct a political offensive against the independent counsel and his staff.
>
> No matter what opposition they've encountered—Paula Jones, Linda Tripp, Kathleen Willey, Fred Thompson, Judge Royce Lamberth—the Clinton side has always chosen the same strategy of stonewalling, smash-mouth lawyering.

Madam President, for those of us who know Ken Starr and have watched and appreciated his distinguished career, the picture painted of this man by the President's people is virtually unrecognizable.

The President's people have asked us to forget Kenneth Starr's exemplary personal character, his service as the Nation's Solicitor General, and his tenure in the United States Court of Appeals for the District of Columbia.

The President's people have asked us to forget the reputation he has gained for fairness and balance and good judgment that he earned through working with the Justice Department.

The President's people have asked us to forget the unpopular chances he took in defending freedom of the press and freedom of religion during his tenure as a Federal judge.

And most of all, the President's people have asked us to forget that Kenneth Starr has brought to the independent counsel's office the cautious, deliberative mind of a judge and not the zeal of a prosecutor.

The President's attack machine has left us not with a caricature of Ken Starr but with a smudge: Kenneth Starr, right-wing conspirator, partisan prosecutor, Republican hack.

Madam President, there is too much hanging in the balance of this investigation to permit these attacks on Judge Starr's character and reputation to go unchallenged. The fact is that even some of Kenneth Starr's most committed ideological opponents have in earlier times painted a very different picture of the man who is now at the receiving end of so much of the Clinton fury.

Some of you may have heard of Walter Dellinger. He is a professor of law at Duke University, a liberal democrat and the former head of the Office of Legal Counsel under Attorney General Janet Reno. When Kenneth Starr was chosen as independent counsel, Professor Dellinger said, ''I have known Ken

Starr since he was one of my students at Duke Law School and I have always known him to be a fair-minded person.''

An official with the American Civil Liberties Union said of Starr's appointment, ''I'd rather have him investigate me than almost anyone I could think of.''

Alan Morrison, the cofounder of Public Citizen Litigation Group told Time magazine last week that the idea of Kenneth Starr as a right-wing avenger is ''not the Ken Starr I know.''

When Democrats criticized Judge Starr's appointment as politically inspired, five former presidents of the American Bar Association refused to call for his resignation, citing their ''Utmost confidence in his integrity and his objectivity.''

Just last week, Robert Bork, one of the sternest critics of the independent counsel law, wrote that the Office of the Independent Counsel ''requires but does not always get an independent counsel of moral strength and judicial temperament. Kenneth Starr is just such a prosecutor * * * He has conducted himself professionally and without a credible hint of partisanship.''

The worlds of Kenneth Starr and the Clinton White House are completely different. The independent counsel has a reputation for integrity and fairness. He is temperate by nature and has been criticized by his own staff as being deliberative to a fault. Kenneth Starr regards justice not as a matter of winning or losing but as a search for the truth.

Madam President, if there is ever a time when we need an impartial independent search for the truth, this is that time. A great deal does hang in the balance. We have important decisions to make relative to foreign policy of this Nation and the domestic policy of this Nation. It is important that we be able to rest credibility and trust in the Office of the Presidency. It is important that we elicit the facts and the truth relative to the allegations swirling around the President and the White House at this particular time.

I can think of no fairer minded nor nonpartisan, capable individual than the current independent prosecutor, Kenneth Starr, and I think it would be appropriate if all of us let him do his job.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACKS ON KENNETH STARR

Mr. NICKLES. Madam President, I rise today to make a couple of observations. One is that it is very apparent that there is a concerted attack on Kenneth Starr, the court-appointed independent counsel investigating several serious allegations against the Clinton administration. Some of those attacks were made today on the floor of the Senate. I believe a previous attack was made earlier in the week in the Senate. And I think Mrs. Clinton joined in the attack on Judge Starr. So, there appears to be a concerted attempt by the President, his staff, his wife, and others to attack Kenneth Starr as the independent counsel. I just think that is inappropriate.

Just for the information of my colleagues, I have known Ken Starr. I understand that he clerked for the Supreme Court for Chief Justice Warren Burger when he got out of law school. I got to know him when he was assistant and chief of staff to Attorney General William French Smith during the Reagan administration. That is the first time I got to know him. And I remember him when he served as Solicitor General of the United States and argued cases on behalf of the United States before the Supreme Court. I happened to sit in on one or two. In one case that I remember in particular, he did a very fine job. He represented the United States very well. I don't remember anybody ever making any allegations that he was a right-wing conspirator at that time.

He served as a judge on the D.C. Circuit Court of Appeals with Justices Scalia and Ginsburg, and he served with distinction. I don't remember hearing one scintilla of negative comments of his service there.

He was chosen—and this is interesting—by the Senate to review Senator Packwood's diaries that dealt with a sex scandal in the Senate. That was a very sensitive issue and not an easy one. And probably not a job that he had any interest in doing either. But it shows that, yes, he handled that, and he handled it very professionally. I think everyone in the Senate would have to acknowledge that.

Judge Starr has taught constitutional law at New York University Law School, a very prestigious law school. He was chosen by the three-judge court to take over as independent counsel and replace Robert Fiske in his investigation of Whitewater and related matters. He was chosen for this job by the court. I don't believe he campaigned for it. He was selected by a three-judge panel.

So he worked for the Senate, he worked in the Attorney General's office, in the Solicitor General's office, he served as a judge, and he taught—all of which he did with distinction.

So I really regret that many people in the administration, and now some of our colleagues, are attacking Ken Starr—impugning his motives, raising charges of conflict of interest, and so on. I think that is really unfortunate.

I happen to also think it is intended as a diversion. I think it is a pattern that we have seen followed by this administration time and time again when they are feeling pressure from an investigation or emerging scandal.

It is unfortunate, but this administration has been plagued by scandals since prior to President Clinton's election in 1992. It seems like there is a repetitive pattern of attacking whoever that scandal happens to be involved with—whether it was Gennifer Flowers, when she was attacked; Paula Jones, when she was attacked; the FBI, when investigating the FBI files matter. A couple FBI people lost their jobs over that unfortunate incident. The travel office employees were attacked, when Billy Dale was investigated. The Justice Department was called in to investigate Billy Dale. So time and time again, it seems like there is a pattern that if there is a complaint, we all of a sudden start hearing negative stories.

When it became well known that FBI Director Louis Freeh's recommendation was that an independent counsel should be appointed to investigate possible campaign abuses by the Clinton administration, all of a sudden we start hearing negative stories about Director Freeh and the White House's lack of confidence in his work. There was even some speculation that he would be fired. Well, he could not be fired, he had a 10-year term. I think it is very unfortunate.

Mrs. Clinton was on television talking about a ''right-wing conspiracy,'' and about all these groups spreading stories. I don't think Ken Starr has anything to do with any alleged right-wing conspiracy, nothing whatsoever. I don't think he has ever had that strong of a political philosophy or involvement with partisan issues. He has been a judge, he has been working at the Justice Department and teaching law school. I just don't think that's the case. I certainly don't think that the President's own personal secretary was part of a right-wing conspiracy. So I am just bothered by that.

I think that we see a concerted effort by the administration to have a diversion. Certainly this latest scandal is serious. There were allegations that were brought to Ken Starr's attention, and he took them to the Attorney General for authority to investigate. She gave a recommendation to the three-judge court to expand his authority to investigate. Janet Reno recommended to the three-judge panel that these latest allegations concerning the sex scandal be investigated. That is what Ken Starr is doing.

So I hope that my colleagues will tone down their rhetoric. I hope this administration will tone down the rhetoric and quit attacking Ken Starr and maybe cooperate with the investigation and let the facts be known.

I hope that nothing happened. I hope that there is nothing to this scandal. But I think the President should tell the truth. I think that the American people are entitled to the truth and, hopefully, it will come out very shortly. Then we can go on and do the Nation's business—as the President has

called for. But when there are allegations of perjury, or obstruction of justice, coaching witnesses, or trying to get people to leave town so maybe they would not testify—these are serious charges. I might remind colleagues that President Nixon was on the road to impeachment not because he broke into the Watergate, but because of charges of perjury, tampering with a witness and obstruction of justice.

So these are serious charges, but they don't need to be investigated on the floor of the Senate. It is possible that at some point the Senate will have a role; I don't know. But I don't think it is proper or right to have this campaign of attack and smear on Ken Starr. I think it undermines the judicial process and really undermines those people who are making such charges. Madam President, I hope that our colleagues and others will allow the independent counsel to do his work.

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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARGARET M. MORROW, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider Executive Calendar No. 135, which the clerk will report.

The legislative clerk read the nomination of Margaret M. Morrow, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Debate on the nomination is limited to 2 hours equally divided and controlled by the Senator from Utah and the Senator from Missouri.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to support the nomination of Margaret Morrow to the Federal District bench in California.

Ms. Morrow enjoys broad bipartisan support, and it is no wonder. She graduated magna cum laude from Bryn Mawr College, and cum laude from the Harvard Law School. She is presently a partner at Arnold and Porter in their Los Angeles office where she handles virtually all of that office's appellate litigation.

I plan to outline in greater detail why I intend to support Ms. Morrow's nomination. But first I would like to discuss the Judiciary Committee's record with respect to the confirmation of President Clinton's judicial nominees.

As chairman of the Senate Judiciary Committee, one of the most important duties I fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President advice concerning his nominees, and to consent to their ultimate confirmation. Although some have complained about the pace at which the committee has moved on judicial nominees, I note that it has undertaken its duty in a deliberate and serious fashion. Indeed, with respect to Ms. Morrow, there were concerns. Her answers to the committee were not entirely responsive. Rather than simply pushing the nomination forward, however, I believed it was important for the committee to ensure that its questions were properly answered. Thus, the committee submitted written questions for Ms. Morrow to clarify some of her additional responses. And, having reviewed Ms. Morrow's answers to the questions posed by the committee, I became satisfied that she would uphold the Constitution and abide by the rule of law.

In fact, we held two hearings in Margaret Morrow's case, as I recall, and the second hearing was, of course, to clarify some of these issues without which we might not have had Ms. Morrow's nomination up even to this day.

Thus, I think it fair to say that the committee has fairly and responsibly dealt with the President's nominees. Indeed, the Judiciary Committee has already held a judicial confirmation hearing, and has another planned for February 25. Thus, the committee will have held two nomination hearings in the first month of the session.

I note that Judiciary Committee processed 47 of the President's nominees last session, including Ms. Morrow. Today there are more sitting judges than there were throughout virtually all of the Reagan and Bush administrations. Currently, there are 756 active Federal judges. In addition, there are 432 senior Federal judges who must by law continue to hear cases. Even in the ninth circuit, which has 10 vacancies, only one judge has actually stopped hearing cases. The others have taken senior status, and are still actively participating in that court's work. I am saying that the other nine judges have taken senior status. Those who have retired, or those who have taken senior status, are still hearing cases. The total pool of Federal judges available to hear cases is 1,188, a near record number.

I have sought to steer the confirmation process in a way that kept it a fair and a principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial appointees.

I would like to personally express my gratitude and compliments to Senator LEAHY, the ranking Democrat on the Judiciary Committee, for his cooperative efforts this past year. In fact, I would like my colleagues to note that a portrait of Senator LEAHY will be unveiled this very evening in the Agriculture Committee hearing room. This is an honor that I believe my distinguished colleague justly deserves for his efforts on that great committee. I want Senator LEAHY to know that I plan on attending that portrait unveiling itself even though this debate is taking place on the floor between 4 and 6 today.

It is in this spirit of cooperation and fairness that I will vote to confirm Ms. Morrow. Conducting a fair confirmation process, however, does not mean granting the President carte blanche in filling judicial vacancies. It means assuring that those who are confirmed will uphold the Constitution and abide by the rule of law.

Based upon the committee's review of her record, I believe that the evidence demonstrates that Margaret Morrow will be such a person. Ms. Morrow likely would not be my choice if I were sitting in the Oval Office. But the President is sitting there, and he has seen fit to nominate her.

She has the support of the Senators from California. And the review conducted by the Judiciary Committee suggests that she understands the proper role of a judge in our Federal system and will abide by the rule of law. There is no doubt that Ms. Morrow is, in terms of her professional experience and abilities, qualified to serve as a Federal district court judge. I think the only question that may be plaguing some of my colleagues is whether she will abide by the rule of law. As I have stated elsewhere, nominees who are or who are likely to be judicial activists are not qualified to serve as Federal judges, and they should neither be nominated nor confirmed. And I want my colleagues to know that when such individuals come before the Judiciary Committee I will vociferously oppose them. In fact, many of the people that have been suggested by the administration have been stopped before they have been sent up. And that is where most of the battles occur, and that is where most of the work between the White House and myself really occurs. I have to compliment the White House in recognizing that some people that they wish they could have put on the bench were not appropriate persons to put on the bench because of their attitudes towards the rule of law primarily.

While I initially had some concerns that Ms. Morrow might be an activist, I have concluded, based on all the information before the committee, that a compelling case cannot be made against her. While it is often difficult to tell whether a nominee's words before confirmation will match that nominee's deeds after confirmation, I believe that this nominee in particular deserves the benefit of the doubt. And

all nominees deserve the benefit of the doubt, unless the contrary is substantial—or, should I say, less evidence to the contrary is substantial. In my view, there is not sufficient evidence to demonstrate that Ms. Morrow will engage in judicial activism. In fact, Ms. Morrow has assured the committee that she will abide by the rule of law, and will not substitute her preferences for the dictates of the Constitution.

If Ms. Morrow is a woman of her word, and I believe she is, I am confident that she will serve the country with distinction.

I would like briefly to address some of the questions raised by those who oppose Ms. Morrow's nomination. Perhaps the most troubling evidence of potential activism that Ms. Morrow's critics advance comes from several speeches she has given while president of the Los Angeles, CA, Bar Association. At the fourth annual Conference on Women in the Law, for example, Ms. Morrow gave a speech in which she stated that ''the law is almost by definition on the cutting edge of social thought. It is a vehicle through which we ease the transition from the rules which have always been to the rules which are to be.''

Now, if Ms. Morrow was speaking here about ''the law'' and ''rules'' in a substantive sense, I would have no choice but to read these statements as professing a belief in judicial activism. On that basis alone, I would likely have opposed her nomination. However, Ms. Morrow repeatedly and somewhat animatedly testified before the committee that she was not speaking substantively of the law itself but, rather, was referring to the legal profession and the rules by which it governs itself.

When the committee went back and examined the context of Ms. Morrow's speech, it concluded that this explanation was in keeping with the theme of her speech.

In her inaugural address as president of the State Bar of California on October 9, 1993, Ms. Morrow quoted then Justice William Brennan, stating that ''Justice can only endure and flourish if law and legal institutions are engines of change able to accommodate evolving patterns of life and social interaction.''

Here again some were troubled that Ms. Morrow seemed to be advocating judicial activism. Ms. Morrow, however, assured the committee that she was not suggesting that courts themselves should be engines of change. In response to the committee she testified as follows:

> The theme of that speech was that the State Bar of California as an institution and the legal profession had to change some of the ways we did business. The quotation regarding engines of change had nothing to do with changes in the rule of law or changes in constitutional interpretation.

Once again, the committee went back and scrutinized Ms. Morrow's speech and found that its theme was in fact changes the bar should make and did not advance the theme that courts should be engines of social change. The committee found the nominee's explanation of the use of the quotation, given its context, very plausible. In addition, the nominee went to some lengths in her oral testimony and her written responses to the committee to espouse a clearly restrained approach to constitutional interpretation and the rule of the courts. Frankly, much of what she has said under oath goes a long way toward legitimized, very restrained jurisprudence that some of our colleagues on the other side of the aisle called out of the mainstream just a decade ago.

For example, she testified that she would attempt to interpret the Constitution ''consistent with the intent of the drafters.'' She later explained in more detail that judges should use the constitutional text ''as a starting point, and using that language and whatever information there is respecting the intent behind that language one ought to attempt then to decide the case consistent with that intent.''

She later testified that judges should not ''by incremental changes ease the law from one arena to another in a policy sense.'' And in written correspondence with the committee, Ms. Morrow further elaborated on her constitutional jurisprudence by highlighting the case which in her view adopted the proper methodology to constitutional interpretation.

As she explained, in that case the Court ''looked first to the language of the Constitution,'' then ''buttressed its reading'' of the text by ''looking to the language of other constitutional provisions.'' And finally to ''the intent of those who drafted and ratified this language as reflected in the Federalist Papers, debates of the Constitutional Convention and other writings of the time.''

Contrary to the claim that she condemns all voter initiatives, Ms. Morrow has actually sought to ensure that voters have meaningful ways of evaluating such initiatives.

In a widely circulated article, Ms. Morrow noted that the intensive advertising campaigns that surround citizen initiatives often focus unfairly on the measure's sponsor rather than the initiative's substance. This made it hard, she argued, for voters to make meaningful choices and ''renders ephemeral any real hope of intelligent voting by a majority.''

Read in its proper context, this statement seized upon by Ms. Morrow's critics was a statement concerning the quality of information disseminated to the voters, not a comment on the voters' ability to make intelligent policy choices. Thus Ms. Morrow's statement is not particularly controversial but in fact highly respectful of the role voters must play in our electoral system. In fact, Ms. Morrow argued that the courts should not be placed in a position of policing the initiative process. She explained that ''having passed an initiative, the voters want to see it enacted. They view a court challenge to its validity as interference with the public will.''

For this reason, Ms. Morrow advocated reforms to the California initiative process to take a final decision on ballot measures out of the hands of judges and to place it back into the hands of the people.

In supporting this nomination, I took into account a number of factors, including Ms. Morrow's testimony, her accomplishments and her evident ability as an attorney, as well as the fact that she has received strong support, bipartisan support from both Democrats and Republicans. Republicans included Ninth Circuit Judges Cynthia Hall, Steven Trott and Pamela Rymer, Reagan-Bush appointees, as well as Rob Bonner, a respected conservative, former Federal judge and head of the drug enforcement agency under President Bush.

I know all of these people personally. They are all strong conservatives. They are really decent people. They are as concerned as you or I or anybody else about who we place on the Federal bench, and they are strongly in favor of Margaret Morrow, as are many, many other Republicans. And they are not just people who live within the district where she will be a judge. They are some eminent judges themselves.

I have a rough time seeing why anybody basically under all these circumstances would oppose this nominee. Each of those individuals I mentioned and others, such as Richard Riordan, the Republican mayor of Los Angeles, have assured the committee that Ms. Morrow will not be a judicial activist. I hope they are correct. And at least on this point I have seen little evidence in the record that would suggest to me that she would fail to abide by the rule of law once she achieves the bench and practices on the bench and fulfills her responsibility as a judge on the bench.

In sum, I support this nominee and I urge my colleagues to do the same. I am also pleased, with regard to these judicial nominees, that no one on our side has threatened to ever filibuster any of these judges, to my knowledge. I think it is a travesty if we ever start getting into a game of filibustering judges. I have to admit my colleagues on the other side attempted to do that on a number of occasions the last number of years during the Reagan-Bush years. They always backed off, but maybe they did because they realized there were not the votes to invoke cloture. But I really think it is a travesty if we treat this third branch of Government with such disregard that we filibuster judges.

The only way I could ever see that happening is if a person is so absolutely unqualified to sit on the bench that the only way you could stop that person is to filibuster that nominee. Even then, I question whether that should be done. We are dealing with a

coequal branch of Government. We are dealing with some of the most important nominations a President, whoever that President may be, will make. And we are also dealing with good faith on both sides of the floor.

I have to say, during some of the Reagan and Bush years, I thought our colleagues on the other side were reprehensible in some of the things they did with regard to Reagan and Bush judges, but by and large the vast majority of them were put through without any real fuss or bother even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me. And unless you have an overwhelming case, as may be the case in the nomination of Judge Massiah-Jackson, unless you have an overwhelming case, then certainly I don't see any reason for anybody filibustering judges. I hope that we never get into that. Let's make our case if we have disagreement, and I have to say that some of my colleagues disagree with this nomination, and they do it legitimately, sincerely, and I think with intelligence, but I think they are wrong. And that is after having been part of this process for 22 years now and always trying to be fair, whoever is the President of the United States and whoever the nominees are.

It is important because most of the fight has to occur behind the scenes. It has to occur between honest people in the White House and honest people up here. And that's where the battles are. When they get this far, generally most of them should be approved. There are some that we have problems with still in the Judiciary Committee, but that is our job to look at them. That is our job to look into their background. It is our job to screen these candidates. And, as you can see, in the case of Massiah-Jackson we had these accusations but nobody was willing to stand up and say them. I am not about to rely on unsubstantiated accusations by anybody. I will rely on the witness herself in that case. But we never quit investigating in the committee, and even though Massiah-Jackson was passed out of the committee, the investigation continued and ultimately we find a supernumber of people, very qualified people, people in that area who have a lot to do with law and justice are now opposed to that nomination. We cannot ignore that. But that is the way the system works. We have had judges withdraw after we have approved them in the Judiciary Committee because something has come up to disturb their nomination.

That is the way it should work. This is not a numbers game. These are among the most important nominations that any President can make and that the Senate can ever work on. In the case of Margaret Morrow, I personally have examined the whole record, and, like I say, maybe people on our side would not have appointed her if they were President, but they are not the President. And unless there is an overwhelming case to be made against a judge, I have a very difficult—and especially this one; there is not—I have to say that I think we do a great injustice if we do not support this nomination.

So with that, I will yield the floor.

How much time does the distinguished Senator need?

Mrs. BOXER. About 10 minutes.

Mr. HATCH. I yield 10 minutes to the distinguished Senator from California.

If my colleague would prefer to control the time on his side, I would be happy—should I yield to the Senator?

Mrs. BOXER. I would prefer we yield to Senator LEAHY given his schedule.

Mr. HATCH. Let's split the time. You control half the time, and I will control half. You can make the determination, or if you would like——

Mr. LEAHY. Mr. President, how much time is there remaining?

The PRESIDING OFFICER. There are 36 minutes 30 seconds.

Mr. LEAHY. I wonder if I might yield myself 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, this really has been a long time coming, and I appreciate the effort of my friend, the chairman, who is on the floor, to support this nomination. I commend my good friend, the Senator from California, Mrs. BOXER, who has been indefatigable in this effort. She has worked and worked and worked. I believe she has spoken to every single Senator, every single potential Senator, every single past Senator, certainly to all the judges, and she has been at us over and over again to make sure that this day would come. She has worked with the Republican leader, the Democratic leader, and Republican and Democratic Senators alike. I appreciate all that she has done. We have all been aided by our colleague, Senator FEINSTEIN. She has spoken out strongly for Margaret Morrow as a member of the Judiciary Committee and as a Senator.

I feel though, as Senator BOXER has said, that none of us would have predicted that it would take 21 months to get this nomination before the Senate. I know that we would not even be here now if the distinguished Senator from Utah and the distinguished majority leader had not made the commitment before we broke last fall to proceed to this nomination this week.

I have spoken about this nomination so many times I have almost lost track of the number. I will not speak as long as I would otherwise today because I want to yield to the Senator from California. But I think people should know that for some time there was an unexplained hold on this outstanding nominee. This is a nominee, incidentally, who was reported out of the Judiciary Committee twice. This is a nominee who is the first woman to be the president of the California State Bar Association and a president of the Los Angeles County bar.

This is a nominee who is a partner in a prestigious law firm. This is a nominee who has the highest rating that lawyers can be given when they come before our committee for approval as a judge. This is a woman about whom letters were sent to me and to other Senators from some of the leading Republicans and some of the leading Democrats in California and from others whose background I know only because of their reputations, extraordinary reputations. I have no idea what their politics are. But all of them, whether they describe themselves as conservatives, liberals, moderates or apolitical, all of them say what an extraordinary woman she is. And I agree.

I have read all of the reports about her. I have read all the things people said in her favor, and the things, oftimes anonymous, said against her. I look at all those and I say of this woman: If I were a litigant, plaintiff or defendant, government or defendant, no matter what side I was on, I could look at this woman and say I am happy to come into her court. I am happy to have my case heard by her—whether I am rich, poor, white, black, no matter what might be my background. I know she would give a fair hearing.

Now, finally, after 12 months on the Senate calendar without action over the course of the last 3 years, I am glad that the debate is beginning. I am also glad we can now look forward to the end of the ordeal for Margaret Morrow, for her family, her friends and her supporters.

Her supporters include the chairman of the Judiciary Committee and half the Republican members on that committee. The Republican Mayor of Los Angeles, Richard Riordan, calls her ''an excellent addition to the Federal bench.'' All of these people have praised her.

To reiterate, this day has been a long time coming. When this accomplished lawyer was first nominated by the President of the United States to fill a vacancy on the District Court for the Central District of California, none of us would have predicted that it would be more than 21 months before that nomination was considered by the United States Senate.

I thank the Majority Leader and the Chairman of the Judiciary Committee for fulfilling the commitment made late last year to turn to this nomination before the February recess. Fairness to the people and litigants in the Central District of California and to Margaret Morrow and her family demand no less.

I trust that those who credit local law enforcement and local prosecutors and local judges from time to time as it suits them will credit the views of the many California judges and local officials who have written to the Senate over the last several months in support of the confirmation of Margaret Morrow. I will cite just a few examples:

Los Angeles County Sheriff Sherman Block; Orange County District Attorney Michael R. Capizzi; former U.S. Attorney and former head of the DEA under President Bush, Robert C. Bonner; former Reagan Assistant Attorney General of the Criminal Division and former Associate Attorney General and current Ninth Circuit Judge Stephen S. Trott; and California Court of Appeals Associate Justice H. Walter Croskey.

I deeply regret that confirmation as a Federal Judge is becoming more like a political campaign for these nominees. They are being required to gather letters of support and urge their friends, colleagues and clients to support their candidacy or risk being mischaracterized by those who do not know them.

Margaret Morrow's background, training, temperament, character and skills are beyond reproach. She is a partner in the law firm of Arnold & Porter. She has practiced law for 24 years. A distinguished graduate of Bryn Mawr College and Harvard Law School, Ms. Morrow was the first woman President of the California State Bar Association and a former president of the Los Angeles County Bar Association. She has had the strong and unwavering support of Senator BOXER and Senator FEINSTEIN of California.

In light of her qualifications, it was no surprise that in 1996 she was unanimously reported by the Senate Judiciary Committee. In 1997 her nomination was again reported favorably, this time by a vote of 13 to 5.

Yet hers has been an arduous journey to Senate consideration. She has been targeted—targeted by extremists outside the Senate whose $1.4 million fundraising and lobbying campaign against judges needed a victim. As our debate will show today, they chose the wrong woman.

Lest someone accuse us of gratuitously injecting gender into this debate, I note the following: Her critics have gone so far as to deny her the courtesy of referring to her as Ms. Morrow. Instead, they went out of their way repeatedly to refer to her as ''Miss'' in a Washington Times op ed. Margaret Morrow is married to a distinguished California State Court Judge and is the proud mother of a 10-year-old son. It is bad enough that her words are taken out of context, her views misrepresented and her nomination used as a ideological prop. She is entitled to be treated with respect.

Nor was this reference inadvertent. The first point of criticism in that piece was her membership in California Women Lawyers, which is criticized for supporting parental leave legislation.

Senator FEINSTEIN posed the question whether Margaret Morrow was held to a different standard than men nominees. That is a question that has troubled me throughout this process. I was likewise concerned to see that of the 14 nominees left pending at the end of last year whose nominations had been pending the longest, 12 were women and minority nominees. I did not know, until Senator KENNEDY's statement to the Senate earlier this year, that judicial nominees who are women are now four times as likely as men to take over a year to confirm.

At the same time, I note that Senator HATCH, who supports this nomination, included two women whose nominations have been pending for more than a year and one-half, at last week's Judiciary Committee hearing. I also note that the Senate did vote last month to confirm Judge Ann Aiken to the Oregon District Court. So one of the four article III judges confirmed so far this year was a woman nominee.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good work in this regard should not be punished but commended.

As part of those efforts Margaret Morrow gave a speech at a Women in the Law Conference in April 1994. That speech was later reprinted in a law review. Critics have seized upon a phrase or two from that speech, ripped them out of context and contended that they show Margaret Morrow would be an unprincipled judicial activist. They are wrong. Their argument was refuted by Ms. Morrow in her testimony before the Judiciary Committee.

This criticism merely demonstrates the critics own indifference to the setting and context of the speech and its meaning for women who have worked so hard to achieve success in the legal profession. Her speech was about how the bar is begrudgingly adjusting to women in the legal profession. How telling that critics would fasten on that particular speech on women in the law and see it as something to criticize.

Margaret Morrow spoke then about ''the struggles and successes'' of women practices law and ''the challenges which continue to face us day to day in the 1990s.'' Margaret Morrow has met every challenge. In the course of this confirmation, she has been forced to run a gauntlet. She has endured false charges and unfounded criticism. Her demeanor and dignity have never wavered. She has, again, been called upon to be a role model.

The President of the Woman Lawyers Association of Los Angeles, the President of the Women's Legal Defense Fund, the President of the Los Angeles County Bar Association, the President of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They wrote that: ''Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties.'' She ''is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country.'' I could not agree more.

By letter dated February 4, 1998, a number of organizations including the Alliance for Justice, the Leadership Conference on Civil Rights and women's lawyer associations from California likewise wrote urging confirmation of Margaret Morrow without further delay. I ask that a copy of that letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 4, 1998.

Senator PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: We write to express our concern over a series of developments that continue to unfold in the Senate that are undermining the judicial confirmation process. These include calls for the impeachment of judges, a slowdown in the pace of confirmations, unjustified criticisms of certain nominees, and efforts to leave appellate vacancies unfilled. Some court observers have opined that collectively these are the most serious efforts to curtail judicial independence since President Roosevelt's plan to pack the Supreme Court in 1937.

In the past year nominees who failed to meet certain ultraconservative litmus tests have been labeled ''judicial activists.'' While these charges are unfounded, they nonetheless delay confirmations and leave judicial seats unfilled. We note that of the 14 individuals whose nominations have been pending the longest, 12 are women or minorities. This disturbing pattern is in striking contrast to those 14 judges who were confirmed in 1997 in the shortest period of time, 11 of whom are white men. For example, Margaret Morrow, a judicial nominee to the United States District Court for the Central District of California, was nominated more than a year and a half ago. Not only is she an outstanding candidate, but her credentials have earned her enthusiastic and bipartisan endorsements from leaders of the bar, judges, politicians, and civic groups.

An honors graduate from Harvard Law School, a civil litigator for more than 20 years, winner of numerous legal awards, and the first female president of the California Bar Association, Morrow has the breadth of background and experience to make her an excellent judge, and in the words of one of her sponsors, she would be ''an exceptionally distinguished addition to the federal bench.'' Morrow has also shown, through her numerous pro bono activities, a demonstrated commitment to equal justice. As president of the Los Angeles County Bar Association, she created the Pro Bono Council, the first of its kind in California. During her year as bar president, the Council coordinated the provision of 150,000 hours of previously untapped representation to indigent clients throughout the county. Not surprisingly, the American Bar Association's judicial evaluation committee gave her its highest rating.

Republicans and Democrats alike speak highly of her accomplishments and qualifications. Robert Bonner, a Reagan-appointed U.S. Attorney and U.S. District Judge for the Central District of California and head of the Drug Enforcement Administration during the Bush Administration, has said Morrow is a ''brilliant person with a first-rate legal mind who was nominated upon merit, not political affiliation.'' Los Angeles County Sheriff Sherman Block wrote that, ''Margaret Morrow is an extremely hard working individual of impeccable character and integrity. . . . I have no doubt that she would

be a distinguished addition to the Court.'' Other supporters include local bar leaders; officials from both parties, including Los Angeles Mayor Richard Riordan; California judges appointed by the state's last three governors; and three Republican-appointed Ninth Circuit Court of Appeals judges, Pamela Rymer, Cynthia Holcomb Hall, and Stephen Trott.

Despite here outstanding record, Morrow has become the target of a coordinated effort by ultraconservative groups that seek to politicize the judiciary. They have subjected her to a campaign of misrepresentations, distortions and attacks on her record, branding her a ''judicial activist.'' According to her opponents, she deserves to be targeted because ''she is a member of California Women Lawyers,'' an absurd charge given that this bipartisan organization is among the most highly respected in the state. Another ''strike'' against her is her concern, expressed in a sentence from a 1988 article, about special interest domination of the ballot initiative process in California. Her opponents view the statement as disdainful of voter initiatives such as California's term limits law; however, they overlook the fact that the article outlines a series of recommended reforms to preserve the process. It is a stretch to construe suggested reforms as evidence of ''judicial activism,'' but to search for this members of the Judiciary Committee unprecedentedly asked her to disclose her personal positions on all 160 past ballot propositions in California.

Morrow's confirmation has been delayed by the Senate beyond any reasonable bounds. Originally selected over nineteen months ago in May 1996, her nomination was unanimously approved by the Judiciary Committee that year, only to languish on the Senate floor. Morrow was again nominated at the beginning of 1997, subjected to an unusual second hearing, and recommended again by the Judiciary Committee, after which several Senators placed secret holds on her nomination, preventing a final vote on her confirmation. These holds, which prevented a final vote on her confirmation during the 1st Session of the 105th Congress, where recently lifted.

As Senator Orrin Hatch repeatedly said: ''playing politics with judges is unfair, and I'm sick of it.'' We agree with his sentiment. Given Margaret Morrow's impressive qualifications, we urge you to bring the nomination to the Senate floor, ensure that it receives prompt, full and fair consideration, and that a final vote on her nomination is scheduled as soon as possible.

Sincerely,

Alliance for Justice: Nan Aron, President.

American Jewish Congress: Phil Baum, Executive Director.

Americans for Democratic Action: Amy Isaacs, National Director.

Bazelon Center for Mental Health Law: Robert Bernstein, Executive Law.

Brennan Center for Justice: E. Joshua Rosenkrantz, Executive Director.

Black Women Lawyers Association of Los Angeles: Eulanda Matthews, President.

California Women Lawyers: Grace E. Emery, President.

Center for Law and Social Policy: Alan W. Hausman, Director.

Chicago Committee for Civil Rights Under Law: Clyde E. Murphy, Executive Director.

Disability Rights Education and Defense Fund, Patricia Wright, Coordinator Disabled Fund.

Families USA: Judy Waxman, Director of Government Affairs.

Lawyers Club of San Diego: Kathleen Juniper, Director.

Leadership Conference on Civil Rights: Wade Henderson, Executive Director.

Marin County Women Lawyers: Eileen Barker, President.

Mexican American Legal Defense & Educational Fund: Antonia Hernandez, Executive Director.

Monterey County Women Lawyers: Karen Kardushin, Affiliate Governor.

NAACP: Hilary Shelton, Deputy Director, Washington Office.

National Bar Association: Randy K. Jones, President.

National Center for Youth Law: John F. O'Toole, Director.

National Conference of Women Bar Associations: Phillis C. Solomon, President.

National Council of Senior Citizens: Steve Protulis, Executive Director.

National Employment Lawyers Association: Terisa E. Chaw, Executive Director.

National Gay & Lesbian Task Force: Rebecca Issacs, Public Policy Director.

National Lawyers Guild: Karen Jo Koonan, President.

National Legal Aid & Defender Association: Julie Clark, Executive Director.

National Organization for Women: Patricia Ireland, President.

National Women's Law Center: Marcia Greenberger and Nancy Duff Campbell, Co-presidents.

Orange County Women Lawyers: Jean Hobart, President.

People for the American Way Action Fund: Mike Lux, Senior Vice President.

San Francisco Women Lawyers Alliance: Geraldine Rosen-Park, President.

Santa Barbara Women Lawyers: Renee Nordstrand, President.

Union of Needletrades, Industrial and Textile Employees: Ann Hoffman, Legislative Director.

Women Lawyers Association of Los Angeles: Greer C. Bosworth, President.

Women Lawyers of Alameda County: Sandra Schweitzer, President.

Women Lawyers of Sacramento: Karen Leaf, President.

Women Lawyers of Santa Cruz: Lorie Klein, President.

Women's Legal Defense Fund: Judy Lichtman, President.

Youth Law Center: Mark Soler, Executive Director.

Mr. LEAHY. It is time. It is time to stop holding her hostage and help all Americans, and certainly those who are within the district that this court will cover in California. It is time to help the cause of justice. It is time to improve the bench of the United States. It is time to confirm this woman. And it is time for the U.S. Senate to say we made a mistake in holding it up this long. Let us go forward.

Mr. President, if the Senator from Utah has no objection, I would like now to yield, and yield control of whatever time I might have, to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I say to Senator LEAHY, before he leaves the floor, and because Senator HATCH in his absence explained the wonderful tribute he is going to have shortly with his portrait being hung in the Agriculture room, and he himself said that he is so respectful of you and wants to show his respect so much that he is going to join you, so that will leave me here on the floor to debate with the Senator from Missouri—before you leave the floor I wanted to say to you and to Senator HATCH together, and I say this from the bottom of my heart, without the two of you looking fairly at this nomination, this day would never have come.

To me it is, in a way, a moving moment. So often we stand on the floor and we talk about delays and so on and so forth. But when you put the human face on this issue and you have a woman and her husband and her son and a law firm that was so excited about this nominee, and you add to that 2 years of twisting in the wind and not knowing whether this day would ever come, you have to say that today is a wonderful day.

So, before my colleague leaves, I wanted to say to him: Thank you for being there for Margaret Morrow and, frankly, all of the people of America. Because she will make an excellent judge.

Mr. LEAHY. Mr. President, I say to my friend from California and to my friend from Utah, I do appreciate their help in this. I can assure you that, while my family and I will gather for the hanging of this portrait—I almost blushed when you mentioned that is my reason for being off the floor—I can assure you I will be back in plenty of time for the vote and I will have 210 pounds of Vermonter standing in the well of the Senate to encourage everybody to vote the appropriate way.

Mrs. BOXER. I thank my colleague very much, Senator LEAHY.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, how much time do I have remaining on this side?

The PRESIDING OFFICER. The Senator from California has 15 minutes. The Senator from Utah has 30 minutes.

Mrs. BOXER. My understanding is I would have 15 minutes, then?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I ask that the Presiding Officer let me know when 10 minutes has passed, and I will reserve 5 minutes in which to debate the Senator from Missouri, because I know he is a tough debater and I am going to need some time.

Mr. President, as I said, I am so very pleased that this day has come at long last, that we will have an up-or-down vote on Margaret Morrow. I really think, standing here, perhaps the only people happier than I am right now are Margaret and her husband and her son and her law partners and the various citizens of California, Republicans and Democrats, who worked together for this day.

Margaret Morrow is the epitome of mainstream values and mainstream America, and the depth and breadth of her support from prominent Republicans and Democrats illustrate that she is eminently qualified to sit as a Federal judge. I don't think I could be any more eloquent than Chairman HATCH and Ranking Member LEAHY, in putting forward her credentials.

What I am going to do later is just read from some of the many letters that we got about Margaret, and then I, also, at that time, will have some letters printed in the RECORD.

Again, I want to say to Senator HATCH how his leadership has been extraordinary on this, and also I personally thank Majority Leader LOTT and Democratic Leader DASCHLE for bringing this to the floor and arranging for an agreement that this nominee be brought to the floor. I thank my colleague from Missouri for allowing an up-or-down vote, for not launching a filibuster on this matter. I think Chairman HATCH spoke of that eloquently, and I am very pleased that we can have this fair vote.

I recommended Margaret Morrow to the President in September of 1995. She was nominated by the President on May 9, 1996. She received her first hearing before the Judiciary Committee on June 25, 1996, and was favorably reported out unanimously by the committee 2 days later. Because there was no action, she was renominated again on January 7, 1997, and had her second hearing on March 18, 1997. This time she was reported out favorably. This time the vote was 13 to 5.

I want to make the point that there is a personal side to this judicial nomination process. For nominees who are awaiting confirmation, their personal and professional lives truly hang in the balance. Margaret Morrow, a 47-year-old mother and law partner has put her life and her professional practice on hold while she waited for the Senate to vote on her nomination. Her whole family, particularly her husband and son, have waited patiently for this day. That is stress and that is strain, as you wait for this decision which will so affect your life and the life of your family and, of course, your career.

Former Majority Leader Bob Dole spoke of this process himself when he once said, ''We should not be holding people up. If we need a vote, vote them down or vote them up, because the nominees probably have plans to make and there are families involved.'' I think Senator Dole said it straight ahead. So I am really glad that Margaret's day has come finally.

I do want to say to Margaret, thank you for hanging in there. Thank you for not giving up. I well understand that there were certain moments where you probably were tempted to do so. There were days when you probably thought this day would never come. But you did hang in there, and you had every reason to hang in there.

This is a woman who graduated magna cum laude from Bryn Mawr College and received her law degree from Harvard, graduating cum laude, 23 years in private practice in business and commercial litigation, a partner at the prestigious law firm of Arnold and Porter. She is married to Judge Paul Boland of the Los Angeles Superior Court and has a 10-year-old son, Patrick Morrow Boland, who actually came up here on one of the times that she was before the committee.

Over the years, Margaret has represented a diverse group of business and Government clients, including some of the Nation's largest and most prominent companies.

In the time I have remaining now, I want to quote from some very prestigious leaders from California, and from the Senate, who have spoken out in behalf of Margaret Morrow. First we have Senator ORRIN HATCH. He spoke for Margaret himself, so I won't go over that quote.

Robert Bonner, former U.S. attorney appointed by President Reagan, former U.S. district court judge in the Central District of California and former head of the Drug Enforcement Administration, appointed by President George Bush, he sent a letter to Senators BOND, D'AMATO, DOMENICI, SESSIONS and SPECTER. In it he says:

> The issue—the only real issue—is this: Is Margaret Morrow likely to be an activist judge? My answer and the answer of other Californians who have unchallengeable Republican credentials and who are and have been leaders of the bar and bench in California, is an unqualified NO. . . . On a personal note, I have known Margaret Morrow for over twenty years. She was my former law partner. I can assure you that she will not be a person who will act precipitously or rashly in challenging the rule of law.

He continues:

> Based on her record, the collective knowledge of so many Republicans of good reputation, and her commitment to the rule of law and legal institutions, it is clear to me that Margaret will be a superb trial judge who will follow the law as articulated by the Constitution and legal precedent, and apply it to the facts before her.

I think that this statement is quite powerful. We have numbers of others as well. In a letter to Senators ABRAHAM and GORDON SMITH and PAT ROBERTS, Thomas Malcolm, who is chairman of Governor Wilson's Judicial Selection Committee for Orange County and served on the Judicial Selection Committees of Senators Hayakawa, Wilson, and Seymour, wrote the following:

> I have known Ms. Morrow for approximately 10 years. Over the years, she has constantly been the most outstanding leader our California Bar Association has ever had the privilege of her sitting as its President. . . . Of the literally hundreds of nominations for appointment to the federal bench during my tenure on Senators Hayakawa, Wilson and Seymour's Judicial Selection Committees, Ms. Morrow is by far one of the most impressive applicants I have ever seen.

Mr. President, how much time do I have remaining——

The PRESIDING OFFICER. You have 7½ minutes.

Mrs. BOXER. Remaining of my 10 minutes?

The PRESIDING OFFICER. You have 3 minutes of your 10 minutes remaining.

Mrs. BOXER. Thank you, Mr. President. In the 3 minutes remaining I am going to quote from some others.

Los Angeles Mayor, Richard Riordan, in a letter to Senator HATCH, said:

> Ms. Morrow would be an excellent addition to the Federal bench. She is dedicated to following the law and applying it in a rational and objective fashion.

Republican judges in the 9th Circuit, Pamela Rymer and Cynthia Hall—they are both President Bush and President Reagan's appointees respectively—in a letter to Senators HUTCHISON, COLLINS and SNOWE, write:

> [We] urge your favorable action on the Morrow nomination because [we] believe that she would be an exceptional federal judge.

Representative JAMES ROGAN, former Republican Assembly majority leader in the California State Assembly, the first Republican majority leader in almost 30 years—actually he testified in front of the Judiciary Committee and said:

> When an individual asks me to make a recommendation for a judgeship, that is perhaps the single most important thing I will study before making any recommendation . . . I am absolutely convinced that . . . she would be the type of judge who would follow the Constitution and laws of the United States as they were written. . . . [I]t is my belief . . . that should she win approval from this committee and from the full Senate, she would be a judge that we could all be proud of, both in California and throughout our land.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of people from all over California endorsing Margaret Morrow.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REPUBLICAN SUPPORT FOR MARGARET M. MORROW

Robert C. Bonner, former U.S. Attorney (appointed by President Reagan), former U.S. District Court Judge in the Central District of California and former Head of the Drug Enforcement Administration (appointed by President Bush), Partner at Gibson, Dunne and Crutcher in Los Angeles (2 letters).

Thomas R. Malcolm, Chairman of Governor Wilson's judicial selection committee for Orange County and previously served on the judicial selection committees of Senators Hayakawa, Wilson, and Seymour.

Rep. James Rogan (R–27–CA), former Assembly Majority Leader, California State Legislature, former gang murder prosecutor in the LA County District Attorney's Office, former Municipal Court Judge in California.

Pamela Rymer, Curcuit Court Judge, U.S. Court of Appeals for the Ninth Circuit (2 letters), appointed by President Bush.

Cynthia Holcomb Hall, Circuit Court Judge, U.S. Court of Appeals for the Ninth Circuit, appointed by President Reagan.

Lourdes Baird, District Court Judge, U.S. District Court, Central District of California, appointed by President Bush.

H. Walter Croskey, Associate Justice, State of California Court of Appeal, Second Appellate District (2 letters), appointed by Governor Deukmejian.

Richard J. Riordan, Major, City of Los Angeles.

Michael R. Capizzi, District Attorney, Orange County.

Lod Cook, Chairman Emeritus, ARCO, Los Angeles.

Clifford R. Anderson, Jr., supporter of the presidential campaigns for Presidents Nixon and Reagan, and former member of Governor Wilson's judicial selection committee (when

he was Senator) member of Governor Wilson's State judicial evaluation committee.

Sherman Block, Sheriff, County of Los Angeles.

Roger W. Boren, Presiding Justice, State of California Court of Appeal, Second Appellate District (2 letters), appointed by Governor Wilson.

Sheldon H. Sloan, former President of Los Angeles County Bar Association.

Stephen Trott, Circuit Court Judge, U.S. Court of Appeals for the Ninth Circuit (2 letters), appointed by President Reagan.

Judith C. Chirlin, Judge, Superior Court of Los Angeles County, appointed by Governor Deukmejian.

Richard C. Neal, State of California Court of Appeal, Second Appellate District, appointed by Governors Deukmejian and Wilson.

Marvin R. Baxter, Associate Justice, Superme Court of California, appointed by Governor Deukmejian.

Charles S. Vogel, Presiding Justice, State of California Court of Appeal, Second Appellate District, appointed by Governors Reagan and Wilson.

Dale S. Fischer, Judge, Los Angeles Municipal Court, appointed by Governor Wilson.

Richard D. Aldrich, Associate Justice, State of California Court of Appeal, Second Appellate District, appointed by Governors Deukmejian and Wilson.

Edward B. Huntington, Judge, Superior Court of the State of California, San Diego, appointed by Governor Wilson.

Laurence H. Pretty, former President of the Association of Business Trial Lawyers.

Mrs. BOXER. Mr. President, I want to say to you again, I know you have been very fair as I presented the case to you, this is a woman that every single Senator should be proud to support today. It is not a matter of political party. This is a woman uniquely qualified. I almost want to say, if Margaret Morrow cannot make it through, then, my goodness, who could? I really think she brings those kinds of bipartisan credentials.

I reserve my 5 minutes and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you very much. I yield myself so much time as I may consume, and I ask that the Chair inform me when I have consumed 15 minutes.

I thank you very much for allowing me to participate in this debate. It is appropriate that we bring to the floor nominees who are well known to the committee for debate by the full Senate. I commend the chairman of the committee for bringing this nomination to the floor. I have no objection to these nominations coming to the floor and no objection to voting on these nominees. I only objected to this nominee coming to the floor to be approved by unanimous consent because I think we deserve the opportunity to debate these nominees, to discuss them and to have votes on them.

So many people who are not familiar with the process of the Senate may think that when a Senator says that he wants to have a debate that he is trying to delay. I believe the work of the Senate should be done in full view of the American people and that we should have the opportunity to discuss these issues, and then instead of having these things voted on by unanimous consent at the close of the business day with no record, I think it is important that we debate the nominee's qualifications on the record.

I think it is important because the judiciary is one-third of the Government of the United States. The individuals who populate the judiciary are lifetime appointments.

The United States Constitution imposes a responsibility on the Senate to be a quality screen, and it is the last screen before a person becomes a lifetime member of the judiciary. So we need to do our best to make sure that only high-quality individuals reach that level, individuals who have respect for the Constitution, who appropriately understand that the role of the courts is to decide disputes and not to expand the law or to somehow develop new constitutional rights. The legislature is the part of the body politic that is designed to make law. The courts are designed to settle disputes about the law.

It is against this background that I am pleased to have the opportunity to debate the nomination of Margaret Morrow.

Let me begin by saying that Ms. Morrow is an outstanding lawyer. No one wants to challenge her credentials. No one believes that she is not a person of great intellect or a person of tremendous experience. She is a person who has great capacity. It has been demonstrated in her private life, her educational record and in her life of service as an officer of the California Bar Association.

The only reservations to be expressed about Ms. Morrow, and they are substantial ones in my regard—they are not about her talent, not about her capacity, not about her integrity—they are about what her interpretation of the role of a judge is; whether she thinks that the law as developed in the court system belongs on the cutting edge, whether she thinks that the law, as developed in the court system, is an engine of social change and that the courts should drive the Nation in a direction of a different culture and a direction of recognizing new rights that weren't recognized or placed in the Constitution, and that needed to be invented or developed or brought into existence by individuals who populate the courts. That, I think, is the major question we have before us.

So let me just say again, this is an outstanding person of intellect, from everything I can understand a person of great integrity, a person whose record of service is laudable and commendable. The only question I have is, does she have the right view of the Constitution, the right view of what courts are supposed to do, or will she be someone who goes to the bench and, unfortunately, like so many other lawyers in the ninth circuit, decide that the court is the best place to amend the Constitution? Does she think the court is the best place to strike down the will of the people, to impose on the people from the courts what could not be generated by the representatives of the people in the legislature.

So, fundamentally, the question is whether or not this candidate will respect the separation of powers, whether this candidate will say the legislature is the place to make the law, and whether she will recognize that courts can only make decisions about the law. Will she acknowledge that the people have the right to make the law, too? After all, that is what our Constitution says, that all power and all authority is derived from the people, and they, with their elected representatives, should have the opportunity to make the law.

It is with these questions in mind that I look at some of the writings of this candidate for a Federal judgeship, and I come to the conclusion that she believes that the court system and the courts are the place where the law can be made, especially if the people are not smart enough or if the people aren't progressive enough or if the Constitution isn't flexible enough.

I can't say for sure this is what would happen. I have to be fair. I have to go by what she has written. I will be at odds with the interpretation of some of the things said by the committee chairman. I respect the chairman, but I think that his interpretation of her writings is flawed.

In 1995, in a law review comment, Ms. Morrow seemed to endorse the practice of judicial activism, that is judge-made law. She wrote:

> For the law is, almost by definition, on the cutting edge of social thought. It is a vehicle—
>
> Or a way—
>
> through which we ease the transition from the rules which have always been to the rules which are to be.

She is saying that the law is the vehicle, the thing that takes you from what was to what will be. I was a little puzzled when the committee chairman said that the committee found that she didn't mean the substantive as expressed in the courts and the like. Let me just say I don't believe the committee made any such findings. I have checked with committee staff, and it is just not the case that the committee made findings.

It is true that a majority of the members of the committee voted this candidate to the floor, but the committee didn't make findings that this was not a statement of judicial activism. Frankly, I think it is a statement of judicial activism, despite the fact that Ms. Morrow told the committee that she was not speaking about the law in any substantive way, but rather was referring to the legal profession and the rules governing the profession.

The law, by definition, is on the cutting edge of social thought? Social

thought doesn't govern the profession, social thought governs the society. The transition of the rules from the way they have always been to the rules which they are to be? I think it is a stretch to say that this really refers to the legal profession.

If she meant that the legal profession is a vehicle through which we ease the transition from the rules which always have been to the rules which are to be, that doesn't make sense. Clearly she is referring to something other than the legal profession or the rules of professional conduct.

Some have suggested that because Ms. Morrow initially made these remarks at a 1994 Conference on Women and the Law, that it is plausible that she was referring to the profession and not to the substantive law. But I think it is more likely that her statement reflects a belief that the law can and should be used by those who interpret it to change social norms, inside and outside of the legal profession.

Truly, that is a definition of activism, the ability of judges to impose on the culture those things which they prefer rather than have the culture initiate through their elected representatives those things which the culture prefers.

Frankly, if it is a question of a few in the judiciary defining what the values of the many are in the culture, I think that is antidemocratic. I really believe that the virtue of America is that the many impose their will on the Government, not that the few in Government impose their will on the many.

Reasonable people can disagree on the proper interpretation of Ms. Morrow's statement. Others can argue about whether or not hastening social change is a proper role for judges in the courts. But I think it is fair to conclude that Ms. Morrow's comments were an endorsement of judicial activism.

In 1993, Ms. Morrow gave another speech that suggested approval of judicial activism, quoting William Brennan, an evangelist of judicial activism. Morrow stated:

> Justice can only endure and flourish if law and legal institutions are ''engines of social change'' able to accommodate evolving patterns of life and social interaction in this decade.

She said these remarks were not an endorsement of activism. She told the Judiciary Committee the subject of the comments was, once again, not the law but the legal profession and the California State Bar Association.

To say that both law and legal institutions are engines of social change I think begs the question of whether you are just talking about the State bar association. In this statement, Ms. Morrow refers specifically to the law and legal institutions. Ms. Morrow's words were a call for activism to those who administer the law.

Again, the committee chairman indicated that the committee found that she was referring to those things she referenced in her testimony. That may have been the conclusion of some on the committee as a basis for how they voted, but I don't believe the committee made any findings about what her statements meant.

Ms. Morrow was the president of the California State bar in 1993 and 1994, one of the things for which she is to be applauded. She was first woman elected president of the bar. But according to press reports, her first bar convention as president was ''marked by only one big issue: gun control.'' Even U.S. Attorney Janet Reno traveled all the way to the San Diego convention to exhort attendees to work against Americans' ''love affair with guns.''

And although a 1990 U.S. Supreme Court decision prohibited the California bar from using dues for political activities and specifically listed advocacy of gun control legislation as an example, Ms. Morrow said the bar should consider the Court's ruling, ''assess the risks, and then do what is right.''

So looking into the face of a Supreme Court decision of the United States, Ms. Morrow said, ''Yeah, we should figure out what we think is right and assess the risks,'' I suppose of getting caught and what the consequences would be, ''and then just basically do what we think is right.''

I think if we are going to ask someone to undertake the responsibility of administering justice in the Federal judicial system, we have to expect them to accord the Constitution of the United States respect. We have to expect them to accord the rulings of the Supreme Court of the United States respect, and to assess the risks and do what is right is not a philosophy.

Frankly, one does not need to assess the risks if one is going to do what is right. If you are going to do what is right, there are no risks. Rather than imply that the Court's prohibition on using bar dues for political purposes may be somehow circumvented or disregarded, Ms. Morrow could have stated her clear intention to respect the Court's decision and to urge her membership to do the same.

Ms. Morrow not only has indicated her willingness to use the law ''on the cutting edge'' and to use the law, the legal profession and the courts to change the rules whereby people live and to make law and not just interpret law or decide disputes, she has argued that when the people get involved in making the law, the result is dubious and should be called into question and into doubt.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. ASHCROFT. I allocate myself such further time as I may consume in making this next point.

Mr. President, Ms. Morrow's supporters argue that her comments about judicial activism are taken out of context or misinterpreted, but I don't believe that they are. Her supporters will have a harder time explaining away Ms. Morrow's disparaging and elitist views about direct citizen involvement in decisionmaking processes.

If she is not clear about saying that she would displace the legislative function by being a judicial activist in one arena, that is, when it comes to interpreting the law and expanding the Constitution, she is very clear about her disrespect for legislation enacted by the people.

In 1988, she wrote an article and smugly criticized the ballot initiative as used by the citizens of California. Here is what she wrote in that article:

> The fact that initiatives are presented to a ''legislature'' of 20 million people renders ephemeral any real hope of intelligent voting by a majority.

What she is saying, in other words, is that whenever the people get involved, decisions will not be intelligent. She suggests that the courts are going to have to step in and do the right thing, what they know to be better than what the people have said, and take over. I think a lot of Americans would be concerned if the courts simply took over.

By the way, I noted there was a substantial list of letters that were sent to the desk on behalf of individuals that endorsed Ms. Morrow.

I ask unanimous consent that the list assembled by the Judicial Selection Monitoring Project be printed in the RECORD. It lists more than 180 different grassroots organizations, from the American Association for Small Property Ownership to the Independent Women's Forum to the Women for Responsible Legislation, that oppose this nomination.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

JUDICIAL SELECTION
MONITORING PROJECT,
Washington, DC, October 29, 1997.

Hon. John Ashcroft,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: We strongly oppose the nomination of Margaret Morrow to the U.S. District Court for one or more of the following reasons.

First, her activities and writings reveal aggressive advocacy of liberal political causes and the view that courts and the law can be used to effect political and social change. This combination foretells liberals judicial activism on the bench. She wants bar association to take ''a strong active voice'' on political issues and has written that the law is ''on the cutting edge of social thought'' and ''the vehicle through which we ease the transition from the rules which have been to the rules which are to be.'' She opposes any restrictions on blatantly political litigation by the Legal Services Corporation.

Second, as Senator Charles Grassley has said, Morrow's ''judgment and candor are under a great deal of question.'' Morrow twice withheld nearly 40 articles, reports, and speeches from the Senate Judiciary Committee, including those clearly reflecting her activist approach to the law. She refused to answer Senators' legitimate questions following her hearing, and eventually provided answers that Senator Grassley called ''false and misleading.''

Finally, and perhaps most important, Americans now know what Morrow's wholesale condemnation of direct democracy will

mean if she becomes a federal judge. She has written that ''any real hope of intelligent voting'' by the people on ballot measures is only ''ephemeral.'' On October 8, the U.S. Court of Appeals in California implemented that same view and swept aside an initiative enacted by Californians because two judges thought the voters did not understand what they were doing. It is clear that Morrow will be yet another judge more than willing to substitute her own elitist judgments for the will of the people.

A nominee who believes the courts can be used to enact liberal political an social policy, whose ''judgment and candor are under a great deal of question,'' and who will undermine democracy has no place on the federal bench.

Sincerely,

Alabama Citizens for Truth
Alabama Family Alliance
Alliance Defense Fund
Alliance for American
American Association of Christian Schools
American Association for Small Property Ownership
American Center for Law and Justice—DC
American Center for Law and Justice—National
American Family Association
American Family Association of KY
American Family Association of MI
American Family Association of MO
American Family Association of NY
American Family Association of TX
American Foundation (OH)
American Land Rights Association
American Policy Center
American Pro-Constitutional Association
American Rights Coalition
Americans for Choice in Education
American for Decency
Americans for Tax Reform
California Coalition for Immigration Reform
Catholic League for Religious and Civil Rights
Center for Arizona Policy
Center for Individual Rights
Center for New Black Leadership
Christian Coalition
Christian Coalition of California
Christian Coalition of IA
Christian Coalition of KS, Inc.
Christian Exchange, Inc.
Christian Home Educators of Kentucky
Citizens Against Repressive Zoning
Citizens Against Violent Crime
Citizens for Better Government
Citizens for Community Values
Citizens for Constitutional Property Rights, Inc.
Citizens for Economically Responsible Government
Citizens for Excellence in Education (TX)
Citizens for Law & Order
Citizens for Reform
Citizens for Responsible Government
Citizens United
Coalition Against Pornography
Coalitions for America
Colorado Coalition for Fair Competition
Colorado for Family Values
Colorado Term Limits Coalition
Concerned Women for America
Concerned Women for America of Virginia Legislative Action Committee
Conservative Campaign Fund
Conservative Opportunity Society PAC
Constitutional Coalition
Constituionalists Networking Center
Coral Ridge Ministries
Council of Conservative Citizens
Defenders of Property Rights
Delaware Family Foundation
Eagle Forum
Eagle Forum of Alabama
Eagle Forum, Inc. (FL)
Environmental Conservation Organization
Evergreen Freedom Foundation
Family Foundation (KY) (The)
Family Foundation (VA) (The)
Family Friendly Libraries
Family Institute of Connecticut
Family Life Radio—Micky Grace (KFLT, Phoenix)
Family Policy Center (MO)
Family Research Council
Family Research Institute of Wisconsin
Family Taxpayer's Network (IL)
Family Taxpayers Foundation
First Principles, Inc.
Focus on the Family
Freedom Foundation (The)
Frontiers of Freedom
Georgia Christian Coalition
Georgia Sports Shooting Association
Government Is Not God PAC
Gun Owners of America
Gun Owners of South Carolina
Heritage Caucus/Judicial Forum
Home School Legal Defense Association
Idaho Family Forum
Illinois Citizens for Life
Illinois Family Institute
Impeach Federal Judge John T. Nixon
Independence Institute
Independent Women's Forum
Indiana Family Institute
Individual Rights Foundation (Center for Pop Cult)
Institute for Media Education (The)
Iowa Family Policy Center
''Janet Parshall's America''—WAVA FM
Judicial Selection Monitoring Project
Judicial Watch, Inc.
Justice for Murder Victims
Kansas Conservative Union
Kansas Eagle Forum
Kansas Family Research Institute
Kansas Taxpayers Network
Landmark Legal Foundation
Law Enforcement Alliance of America
Lawyer's Second Amendment Society, Inc.
League of American Families
League of Catholic Voters (VA)
Legal Affairs Council
Liberty Counsel
Life Advocacy Alliance
Life Coalition International
Life Decisions International
Life Issues Institute, Inc.
Madison Project (The)
''Mark Larson Show (The)''—KPRZ San Diego
Maryland Assoc. of Christian Schools
Massachusetts Family Institute
Michigan Decency Action Council
Michigan Family Forum
''The Mike Farris Show''
Minnesota Family Council
Mississippi Family Council
Morality Action Committee
Nat'l Center for Constitutional Studies
Nat'l Center for Public Policy Research
Nat'l Citizens Legal Network
Nat'l Coalition for Protection of Children & Families
Nat'l Family Legal Foundation
Nat'l Institute of Family & Life Advocates
Nat'l Legal and Policy Center
Nat'l Legal Foundation (The)
Nat'l Parents' Commission
Nat'l Rifle Association
NET-Political News Talk Network
Nevada State Rifle & Pistol Association
New Hampshire Landowners Alliance
New Hampshire Right to Life
New Jersey Family Policy Council
Northwest Legal Foundation
Oklahoma Christian Coalition
Oklahoma Family Policy Center
Oklahomans for Children & Families
Organized Victims of Violent Crime
Parents Rights Coalition
Pennsylvania Landowners Association
Pennsylvanians For Human Life
''Perspectives Talk Radio''—Hosted by Brian Hyde (KDXU)
Philadelphia Family Policy Council
Pro-Life Action League
Public Interest Institute
Putting Liberty First
''Radio Liberty''
Religious Freedom Coalition
Resource Education Network
Resource Institute of Oklahoma
Right to Life of Greater Cincinnati, Inc.
Safe Streets Alliance
Save America's Youth
Seniors Coalition (The)
Sixty (60) Plus Association
Small Business Survival Committee
South Carolina Policy Education Foundation
South Dakota Family Policy Council
''Stan Solomon Show''
Strategic Policies Institute
Take Back Arkansas, Inc.
Talk USA Network
TEACH Michigan Education Fund
Texas Eagle Forum
Texas Public Policy Foundation
Toward Tradition
Traditional Values Coalition
U.S. Business and Industrial Council
Utah Coalition of Taxpayers
WallBuilders
West Virginia Family Foundation
''What Washington Doesn't Want You to Know'' Hosted by Jane Chastain
Wisconsin Information Network
Wisconsin State Sovereignty Coalition
Women for Responsible Legislation

Mr. ASHCROFT. I think the fact that these grassroots organizations oppose this nomination reflects the fact that they distrust an individual who distrusts the people. Whenever you have someone moving into the Federal court system who expresses in advance the fact that when people get involved in government, it renders an intelligent result ephemeral or unlikely to take place, I think they have a right to be disconcerted and upset.

She continued in her article:

> Only a small minority of voters study their ballot pamphlet with any care, and only the minutest percentage takes time to read the proposed statutory language itself. Indeed, it seems too much to ask that they do, since propositions are . . . difficult for a layperson to understand.

Basically, this says that lawyers are smart enough to understand these things but ordinary people cannot and, as a result, cannot make intelligent decisions. I have noted before that it is not a requirement to be a lawyer to be a Member of the Senate. Ordinary people can run for the U.S. Senate. And they do. You need only be 35 years old.

I have also noticed that, very frequently, only a small minority of the Senators have read, in the totality, the legislation which is before the Senate. If you are going to say that laws are not effective and should not be respected because they were not read thoroughly or not everybody who voted on them was a lawyer, that would be a premise for disregarding any law passed in the United States. It would be a premise for saying that the laws of the United States are not to be accorded deference by the courts. And sometimes I think that is the way the courts look at them.

They look at the laws that are enacted by the Congress and they say, ''Well, we're going to have to expand that. We're going to have to change that. They weren't smart enough. The representatives of the people weren't smart enough. They didn't know what they were doing.''

Frankly, this distrust of democracy is the kind of thing that provides the predicate for judicial activism where individuals substitute their judgment for the law of the Constitution, where courts substitute their preferences for the people's will as expressed in the law.

This has been a particular problem with the Ninth Circuit Court of Appeals, which has been striking down propositions approved by the voters of Californians right and left.

Proposition 140. A three-judge panel affirmed a decision by Judge Wilkin, a Clinton appointee, to throw out term limits for State legislators. The ninth circuit en banc reversed and upheld the constitutionality of the initiative.

Here you have it. The people of California decide they want term limits, and you have a Federal judge who thinks, ''Well, they don't know what they're doing. They're just people. They aren't lawyers. They didn't read this carefully enough,'' and it is set aside. That is the attitude we cannot afford to replicate there.

Proposition 209. Judge Henderson struck down this prohibition of race and gender preferences. People of America do not want quotas and preferences. They want to operate based on merit. So the people of California did what the people should do when they want something in the law, they enacted it through the constitutional method of passing an initiative.

But the judge, Federal judge, thinking himself to be superior in wisdom to the voters—maybe the judge had been reading the article by Ms. Morrow that said, ''The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority''—struck down that initiative.

Proposition 187. This law denying certain public benefits to illegal aliens was declared unconstitutional by another judge.

Proposition 208 was recently blocked in its enforcement by Judge Karlton.

Over and over again in California we have had this problem caused by judges who basically think that the initiatives of the people are not due the respect to be accorded to enactments of the law. And when judges place themselves above the people, when judges elevate their own views to a point where they are saying that they have a legislative capacity to say what ought to be the law rather than to resolve disputes about the law, I think that is when we get into trouble.

Now, many confirmation decisions will require Senators to anticipate what will happen. We cannot really know for sure what is going to happen. Almost 4½ years ago the Senate confirmed, by unanimous consent, without a vote, Claudia Wilken to be a district court judge in the Northern District of California.

She was asked about things like this before the Judiciary Committee. And she stated, ''A good judge applies the law, not her personal views, when she decides a case.'' She said judges should fashion broad, equitable relief ''only where the Constitution or a statute'' requires. But she's the judge who said that the term limits initiative passed in California in 1990 was unconstitutional. Now, when the Federal Constitution itself has term limits for the President, you have to wonder if she is not just trying to substitute her judgment and displace the judgment of the people of California.

Last April, Judge Wilken ruled that the term limits initiative, which was passed by the voters in the State, and approved by the California Supreme Court—violated the Constitution. The new law, Judge Wilken held, was unfair to those voters who wanted to support a candidate with legislative experience. I wonder if maybe she had been reading the material of the nominee in this case. I wonder if she really believed that ''The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority.''

The ninth circuit court of appeals, which covers California, is the circuit in which these questions arose. Unfortunately, it is the most active circuit judicially. I think we have to be very careful when we are appointing individuals to courts within that circuit that we do not find ourselves reinforcing this judicially active mentality.

Let us just take a look at what kind of legal environment they are in out there.

In 1997, the Supreme Court reversed an astounding 27 out of 28 ninth circuit decisions.

In 1996, it was 10 out of 12 decisions that were reversed.

In 1995, it was 14 out of 17.

It is obvious that the ninth circuit is out of control, filled with individuals who believe that the people are to be disregarded, that the intelligence resides solely in the court system. Frankly, I think that is a troublesome problem.

Here is what one of the judges on the ninth circuit said, expressing pride in the fact that the court was frequently reversed. Chief Judge Procter Hug said in a recent interview:

> We're on the cutting edge of a lot of cases.

Does the phrase ''cutting edge'' remind you of anything? Another one of those quotes from Ms. Morrow.

> We're on the cutting edge of a lot of cases. If a ruling creates a lot of heat, that's why we have life tenure.

I really believe that life tenure is supported by the need for independence, but it is not to be a license to take over the legislative responsibility of Government. It is not to be a license to be out there on the cutting edge, to be writing new laws, instead of deciding controversies presented by application of old laws.

On the ninth circuit, no judge is reversed more than judge Stephen Reinhardt, the renegade judge who in recent years has argued that the Constitution protects an individual's right to commit physician-assisted suicide. Of course, he was reversed by the Supreme Court. He recently ruled that school-administered drug tests for high school athletes violated the Constitution. His creation there of a new constitutional right again was reversed by the U.S. Supreme Court. Finally, Reinhardt argued that farmers lack standing to challenge the Endangered Species Act because they have an economic interest in doing so. This decision also was reversed by the Supreme Court. And just last week, Reinhardt reversed a lower court decision and held employers are prevented by the Constitution from conducting genetic tests as part of their employees' routine physicals—another new constitutional right found by an activist judge.

Judge Reinhardt seems to share the arguments made by Ms. Morrow in her article about initiatives. To Reinhardt, the Constitution is not a charter to be interpreted strictly; rather, it is an outline for creative judges to fill in the blanks.

I think judges who believe that the Constitution is written in pencil and who think that the Bill of Rights is written in disappearing ink are judges that are out of control. We have to be careful we don't put more individuals on the bench who have a disregard for the separation of powers and who do not understand that what the people do under the authority of the Constitution is valid and must be respected.

I see my colleague from the State of Alabama has arrived and is prepared, I believe, to make remarks in this respect. I want to thank him for his outstanding work on the Judiciary Committee. He takes his work very seriously. He is a champion of the Constitution of the United States. He understands that the people are the source of power. He understands well that judges are very important. It is important that we have intelligent judges, capable judges; but also, judges that respect the fact that they have a limited function of resolving disputes. And in so doing they are not to amend the Constitution or extend the law but to rely upon the legislature or the people to do that whenever is necessary.

I yield to the Senator from Alabama 10 minutes in which to make his remarks in opposition to this nominee.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alabama is recognized.

Mr. SESSIONS. I spent 15 years in my professional career as a Federal prosecutor prosecuting full-time before Federal judges. I have had the pleasure of practicing before some of the finest judges in America. It is a thrill to have

that opportunity, to have the opportunity to represent the United States of America in court and to utilize our Constitution, our laws and our statutes, and the logic that God gives us the ability to utilize, to analyze difficult problems.

Many of us can disagree, but I do rise today in opposition to the nomination of Margaret Morrow to the U.S. District Court bench for the Central District of California. This is not an easy decision. These are not pleasant tasks for those of us on the Judiciary Committee and in this Senate to decide to vote against a Presidential nomination. But if we believe in that and we are concerned about that, our responsibility as Members of this body calls on us to do so.

By all accounts, she is a fine lawyer and a good person. However, her writings and speeches which span over a decade indicate that she views the Federal judiciary as a means to achieve a social or political end.

This nomination is all the more important when one considers that Ms. Morrow's home State of California has repeatedly been victimized recently by liberal and undemocratic Federal judges. Moreover, judicial activism has plagued her judicial circuit, the ninth circuit, like no other circuit in the country.

Consider for a moment how big a problem judicial activism is on the ninth circuit. In 1997, last year, the Supreme Court reversed 27 out of 28 decisions rendered by the ninth circuit. In 1996, the Supreme Court reversed 10 out of 12 ninth circuit decisions. That pattern has been going on for decades. As a Federal prosecutor in Alabama, when criminal defense lawyers file briefs and cite law to argue their opinion or to suppress evidence or matters of that kind, they most frequently cited ninth circuit opinions because those were the most liberal in the country on criminal law. Frankly, they were not given much credit around the country. Most judges in the United States recognize that this circuit too often was out of step with the rest of the country.

There are a number of factors that cause me to oppose the confirmation of Ms. Morrow. Chief among the factors is her skepticism, if not outright hostility, toward voter initiatives. In a 1988 article, Morrow criticized California's initiative process. In this article, she stated, really condescendingly, these words, ''The fact that initiatives are presented to a 'legislature' of 20 million people renders ephemeral any real hope of intelligent voting by a majority.'' I suggest that that indicates a lack of respect for that process and the jealously guarded privilege of California voters to enact legislation by direct action of the people.

She further criticized the initiative process with this statement: ''The public, by contrast, cast its votes for initiatives on the basis of 30- and 60-second advertisements which ignore or obscure the substance of the measure.''

At the time of her hearing, I found that Ms. Morrow's suspicion of initiatives particularly troubling because of two recent California initiatives, Proposition 187 and Proposition 209, the California civil rights initiative, both of which have been blocked by activist Federal judges in California. In fact, the judges in the ninth circuit have invalidated voter initiatives on tenuous grounds since the early 1980s. These decisions demonstrate the enormous power that a single sitting Federal district judge possesses to subvert the will of the people. Morrow's criticism of citizen initiatives reveals an elitist mindset characteristic of activist judges who use the judiciary to impose their personal values onto the law.

Unfortunately, recent events have left me even more concerned about her disdain for the people's will as expressed in voter initiatives. Late last year, the ninth circuit effectively enshrined Ms. Morrow's view of initiatives into ninth circuit law. In an opinion striking down yet another voter initiative, term limits for California State legislatures, the ninth circuit held that Federal courts must scrutinize voter initiatives more closely than ''ordinary legislative lawmaking.'' This ''extra scrutiny'' is necessary, according to the ninth circuit Judge Stephen Reinhardt and Betty Fletcher, because initiatives are not the product of committee hearings and because ''the public also generally lacks legal or legislative expertise.'' In the end, the ninth circuit invalidated the term limits initiative not because term limits are unconstitutional—because I submit to you they plainly are not unconstitutional—but because the two Federal judges did not think the voters fully understood what they were voting for.

The ninth circuit does not need any more reinforcements in its war on the initiative process. The people of California are rightly jealous of their initiative process. They are frustrated that judges go out of their way to strike down the decisions they reach by direct plebiscite. We don't need to send them another judge, another leader on that court who would support the anti-initiative effort.

Ms. Morrow's distaste for voter initiatives is not the only troubling aspect of her record. For example, in a 1995 law review comment, she wrote what can be interpreted clearly to me as a blatant approval of judicial activism:

> For the law is, almost by definition, on the cutting edge of social thought. It is a vehicle through which we ease the transition from the rules which have always been to the rules which are to be.

I know she has suggested a view of that language that would indicate that she meant something like the practice of law, rather than the rule of law. But that's not what she said and, in fact, maybe she meant it to apply to both circumstances. In fact, I think that's the most accurate interpretation of it. She may well have been talking about the practice of law, but at the same time her approach to law, because that is what her language includes. It would suggest to me that this is, in fact, the language of a judicial activist.

In a 1983 speech, she also made comments that suggest approval of judicial activism. In this speech, she quoted Justice William Brennan, the evangelist of judicial activism, stating:

> Justice can only endure and flourish if the law and legal institutions are ''engines of change'' able to accommodate evolving patterns of life and social interaction in this decade.

Obviously, using the law as an ''engine of change'' is the very definition of judicial activism and is fundamentally incompatible with democratic government.

Mr. President, it is a serious matter when the people, through their contract with the Government and their Constitution, set forth plain restraints on the power of the law, when the people, through their legislators in California, or through their Congress in Washington, pass statutes requiring things to be done one way or the other, and when a judge, if they do not respect that law, feels like he or she can reinterpret or redefine the meaning of words in those documents in such a way that would allow them to impose their view of the proper outcome under the circumstances. That makes them a judicial activist. I submit that these writings from her past indicate that tendency.

Also, in 1983, the nominee strongly criticized the Reagan administration's efforts to restrict the Legal Services Corporation from filing certain categories of lawsuits. As many of you know, the Legal Services Corporation grantees—they receive money from the Government—have repeatedly filed partisan suits in Federal courts to achieve political aims. For example, the Legal Services Corporation has repeatedly sued to block welfare reform efforts in the States. Issues of public policy simply are not properly decided by litigation. The use of public tax dollars to promote an ideological agenda through the Federal courts is not acceptable.

Of course, support for the historic mission of the Legal Services Corporation—helping the poor with real legal problems —is not the issue. What bothers me is Ms. Morrow's opposition to President Reagan's attempt to depoliticize the Legal Services Corporation and to direct it's attention fundamentally to its goal of helping the poor. But we had a very serious debate in America and I think, for the most part, it has been won; for the most part, Legal Services Corporation has been restrained. There are still problems ongoing, but I hope we have made progress, despite the very strong opposition of Ms. Morrow in her writings.

So Ms. Morrow's intelligence, academic record, and professional achievements are not in question. However,

her writings, published over the last decade, provide a direct look at her view of the law. That view, I must conclude, indicates that Ms. Morrow would be yet another undemocratic, activist Federal judge.

One last point must be made. Unlike other judicial nominees, Ms. Morrow has not previously been a judge. Consequently, she does not have a lengthy judicial record for the Senate to review. In this situation, we must rely on her private writings and speeches to determine her judicial philosophy. This is not an easy or certain task. We must make judgments as to what is relevant and probative and what is not. In this situation, I have made such an inquiry and have decided to oppose the confirmation of this very able attorney. The Senate must fulfill its advise and consent responsibilities to ensure that federal judges respect their constitutional role to interpret the law. Consequently, I urge you to oppose this nomination.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in support of the confirmation of Margaret Morrow to the Federal District for the Central District of California.

Her consideration by the United States is long overdue:

Ms. Morrow's nomination has twice been reported out by the Senate Judiciary Committee, on which I have the honor to serve;

Both times she has enjoyed the public support of the Chairman of the Judiciary Committee, Senator ORRIN HATCH;

Both times the American Bar Association voted unanimously to give her its highest rating, ''well qualified.''

Yet for nearly two years, Ms. Morrow's nomination has languished in the Senate.

By way of background, Ms. Morrow graduated from Harvard Law School, cum laude, in 1974. Prior to that, she graduated from Bryn Mawr College, magna cum laude, in 1971.

Since 1996, she has been a partner in the Los Angeles office of Arnold & Porter, one of the nation's preeminent corporate law firms.

Prior to 1996, she helped form the Los Angeles law firm of Quinn, Kully & Morrow in 1987, where she chaired the firm's Appellate Department.

Prior to 1987, she practiced for 13 years at the Los Angeles firm of Kadison, Pfaelzer, Woodard, Quinn, & Rossi, where she attained the rank of partner and handled a wide range of commercial litigation in the federal and state courts.

The legal profession has recognized Ms. Morrow's quality of work, commitment to the profession, and dedication to the broader community with a host of awards.

Among the many legal awards Ms. Morrow has received are the following:

In 1997, she received the Shattuck-Price Memorial Award, the Los Angeles County Bar Association's highest award, awarded to a lawyer dedicated to improving the legal profession and the administration of justice.

In 1995, she received the Bernard E. Witkins Amicus Curiae Award, presented by the California Judicial Council to non-jurists who have nonetheless made significant contributions to the California court system.

In 1994, the Women Lawyers Association in Los Angeles recognized Ms. Morrow as most distinguished woman lawyer with the Ernestine Stalhut Award.

She received the 1994 President's Award from the California Association of Court-Appointed Special Advocates for her service on behalf of abused, neglected, and dependent children.

In 1990, the Legal Aid Foundation of Los Angeles presented her with the Maynard Toll Award for her significant contribution to legal services for the poor. She is the only woman to date who has received this award.

Margaret Morrow's excellent legal skills have been consistently recognized:

She was listed in the 1997–1998 edition of The Best Lawyers in America.

In 1995 and 1996, the Los Angeles Business Journal's ''Law Who's Who,'' listed her among the one hundred outstanding Los Angeles business attorneys.

In 1994, she was listed as one of the top 20 lawyers in Los Angeles by California Law Business, a publication of the Los Angeles Daily Journal.

Margaret Morrow has held leadership positions in Federal, State and county bar associations and other legal organizations.

She served as the first woman President of the State Bar of California, a position she held from 1993 to 1994. Prior to that, she served as the State Bar's Vice-President.

From 1988–89, she served as President of the Los Angeles County Bar Association, creating the Pro Bono Council and the Committee on the Status of Minorities in the Profession during her term.

As President of the Barristers' Section of the Los Angeles County Bar, she established a nationally recognized Domestic Violence Counseling Project as well as an AIDS hospice program.

She directed the American Bar Association's Young Lawyers' Division and served on its Standing Committee for Legal Aid for Indigent Defendants.

She has served on the boards of a number of legal services programs, and has been a member of several Advisory Committees of the California Judicial Council.

The true test of Margaret Morrow's qualifications to serve on the federal bench is the long list of attorneys, judges, law enforcement personnel, and community leaders who actively support her nomination.

Indeed, the list of Margaret Morrow's supporters reads like a ''Who's Who'' of California Republicans and Bush, Reagan, Deukmejian, and Wilson appointees.

Just to highlight a few of Margaret Morrow's many supporters:

Los Angeles Mayor Richard Riordan, Republican;

Los Angeles County Sheriff Sherman Block, Republican;

Orange County District Attorney Michael Capizzi, Republican;

Former DEA Head, U.S. District Judge, and U.S. Attorney, Robert Bonner, who was appointed to those positions by Presidents Bush and Reagan; Cynthia Holcomb Hall and Stephen Trott, Reagan appointees to the Ninth Circuit Court of Appeals; and the list goes on and on.

Perhaps most telling is the recommendation of H. Walter Croskey. Judge Croskey is a Governor Deukmejian appointee to the appellate court of the State of California, and a self-described life-long conservative Republican.

Judge Croskey is well-acquainted with Margaret Morrow's reputation in the legal community, having observed her over a period of 15 years, when she appeared before him in both trial and appellate courts, and worked professionally on numerous State and local bar activities.

Based on his observations, this conservative Republican appellate jurist concluded:

> She is the most outstanding candidate for appointment to the Federal trial court who has been put forward in my memory.

Margaret Morrow is, by any measure, an unusually accomplished member in her profession, and I believe that her qualifications will serve her well as a member of the Federal judiciary.

I urge the Senate to swiftly confirm her nomination.

Mr. KENNEDY. Mr. President. I rise in strong support of Margaret Morrow to the U.S. District Court in Los Angeles. She is well-qualified to serve as a federal judge, and she has already been waiting far too long for the vote she deserves on her nomination.

Margaret Morrow was nominated in the last Congress in May 1996. Partisan politics prevented action on her nomination before the 1996 election, but even that excuse can't be used to justify the Senate's failure to act on her nomination in all of 1997.

Margaret Morrow is a partner in a prestigious California law firm, and the first woman to serve as the president of the California Bar Association. She is a well-respected attorney and a role model for women in the legal profession.

Her nomination has wide support. The National Association of Women Judges calls her ''an extraordinary candidate for the federal bench, a true professional, without a personal or political agenda, who would be a trustworthy public servant of the highest caliber.'' The National Women's Law Center calls her ''a leader and a path blazer among women lawyers.''

She also has the support of many prominent Republicans, because of her impressive qualifications for the bench.

Representative JAMES ROGAN says that ''she would be the type of judge who would follow the Constitution and the laws of the United States as they were written.'' Richard Riordan, the Republican Mayor of Los Angeles has stated that the residents of Los Angeles ''would be extraordinarily well-served by her appointment.'' Robert Bonner, who headed the Drug Enforcement Administration under President Bush, says that Morrow is ''a brilliant person with a first-rate legal mind.''

I hope we can move ahead today her nomination. But I also want to express my concern over a related issue—the excessive difficulty that women judicial nominees are having in obtaining Senate action or their confirmation. An unacceptable double standard is being applied, and it is long past time it stopped.

In this Republican Congress, women nominated to the federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year.

Women nominees may eventually be approved by the Judiciary Committee. But too often their nominations languish mysteriously, and no one will take responsibility for secretly holding up their nominations.

The distinguished majority leader has rightly noted that the process of confirming judges is time-consuming. The Senate should take care to ensure that only individuals acceptable to both the President and the Senate are confirmed. The President and the Senate do not always agree. But there is no reason the process should take longer for women than it does for men.

It is time to end the delays and double standards that have marred the Senate's role in the Advice and Consent process. I urge my colleagues to support the nomination of Margaret Morrow and to vote for her confirmation.

Mr. LEAHY. Mr. President, Senator ASHCROFT feels strongly about the validity of citizen initiatives. So do I. So does Margaret Morrow. As she explained to the Committee when she testified and reiterated in response to written questions, she fully respects and honors voters choice.

Ms. Morrow has explained to the Committee that she is not anti-initiative in spite of what some would have us believe. In response to written questions, she discussed an article she wrote in 1988 and explained, in pertinent part:

> My goal was not to eliminate the need for initiatives. Rather, I was proposing ways to strengthen the initiative process by making it more efficient and less costly, so that it could better serve the purpose for which it was originally intended. At the same time, I was suggesting measures to increase the Legislature's willingness to address issues of concern to ordinary citizens regardless of the views of special interests or campaign contributors. I do not believe these goals are inconsistent.
>
> . . . . The reasons that led Governor Johnson to create the initiative process in 1911 are still valid today, and it remains an important aspect of our democratic form of government.

Does this sound like someone who is anti-democratic? No objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her 1988 article even suggests that.

After the November 1988 elections in California, she was writing in the aftermath of five competing and conflicting ballot measures on the most recent California ballot. They had been placed there by competing industry groups, the insurance industry and lawyers each had their favorites, and each group spent large sums of money on political advertising campaigns to try to persuade voters to back their version of car insurance restructuring. It was chaotic and confusing for commentators and voters alike.

Rather than throw up her hands, Margaret Morrow wrote in a bar magazine as President of a local bar association that lawyers could contribute their skills to make the process more easily understood by those voters participation is limited to reading the ballot measures and descriptions and voting.

Her concerns were not unlike those of our colleague from Arizona, who proclaimed last year that when the voters of Arizona adopted a state ballot measure to allow medical use of marijuana, they had been duped and deceived. Indeed, Senator KYL criticized that ballot initiative passed by the voters of Arizona during the last election and said: ''I believe most of them were deceived, and deliberately so, by the sponsors of this proposition.''

Senator KYL proceeded at a December 2, 1996 Judiciary Committee hearing to focus on the official description of the proposition on the Arizona ballot as misleading. His approach was similar to what the majority did on the 9th Circuit panel that initially held the California term limits initiative unconstitutional, but that does not make Senator KYL a ''liberal judicial activist.''

I also recall complaints from conservative quarters when the people of Houston reaffirmed their commitment to affirmative action in a ballot measure last fall. They complained that the voters in Houston had been deceived by the wording of the ballot measure.

There have been problems with citizen initiatives and the campaigns that they engender. But that problem is not with Margaret Morrow or her commitment to honor the will of the voters. The problem is that they are being utilized in ever increasing number to circumvent the legislature and the people's will as expressed through their democratically-elected representatives. They are no longer the town meeting democracy that we enjoy in New England but the glitzy, Madison Avenue, poll-driven campaigns of big money and special interest politics.

Margaret Morrow was right when she pointed out that these measures, their ballot descriptions and their advertising campaigns ought to be better, more instructive, more clearly written. The thrust of that now-controversial article was that lawyers should contribute their skills better to draft the measures so that once adopted they are clear and controlling, so that they are not followed by court challenges during which courts are faced with difficult conflicts over how to interpret and implement the will of the people.

We know how hard it is to write laws in a way that they are binding and leave little room for misinterpretation. With all the staff and legislative counsels, and legal counsels and specially-trained legislative drafters and Congressional Research Service and hearings and vetting and comments from Executive Branch departments and highly-skilled and experienced and highly-paid lobbyists, Congress has a difficult time writing plain English and passing clear law. Were it not for the administrative agencies and supplemental regulatory processes even more of our work product would be the target of legal actions by those who lost the legislative battle over each contested point.

For those who preach unfettered allegiance to initiatives, I commend their rhetoric but note that it does not advance us. The questions in most of the subsequent legal challenges to voter-passed ballot measures are either what does it mean or was it passed fairly. Both those questions are premised on an acceptance of the will of the voters.

For example, the first challenge to the California term limits initiative was not that in Federal court that resulted in the split opinion by a panel of the Ninth Circuit that is later reversed. No, the earlier challenge was in the state courts and reached the California Supreme Court. The California Supreme Court was required to determine, what did the ballot measure say, was it written to be a lifetime ban or a limit on the number of consecutive terms that could be served.

That was not an easy question given the poor drafting of the measure and the official materials that described it to the voters. Indeed, the California Attorney General, a conservative Republican, argued that the measure meant only to be a limit on the number of consecutive terms. After three levels of state court proceedings and months and months and hundreds of thousands of dollars in legal fees the case was decided by a split decision of the California Supreme Court.

The Federal challenge to the statute followed on the alternative ground that the voters were not clearly informed what the measure meant. This is only important for those who cherish the will of the voter and want to protect against voter fraud.

On citizen initiatives, Margaret Morrow has told the Committee:

> I support citizen initiatives, and believe they are an important aspect of our democratic form of government. . . .

I believe the citizen initiative process is clearly constitutional. I also recognize and support the doctrine established in case law that initiative measures are presumptively constitutional, and strongly agree with [the] statement that initiative measures that are constitutional and properly drafted should not be overturned or enjoined by the courts.

Contrary to the impression some are seeking to create about her views, she told the Committee:

In passing on the legality of initiative measures, judges should apply the law, not substitute their personal opinion of matters of public policy for the opinion of the electorate.

I am disappointed to see that some have sought to make the nomination of Margaret Morrow into a vote about guns; it is not. During two years of consideration by the Judiciary Committee and through two sets of hearings and waves of written questions, no one even asked Ms. Morrow about guns.

Nonetheless, some who have sought to find a reason to oppose Ms. Morrow have fastened upon a few phrases taken out of context from a National Law Journal article from October 1993 that discussed the 67th California State Bar conference. This meeting followed the July 1993 killings in the San Francisco offices of the law firm of Pettit & Martin.

The National Law Journal's report notes that the representatives of the local voluntary bars considered 100-plus resolutions for referral to the State Bar's Board of Governors. The fact missed by those who are seeking to criticize this nominee is that the State Bar took no anti-gun action.

The National Journal report noted that the widow of one of the victims pleaded at a reception that the convention ''take action on gun control.'' What has gone unrecognized is that in spite of the emotional rhetoric at the conference, the California State Bar took no such action. Instead, mindful of the legal constraints on bar associations and the United States Supreme Court decision in *Keller* v. *State Bar*, the conference scaled back anti-gun resolutions. A resolution calling for a ban on semiautomatic handguns from the San Francisco delegation was reworded as a safety measure for judges, other court personnel and lawyers. A resolution from the Santa Clara delegation was turned into a mere call for a study.

The Chairwoman of the conference was not Margaret Morrow but Pauline Weaver of Oakland. Margaret Morrow was not installed as the new President of the California State Bar until the end.

Ms. Morrow told the National Law Journal that the bar should act like a client and do what is right by following the legal advice of its lawyers. That is what the California State Bar did under Margaret Morrow. In fact, and this is the key fact missed by those who seek to criticize Ms. Morrow, the California State Bar followed the law as declared by the United States Supreme Court and did not take action on gun control.

Mindful of the strictures of law, Margaret Morrow appointed a special committee of the Board of Governors to review the resolutions that had been recommended at the conference. Based on the recommendations of that committee, the Board of Governors of the California State Bar did not take a stand on gun control and did not even adopt the resolutions passed at the State conference.

This is hardly a basis on which to oppose this outstanding nominee. First, she was not involved in the efforts by some to push gun control resolutions through the State Bar, following the horrific killings in the San Francisco law offices a few months before. Second, she was not installed as the President of the State Bar until the end of the conference. Third, the actions she took as President were essentially to make sure the Board of Governors understood the law and the limits on what they could do.

So, in spite of the emotional plea by victims and the desires of certain activists, the California State Bar did not adopt gun control resolutions in 1994 and did not act to use mandatory dues for political activities. Far from demonstrating that she would be a judicial activist or is anti-gun, these facts show how constrained Margaret Morrow was in making sure the law was followed and everyone's rights were respected.

I grew up hunting and fishing in the Vermont outdoors and I enjoy using firearms on the range. I believe in the rights of all Americans to use and enjoy firearms if they so desire. I voted against the Brady bill and other unconstitutional anti-gun proposals. I have no reason to think that Margaret Morrow will judicially impose burdens on gun ownership.

I urge others to review the facts. I am confident that they will come to the same conclusion that I have with respect to the nomination of Margaret Morrow and the lack of any basis to conclude that she is anti-gun.

I ask unanimous consent that a January 15, 1998 letter to Senator BOXER signed by 11 members of the Board of Governors of the California State Bar that year be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1998.

Re Margaret M. Morrow: Judicial nominee for the Central District of California.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We write concerning the nomination of Margaret M. Morrow to the United States District Court for the Central District of California. It has recently come to our attention that various individuals and/or groups have charged that Ms. Morrow ''vowed to push a gun control resolution'' through the State Bar of California during the year she served as President of that association.

Each of us was a member of the State Bar Board of Governors during Ms. Morrow's year as President. We represent a broad spectrum of political views. We are Republicans and Democrats, liberals and conservatives. We write to inform you that Ms. Morrow did not advocate that the State Bar take a position on gun control, and that the association in fact did not take a position on the issue during the 1993–1994 Board year.

The assertion that Ms. Morrow vowed to push gun control appears to emanate from an article that appeared in the National Law Journal concerning the 1993 State Bar Annual Meeting. At that meeting, the Conference of Delegates, which is comprised of representatives of voluntary bar associations throughout California, passed two resolutions that called upon the State Bar to study the possible revision of laws relating to firearms, and propose and support measures to protect judges, court personnel, lawyers, lawyers' staffs and lawyers' clients from gun-related violence. These resolutions were passed in the wake of a shooting incident at a prominent San Francisco law firm that took the lives of several of the firm's lawyers and employees.

At the time the Conference resolutions were passed, Ms. Morrow had not yet assumed the office of President. When asked how the Board of Governors would respond to the resolutions, she told the National Law Journal that she would ''discuss Keller strictures with the Board,'' and also that she believed the bar ''should act more like a client, . . . that is, get legal advice, 'assess the risks and then do what is right.' '' Ms. Morrow's reference to ''Keller strictures'' was a reference to the United States Supreme Court's decision in *Keller* v. *State Bar*. That case held that the bar could not use mandatory lawyers' dues to support political or ideological causes.

On its face, therefore, the National Law Journal article does not support the assertion that Ms. Morrow ''vowed to push a gun control resolution'' through the State Bar. Rather, it reports that she vowed to discuss legal restrictions on the bar's ability to act on such a resolution with other members of the Board.

Ms. Morrow's actions in the months that followed the Annual Meeting further demonstrate that she followed the law as it relates to this subject. Consistent with usual State Bar procedure, the resolutions passed by the conference of Delegates were considered by the Board of Governors. Because of the legal issues involved, Ms. Morrow appointed a special committee of the Board to review the resolutions and recommend a position to the full Board. Based on the committee's recommendation, the Board did not adopt the resolutions passed by the Conference. Rather, it adopted a neutral resolution that called on lawyers to ''participate in the public dialogue on violence and its impact on the administration of justice,'' and suggested that the State Bar sponsor ''neutral forums on violence and its impact on the administration of justice.'' The even-handed tone of the resolution was due, in large part, to the belief of Ms. Morrow and others that the Board should not violate Keller's spirit or holding. Stated differently, Ms. Morrow and the Board followed the law, and avoided taking a stand in favor of or against gun control.

We hope these comments help set the record straight with respect to Ms. Morrow's actions as President of the State Bar.

Very truly yours,
Michael W. Case,
Maurice L. Evans,
Donald R. Fischbach,
Edward B. Huntington,
Richard J. Mathias,
James E. Towery,
Glenda Veasey,
Hartley T. Hansen,
John H. McGuckin, Jr.,
Jay J. Plotkin, and

Susan J. Troy.

Mr. LEAHY. Mr. President, I note that Senators ASHCROFT and SESSIONS have not challenged Ms. Morrow's truthfulness before the Committee. At their press conference last fall announcing their opposition to her nomination, they were careful to avoid such personal attacks. Instead, they based their conclusions on her writings. I disagree with them and agree with those who read those writings in context. That is a disagreement, we draw different conclusions from the same words. That is understandable.

What I do not understand is how anyone can continue to repeat the claim that Ms. Morrow was not truthful with the Committee. She was required to answer more litmus test questions and was more forthcoming than any nominee I can remember.

Some have made the confirmation process into an adversary process. Ms. Morrow is not paranoid; someone has been out to get her.

In this difficult context, in which the Morrow nomination was targeted by forces opposing the filling of judicial vacancies, charges against Ms. Morrow's integrity and character remain out of line and unfounded. Unfortunately, I have heard repeated over the last day the charge that Ms. Morrow provided a false answer to a written question propounded at the Committee. That is incorrect.

While I will not take the Senate's time to refute all of the unfounded arguments that have been used in opposition to this nomination, I do want to clear up the record on this. This is a matter of honor and honesty. I do not want the record left unchallenged should her son, Patrick, come to read it someday.

The written questions propounded long after the Committee deadline following the March 18, 1997 hearing included the following: ''Are there any initiatives in California in the last decade which you have supported? If so, why? Are there any initiatives in California in the last decade you have opposed? If so, why?''

On April 4, the nominee responded in writing noting:

I have not publicly supported or opposed any initiative measure in the past decade, with one exception.'' The nominee proceeded in her answer to describe her participation as a member of the Los Angeles County Bar Association Board of Trustees in a unanimous vote authorizing the Association to oppose a measure sponsored by Lyndon LaRouche concerning AIDS, a measure that was also opposed by Governor Deukmejian and many others.

I raised objection to these questions at a meeting of the Committee on April 17 because I saw them as asking how Ms. Morrow voted on the more than 150 initiatives that Californians had considered over the last 10 years. Later, the Senator who submitted these questions indicated that he did not intend to ask how the nominee voted and he revised the questions. When he did, he resubmitted another set of supplemental written questions to the nominee on April 21, he acknowledged that 160 initiatives have been on the ballot in California in the last 10 years and he disavowed any interest whether or not the nominee voted on the initiatives but asked for ''comment'' on a list of initiatives.

Some have come to contend that the portion of the answer about public support or opposition to initiatives was ''intentionally or unintentionally'' not truthful information. Their supposed ''smoking gun'' is a November 1988 article in the Los Angeles Lawyer magazine. What this contention about dishonesty ignores is that the nominee had previously furnished the Committee with the November 1988 article and that article had been inquired about at the March 18 hearing and in the follow up written questions. In fact, the written questions that included the ones at issue contained quotes from the article and questions specifically about it. Thus, no one can seriously contend that this article was unknown to the Committee or that the nominee had failed to disclose it.

Equally important, and the reason I suspect that the nominee did not refer to the article in her written response to the questions in issue, was that the article was not relevant to these particular questions. Preceding questions had inquired about the meaning of the article. The questions in issue ask about support or opposition for initiatives and appear to inquire about such support or opposition for initiatives in the course of their being considered by voters in California.

By contrast, the article concerned measures that had already been acted upon by the voters of California, including one that had been considered two years previously. They were not support for or opposition to these initiatives, as the nominee, or, for that matter as I, understood those questions. They were commentary after the fact by way of comment upon the growing resort to initiatives in California and ways lawyers might help to improve the initiative process and the drafting and consideration of initiatives as well as a call for the State legislature to function more efficiently.

Indeed, when the author of those questions received the initial answer, he did not question that it was untruthful or feign ignorance of the November 1988 article. Instead, when he revised and resubmitted supplemental questions he prefaced his revised question by noting that he was aware of the nominee's ''public comments regarding citizen initiatives.''

Thus, no one can fairly believe that this nominee's answer was incomplete or deceptive for having failed to include express reference to an article that was not advocating in favor or in opposition to a pending initiative and about which the questioner had knowledge, had already specifically inquired and on which the questioner promptly professed knowledge.

Stripped of the rhetoric and hyperbole, there is simply no basis to contend that this nominee mislead the Committee by her answer. This is no basis to question her candor. Any purported ''major misstatement of fact'' is not that of this nominee but would be of those who accuse her of a lack of honesty or candor.

No fair and objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her statements suggests a basis for any such assertion.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. The Senator from Missouri said I could yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to make a few comments regarding the nomination of Margaret Morrow.

Some of my colleagues on the other side have attempted to argue that Ms. Morrow has been treated unfairly. This unsubstantiated argument is based partly on the questions she was asked in the Judiciary Committee. However, all that some of us were trying to achieve in asking those questions was to attempt to understand what Ms. Morrow's views were on a number of important issues to the American people. In particular, we've had a number of Federal judges overturn popular initiatives, in direct conflict with voters' decisions. The last thing we need is another Federal judge that will defy what the voters have decided. Ms. Morrow has spoken against citizen initiatives and has publicly opposed specific ballot initiatives. So, we believed it was important to understand better what kind of a judge she might be.

Now, we've heard Margaret Morrow was reported out of the Judiciary Committee in the last Congress without a problem. So, why is there a problem now? Well, I think to our credit, we on this side tried to give the President a great deal of deference regarding his nominees. But, as Senator HATCH and others have pointed out, the President has appointed a number of judges who have taken it upon themselves to try to make the law, and have angered the public in doing so. This record now demands the kind of scrutiny Senator LEAHY advocated, which has been absent until the last couple of years or so. I've received a great deal of letters from my State asking me to do a better job of scrutinizing nominees.

Of course, after getting used to us rubber-stamping nominees, I'm sure it's been quite a shock to see Republicans borrowing from the Democrats' playbook and turning the tables. Over the last year, I've heard irresponsible and overheated rhetoric directed at Republicans regarding judicial nominees.

To suggest, as some misguided Members have, that Ms. Morrow's gender is a factor in our decision to ask her

questions, or even oppose her nomination, is both irresponsible and absurd. As others may have noted, we've processed around 50 women judicial nominees for President Clinton, including Justice Ginsberg, and I've supported almost all of them. As a matter of fact, the first nominee unanimously confirmed last year was a woman candidate, and we've already confirmed a couple this year. It's just absurd to think that any Senator makes his or her decision on a nominee based on gender or race.

Mr. President, I sent Ms. Morrow five pages of questions in total. As a contrast, I sent Merrick Garland 25 pages of questions. So, 5 pages versus 24 pages. And, we're supposedly unfair to Ms. Morrow. Figure that one out.

I must say though, it was easier getting Mr. Garland to respond to his 25 pages of 100 or so questions than it was to get Ms. Morrow to answer her 5 pages.

Mr. President, when a judicial nominee, whether a man or a woman, writes an article which is critical of democratic institutions like the citizen initiative process, it is our duty as Senators to learn the reasons for this. How can a Senator reasonably give advice and consent without understanding a potential judge's position on such fundamental issues? With the recent propensity of Federal judges, especially in California, to overturn Democratic initiatives on shaky grounds. It's important that we not confirm another activist judge who is willing to substitute his or her will for that of the voters.

I recall during the Democrat-run confirmation hearings of various Republican nominees the issue of ''confirmation conversion'' was a recurrent theme.

But, now the shoe is on the other foot. When Ms. Morrow answered written and oral questions contradicting her former beliefs on certain issues, I became somewhat concerned. Several of my followup questions related to such ''conversations.'' Where there are discrepancies, we have a duty to uncover the reasons why.

But a more disturbing problem I have seen with Ms. Morrow's writing is that, on number of issues, she doesn't say her views have changed. She says we are misreading her writing. In other words, she doesn't really mean what she appears to say.

In the 1988 article on citizen initiatives, for example, Ms. Morrow writes in language that is highly critical of the voters. She has recently responded that she ''had not meant to be critical of citizen initiatives.'' Yet, in her article she goes so far as to state that

> The fact that initiatives are presented to a ''legislature'' of 20 million people renders ephemeral any real hope of intelligent voting by a majority.

In her statement, Ms. Morrow was basically saying that initiatives are inherently flawed, although now she is translating it differently. So this raises serious questions about Ms. Morrow's ability to enunciate her views in a clear and concise manner, which we all hope judges will do. If such conflicting messages are reflected in her writing as a lawyer, her potential judicial opinions may be equally confusing. How can citizens rely on writings of someone who has a record of contradicting herself?

But, on top of these shortcomings, Mr. President, there is a matter of more importance. Whether intentionally or not, Ms. Morrow has, unfortunately, provided false and misleading information to the Judiciary Committee. And, I believe the integrity of the committee and the nomination process is at stake.

When asked her views on a number of initiatives, Ms. Morrow first responded by stating unequivocally, ''I have not publicly supported or opposed any initiative measure in the past decade with one exception.'' And, then she mentioned a specific initiative from 1988 sponsored by the extremist Democrat, Lyndon Larouche, that she opposed.

But, despite Ms. Morrow's unequivocal denial, in 1988 it turns out she also publicly attacked three other initiatives that pitted the insurance industry against trial lawyers. Ms. Morrow wrote, ''Propositions 101, 104 and 106 were, plain and simple, an attack on lawyers and the legal system.'' In 1988, she went on to attack a 1986 proposition that would have reduced the salaries of public officials. She argued it would have ''driven many qualified people out of public service.'' Of course, we hear that worn out argument every time we debate our own pay raises.

Now, Ms. Morrow had stated, without question, that she had not taken any public position on these initiatives whatsoever. And, after creating this foundation of sand, she used it to refuse to answer questions on her views.

Well, the foundation crumbled after the chairman demanded responses, and perhaps the nominee realized her misinformation had been discovered. Only then did she finally provide more responsive answers to the questions.

But, the fact remains that regardless of whether there was an intention or motive, false and misleading information was provided to the Judiciary Committee by the nominee, an experienced lawyer, who one would presume either knew, or should have known, what she was doing. If she indeed didn't realize what she was doing, then one has to question her ability to be careful with the details, which would reflect on her ability to function as a Federal judge.

Now, I'm sure that many of you are unaware of this problem, so I'm bringing it to your attention. Unfortunately, some have tried to make the feeble argument that these were just mistakes that should be overlooked. Well, this isn't a mistake of failing to provide articles to the committee, which the nominee did. This isn't a mistake of quoting a controversial statement of Justice Brennan, and they saying she pulled the quote from some book, but hadn't read the context of the quote, and didn't know what it meant.

This is a major misstatement of fact, that was used as the basis for not responding to the committee. This is not what we expect from lifetime tenured judges. Mr. President, this is below the standard we all demand. This is below the standard afforded most Americans in their dealings with the government. For these reasons Mr. President, I will vote against the nominee.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask that I be able to speak for 5 minutes and retain the remainder of my time, and Senator HATCH would like to have his 5 minutes retained as well. My understanding is I have 10 minutes, he has 5 minutes, and I will now use 5 minutes of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I want to put in the RECORD an article from the Los Angeles Lawyer, November 1988, that directly refutes the remarks by the Senator from Iowa, Senator GRASSLEY, who said that Ms. Morrow misled the committee and publicly took a stand on initiatives when clearly in this article it is very obvious she wrote about these after those initiatives were voted on in all cases. I think it is very serious that the Senator from Iowa, who is my friend and we work on many issues together, would misstate what occurred.

So, Mr. President, at this time I would place this article in the RECORD. She says she is commenting on initiatives that had appeared on the November 8 ballot in one case. On the other she commented on an initiative that was voted on 2 years prior. So I ask unanimous consent that be printed in the RECORD for starters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFORMING THE INITIATIVE PROCESS—AN OPPORTUNITY TO RESTORE RESPONSIBLE GOVERNMENT TO CALIFORNIA

(By Margaret M. Morrow)

We in California have this month concluded the single most expensive and one of the most complicated initiative campaigns in history. I refer, of course, to the battle over Propositions 100, 101, 103, 104 and 106, the insurance and attorneys' fees initiatives, which appeared on the November 8 ballot. Much as we might like to dismiss these propositions and the campaigns they spawned as an aberration, we cannot do so. The cost and tone of the campaigns, and the complexity of the measures involved, are simply the latest examples of a disturbing trend toward overuse and abuse of the initiative process.

Much of the rhetoric in the recent campaign focused on lawyers, and much of the spending pro and con was done by lawyers. Insurance industry Propositions 101, 104 and 106 were, plain and simple, an attack on lawyers and the legal system. They were not the first such assault and they probably will not be the last. Self-interest alone, therefore,

may dictate that lawyers examine the initiative process to see if it is serving the purpose intended by its creators. Our responsibility as citizens compels us to do so as well, since recent abuse of the initiative process is but one symptom of a general malaise in government in this state.

The right of initiative was placed in the California Constitution in 1911, as part of a series of reforms championed by populist Governor Hiram Johnson. Johnson believed that the initiative would serve as a check on the unaccountable, corrupt or unresponsive legislature, and would provide a grass roots vehicle for citizens who saw their desires thwarted by elected representatives.

The initiative was never intended to serve as a substitute for legislative lawmaking, nor as a weapon in the arsenal of wealthy special interest groups. In reality, however, it has become both of these things.

DRAMATIC INCREASE

The number of initiatives put before the public has risen dramatically in recent years. Only 17 initiatives were filed in the 1950s. This number rose to 44 in the 1960s, and leaped to 180 in the 1970s. Thus far in the 1980s, 204 initiatives have been filed. There were 12 on this month's ballot alone, covering such diverse topics as the homeless, AIDS, insurance rates, attorneys' fees, cigarette taxation and part-time teaching by judges at public universities and colleges.

This increased use of the initiative process is attributable to a number of factors. In recent years, California legislators have become so beholden to special interest groups for campaign financing and added personal income that they have been paralyzed to act on controversial measures negatively impacting their benefactors. One need look no further than tort reform and insurance reform, the meat of Propositions 100, 101, 103, 104 and 106, to see that this is true. Bills on these subjects have been consistently opposed by trial lawyers associations on the one hand, and the insurance industry on the other. Whether one favors reform in these areas or not, it is hard to argue with the fact that their movement in the legislature has been stymied not on the merits, but because of the perceived power of the interests involved. This lawmaking paralysis, coupled with tales of corruption in Sacramento, has led the public to lose confidence in and to mistrust state government. A natural side effect has been an increase in the popularity of the initiative.

Special interest groups, too, have begun to perceive the utility of the initiative in pushing their agendas. Measures sponsored by such groups often lend themselves to packaging for mass media consumption. Initiatives, moreover, get less scrutiny than legislative bills, and frequently this is just what their interest group sponsors want. In the legislature, many eyes review a bill before it is put to a final vote. Legislative counsel examines it for technical or legal shortcomings. Various committees look at it from different perspectives. Pros and cons are debated, and compromises are reached.

The public, by contrast, casts its vote for initiatives on the basis of 30- and 60-second advertisements which ignore or obscure the substance of the measure, and which focus instead on who sponsors the proposition. The process allows for no amendment or compromise. An initiative is an all-or-nothing proposition.

Reformers and special interest groups have been joined, ironically enough, by politicians and officeholders in frequent resort to the initiative. Lawmakers, frustrated with being the party out of power or seeking to increase their popularity through association with a successful proposition, have begun to sponsor and promote a variety of initiatives. They do so to circumvent a legislative process they cannot control or to create leverage they can use to manipulate that process more effectively. Personal popularity is enhanced, too, when one lends one's name to a successful ballot proposition.

SPIRALING COSTS

This increased use of the initiative has fundamentally changed the nature of the right. Spiraling costs have made a mockery of its grass roots origins. A good example of the runaway expense associated with most initiative campaigns is Proposition 61, a measure which appeared on the ballot two years ago. This proposal would have drastically reduced the salaries of all government officials, including judges, and driven many qualified people out of public service. The measure was opposed by virtually every recognized organization and by the state's most prominent political leaders. Yet opponents were told that they would have to raise millions of dollars to ensure the measure's defeat. This year's battle over insurance and attorney's fees raises the even more frightening specter of massive campaigns financed by wealth special interest groups. The insurance industry alone has spent something in the range of $50 million promoting its position on Propositions 100, 101, 103, 104, and 106. These kinds of numbers make any true grassroot effort by a group of citizens nothing more than a pipedream.

Misleading advertising and reliance on seconds-long television and radio spots, moreover, defeat any chance that citizens can obtain the information necessary to cast an informed vote. The fat that initiatives are presented to a ''legislature'' of 20 million people renders ephemeral any real hope of intelligent voting by a majority. Only a small minority of voters study their ballot pamphlet with any care and only the minutest percentage take time to read the proposed statutory language itself.

Indeed, it seems too much to ask that they do, since propositions are often lengthy and difficult for a layperson to understand. Proposition 104, for example, consumed almost 13 pages of small, single-spaced type in the most recent ballot pamphlet and concerned some of the most technical aspects of the Insurance Code. The problem is exacerbated by the fact that paid advertising and news reports tend to focus on the identity of the proponents and opponents and on how much money each campaign is spending, rather than on the substance of the measure and the arguments in favor of or against it. Some advertising, in fact, is affirmatively misleading concerning the content and effect of the initiative.

To add to the confusion, many initiatives are poorly drafted, internally inconsistent or hopelessly vague. Bills introduced in the legislature are subjected to many levels of review before final passage, and drafting or clarity problems usually surface and are resolved before a final vote is taken. Initiatives, by contrast, receive no prior review before being put to a vote of the people. The likelihood of any subsequent review is minimal too, since an initiative, once approved, can only be amended by another vote of the people.

The net result is that many of the more complicated measures passed by the voters end up in the courts for final review.

As David Magleby of Brigham Young University, a leading authority on the initiative process, has said, ''Unlike other political processes, there are no checks and balances on the initiative process [other] than the courts.'' The courts are thus forced to become ''the policeman of the initiative process.''

Requiring that the courts assume this role is not good for the public image of the judiciary or of the legal profession. Having passed an initiative, voters want to see it enacted. They view a court challenge to its validity as interference with the public will, and blame the lawyers and judges who control the legal process for thwarting the public's directive.

* * * * *

numerous proposals for reform of the initiative process over the years. Some have urged that contributions to initiative campaigns be limited, and that disclosure of financial backers be required in all campaign advertising. Others have suggested that initiatives go directly to the legislature for a vote before being presented to the electorate. Still others have proposed that all initiatives be screened by the Secretary of State's office for legal and drafting problems before they qualify for the ballot. Several of these ideas are sound and would address some of the most glaring problems with the initiative process as it now operates. Given the campaign we have just endured, we must hope that these proposals are resurrected quickly and implemented swiftly.

Initiative reform, however, is not enough. There must be in addition an overhaul of the way business gets done in Sacramento, so that the legislature can function as it should and resort to the initiative is not necessary. Limits on campaign spending, higher salaries coupled with rules prohibiting the taking of honoraria and gifts, quarterly disclosure of contributions by legislators and serious self-policing through active ethics committees in the Assembly and Senate are just a few of the ideas which should be explored. Whatever the solution, legislators must become what they were intended to be—representatives of the people, not puppets of a panoply of interest groups who define public good in terms of their own pocketbooks.

Lawyers and lawyers' organizations should be at the forefront of these reform efforts. Lawyers are among those most uniquely concerned with the interpretation of laws and the enforcement of legal rights. We are among those most familiar with the delicate balance between executive, legislative, and judicial branches envisioned by the founders of our democratic form of government. Our traditions and our rules of professional responsibility, moreover, obligate us to work for the public good. There is no greater public good than strong, effective, good government.

We lawyers assert that we are among the leaders of society, and it is time we began to act the part. I intend to establish a committee to examine existing proposals for reform, explore other options and recommend a course of action. Our Association has a real opportunity, which we cannot ignore, to contribute to restoring responsible government of California. We welcome your ideas and support.

Mrs. BOXER. I also want my colleagues to understand that the Senator from Iowa asked Ms. Morrow in an unprecedented request which, frankly, had Senators on both sides in an uproar, to answer the question how she personally voted on 10 years' worth of California initiatives. It was astounding. I remember going over to my friend, whom I enjoy working with, and I have worked with him on so many procurement reform issues, and I said, ''Senator, I can't imagine how you would expect someone to remember how they voted on 160 ballot measures,'' some of which had to do with

parks, some of which had to do with building railroads, some of which had to do with school bond measures. And besides, I always thought—and correct me if I am wrong—we had a secret ballot in this country; it is one of the things we pride ourselves on.

Now, Margaret Morrow has been forthcoming. That is why she has the strong support of Senator ORRIN HATCH, and let's read what Senator HATCH has written about Margaret Morrow.

Mr. GRASSLEY. Mr. President, since my name was mentioned, I would like to respond, if the Senator would yield.

The PRESIDING OFFICER. Does the Senator from California yield?

Mrs. BOXER. Yes. I will be happy to allow a 30-second response.

Mr. GRASSLEY. I will only remind the Senator from California that the point I was making is not when—the question I was proposing is not when Ms. Morrow responded. The question is that she said she did not take a position on public policy issues except for that one, and she did take, we found out that she did take positions on public policy issues. So she was misleading.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. If I might make a point here. When one is asked if one took a stand on an initiative, one would assume the critical point is at what time you speak out about it. My goodness, if we are forbidden as human beings, let alone the head of a bar association, to comment on what voters have voted on and to talk about ways the initiative process can be improved—and I am going to put into the RECORD her remarks on that point because she has such respect for the initiative process. She has thought about ways to improve it—if we are gagged as human beings from commenting on what the voters have voted on, this is a sad state of affairs for this country.

So I want to talk about what Senator HATCH has said about Margaret Morrow. I think it is important. He said it himself quite eloquently at the beginning of this debate. But I want to reiterate because he sent a letter out to all of our colleagues, and he talked about the comment that Margaret Morrow made that has been so taken out of context by my colleagues.

He said that the committee, the Judiciary Committee, studied Margaret Morrow's response to make a decision as to whether she was an activist judge, and they concluded that her explanation was in keeping with the theme of her speech. And essentially, Senator HATCH goes on to say, ''[T]he nominee went to some lengths in her oral testimony and her written responses to the Committee to espouse a clearly restrained approach to the constitutional interpretation and the role of the courts.''

Then he goes on to say the following:

> In supporting the nomination, the Committee takes into account a number of factors including Ms. Morrow's testimony, her accomplishments and her evident ability as an attorney, as well as the fact that she has received strong support from a number of Republicans.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask I be allowed another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So my colleagues have every right to oppose Margaret Morrow. My goodness, it is a free country. They have every right to vote against her and speak against her. But I would like when we have arguments in the Chamber, particularly where someone is not present, that these arguments be true, that these arguments hold up, that these arguments are backed up by the facts.

I want to point out that in several of my colleagues' dissertations here today, they have talked about other lawyers, they have talked about other judges. It is extraordinary to me that they do not want Margaret Morrow, so they talk about three other judges. Margaret Morrow is Margaret Morrow. She is not judge X, judge Y or judge Z. She is Margaret Morrow. She is coming before us, the second woman ever elected to head the Los Angeles County Bar Association, the first woman ever elected to head the California State Bar Association. This is the largest State bar in any State. Republicans voted for her for that position. Democrats did as well. She has the most extraordinary support across the board.

So when we attack Margaret Morrow, my goodness, don't talk about other judges. Talk about Margaret Morrow. If my colleagues are running for the Senate, they want to be judged on who they are, what do they stand for, not to stand up and say, well, I can't vote for this candidate X because he or she reminds me of candidate Y, and if he gets in, he will act like candidate Y.

One great thing about the world today is we are all individuals. We are all human beings. God doesn't make us all the same. That is why I am going to vote against cloning. We are different than one another. So when you attack Margaret Morrow, I think you need to do it in a fair way, not by the fact that another judge ruled a certain way. And when I come back to my last 5 minutes, I will continue on this theme.

I yield back and retain my time.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT. Mr. President, I yield to myself the remainder of the time and ask you to inform me when there is 1 minute remaining.

I am concerned about this nominee who has indicated that when the people are involved in developing the law through a referendum, you don't get intelligent lawmaking. I am concerned about that because from her writings it appears that the Ninth Circuit Court of Appeals embraced that very view. When the Ninth Circuit Court of Appeals sought to set aside the California voters' commitment to term limits, they did so based on what they considered to be the lack of expertise of the people. Here is what Judge Reinhardt said when he set aside the term limits initiative in California:

> The public lacks legal or legislative expertise—or even a duty to support the Constitution. Our usual assumption that laws passed represent careful drafting and consideration does not obtain.

Where might he get an idea like that idea, to allege that the people are disregarded because they don't have legal training.

Here is what Ms. Morrow said:

> The fact that initiatives are presented to a legislature of 20 million people renders ephemeral any real hope of intelligent voting by the majority.

This is the judge who has been reversed over and over again when the California Ninth Circuit was reversed 27 out of 28 times by the Supreme Court. They are embracing this philosophy in those kinds of items.

Reinhardt said:

> The public . . . lacks the ability to collect and study information that is utilized routinely by legislative bodies.

Where could he have gotten that? Same philosophy as Ms. Morrow who said:

> . . . propositions are often lengthy and difficult for a layperson to understand. The public . . . casts its votes for initiatives on the basis of 30- and 60-second advertisements.

Both of these reflect a distrust of the people: One an activist judge, one of the most reversed judges in history; the other an offering of this administration for us to confirm.

I am calling into question the judgment and the respect that this nominee has for the people. And it is based on her statements. By contrasting her to Judge Reinhardt, I am trying to point out that the same kind of mistakes made by the most reversed judge on the ninth circuit are the kinds of mistakes that you find in Ms. Morrow's writings, and I think it reflects a confidence in lawyers and judges that permits them to do things that the law doesn't provide them a basis to do.

The law says the people of California have a right, if they want to have term limits, to have an initiative that embraces it. But what does Judge Reinhardt say? Judge Reinhardt says:

> Before an initiative becomes law, no committee meetings are held, no legal analysts study the law, no floor debates occur, no separate representative bodies vote on the bill. . . .

He does that as a means of setting aside the law, saying the people are simply too ignorant. They have not studied this carefully enough.

Where would Morrow be on that kind of issue? According to her writings:

> In the legislative, many eyes review a bill before it is put to a final vote. Legislative counsel [another lawyer] examine it for technical or legal shortcomings. Various committees look at it from different perspectives. Pros and cons are debated.

We have already in California and on the west coast in the Ninth Circuit

Court of Appeals, a court of appeals that is reversed constantly. In their setting aside of initiatives, in their invasion of the province of the people, and in their invasion of the legislative function, they take a page out of the writings of this candidate. But I don't think we need more judicial activists. I think it is clear she believes the cutting edge of society should be the law and its profession. I think the cutting edge needs to be the legislature and the people expressing their will in initiatives. That is where the law should be changed. The engine of social change should not be the courts. The engine for social change should be the people and their elected representatives. When the people enact a law through the initiative process, it is imperative that the will of the people be respected.

Even if you graduate from the best of law schools and you have a great understanding of legal principles, our country says that the people who cast the votes are the people whose will is to be respected. Because she seems to believe otherwise, I do not think this nominee should be confirmed by the U.S. Senate.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, at this point, since Senator HATCH is not here, he has given me permission to use up his time and mine, and I assume I have about 7 minutes left.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mrs. BOXER. Mr. President, sometimes I think my colleagues have a very strange definition of activist judge. Listening to them, I think if you have a heartbeat and a pulse, they call you an activist. I mean, I—really, listen to them.

Are you supposed to nominate a person who has not had a thought in her head, who cannot say, 2 years after an initiative passed, that she thought it was good, bad, or indifferent, who cannot comment on a way to make the initiative process better?

They also have a way of selective arguing—selective arguing. In 1988, Margaret Morrow wrote the following. This is directly from an article in 1988, way before she even dreamt of coming before this Senate. Here is what she wrote:

> Having passed an initiative, voters want to see it enacted. They view a court challenge to its validity as interference with the public will.

So here is Margaret Morrow arguing that when the voters pass an initiative, they want it enacted. I see Senator HATCH is here, so when I finish my 2 minutes I am going to yield him his 5 minutes.

I want to say that this is a woman whose practice, if you look at it, is far from anyone's definition of being an activist. These are the areas of law that she has practiced.

Contract disputes, business torts, unfair competition, securities fraud, directors' and officers' liability, employment law, arbitration law, copyright and trademark infringement, libel, partnership dissolution, real estate development, government contracts, and insurance coverage.

So my colleagues paint the picture of someone who is entirely different from Margaret Morrow. Mr. President, I just ask my colleagues on both sides of the aisle to vote on Margaret Morrow. Do not vote on judge X, do not vote on judge Y, don't vote on some ideological basis because you think she is going to be a certain way. Follow the leadership of Chairman HATCH, follow the leadership of the many Republican conservatives who have gone on the line to fight for Margaret Morrow.

I have to say to my colleague from Missouri, thank you for bringing this debate almost to an end. I think I have enjoyed debating you. I wish we could have done it sooner rather than later. But I am pleased that we have reached this day, and to Margaret and to her family, I hope that tonight you will have a reason to celebrate. I can't be sure until the votes are in, but we will know soon.

Finally, Mr. President, I would just like to continue my response to some of the arguments offered by my colleagues, and set the record straight. On the issue of Ms. Morrow's position on ballot initiatives, there are some people who, having read an article she wrote in 1988, believe that Ms. Morrow holds disdain for citizen initiatives. This is completely false. I repeat—any concerns that Ms. Morrow holds a position other than being 100% supportive of citizen initiatives has no basis in fact. In fact, in that 1988 article, Ms. Morrow expressed her concern about misleading advertisements which provide misinformation for voters. This made it hard, she argued, for voters to make meaningful choices and ''renders ephemeral any real hope of intelligent voting by a majority.'' Read in context, this statement concerned the quality of information disseminated to the voters, and was not a comment on the ability of voters to make intelligent choices with the necessary information in hand. Ms. Morrow holds the utmost respect for democratic institutions like the citizen initiative process in California.

In that same 1988 article, Ms. Morrow argued that courts should not be put in the position of policing the initiative process. ''Having passed an initiative,'' she explains, ''voters want to see it enacted. They view a court challenge to its validity as interference with the public will. . . .'' Hopefully my colleagues here in the Senate understand that Ms. Morrow merely advocated reforms that would ameliorate problems in the California initiative process.

For those who may still not be convinced, I would like to read a portion of a letter that I referred to earlier from Robert Bonner, who, as I mentioned, was former U.S. Attorney under President Reagan, former U.S. District Court Judge in the Central District of California and former Head of the Drug Enforcement Administration under President Bush. Mr. Bonner writes:

> The concerns expressed about judicial activism appear to be based on a misunderstanding or misinterpretation of certain articles written by Margaret years ago in her capacity as President of the State Bar of California, the Los Angeles County Bar Association, and the Barristers (young lawyers) section of the Los Angeles County Bar Association. In particular, in 1988, while she was the President of the Los Angeles County Bar Association, Margaret wrote an article concerning the initiative process. The article was critical of the way certain recently concluded initiative campaigns had been run, and suggested ways in which the initiative process could be strengthened by communicating more information to the electorate about the substance of the measures. It also discussed procedural reforms that would assist in correcting the drafting errors that sometimes provide the basis for a legal challenge. Finally, it suggested measures to reduce the influence of special interests and increase the legislature's willingness to address issues of concern to the citizens of the state.
>
> The article does not suggest hostility to the initiative process; rather it seeks to strengthen the process. Margaret's responses to the Judiciary Committee demonstrate that she unequivocally supports the initiative process and believes that all legislative enactments, including initiatives, are presumptively constitutional, and that courts should be reluctant to overturn them. Margaret explained to the committee her desire to strengthen the process, not make it vulnerable to legal challenge. She also explained that the article proposed ways to make the process more efficient and less costly, so that the initiatives could serve the purpose for which they were intended.

To anyone still skeptical, I invite you to call Robert Bonner, who believes in Margaret Morrow. In his letter to Senators BOND, D'AMATO, DOMENICI, SESSIONS and SPECTER, Mr. Bonner urged them to give him a call with any questions.

Finally, the California Research Bureau, which is a branch of the state public library and supplies nonpartisan data to the executive and legislative branches of the California state government, has much the same role as the Congressional Research Service does for the U.S. Legislative Branch. The Bureau put out a study in May of 1997, entitled California's Statewide Initiative Process, which iterated many of the same concerns Ms. Morrow has about the initiative process in California, and which the senior senator from California, Senator FEINSTEIN, referred to during the markup of Ms. Morrow's nomination. For instance, this impartial, non-partisan research service notes that proponents and opponents of a ballot measure may not have the incentive to provide clear information to voters. Further, the Bureau notes that a number of scholars, elected officials, journalists and commissions have examined the initiative process over the last decade.

The Bureau cited to concerns about ''serious flaws that require improvement,'' including limited voter information, deceptive media campaigns,

the lack of legislative review, poor drafting, and the impact of money in the initiative process. In other words, Margaret Morrow believes in ballot initiatives, but has concerns similar to those of the California Research Bureau, a nonpartisan research service for the California State Legislature.

In summary, let there be no doubt that Ms. Morrow supports citizen initiatives as an important part of our democratic form of government. She also subscribes to the position that legislative enactments, including initiatives, are presumed to be constitutional, and that courts should be reluctant to overturn legislation. Margaret Morrow did suggest ways the initiative process could be strengthened by providing more information to the electorate and by correcting the drafting errors that sometimes form the basis for a legal challenge, but she does NOT oppose ballot initiatives.

On charges that she may be a judicial activist, let me make it very, very clear. Ms. Morrow believes in the respective roles of the legislative and judicial branches, and will look to the original intent of the drafters of the laws and our Constitution.

Some have questioned whether Margaret Morrow will be an activist judge. Her critics pulled a quote, out of context, from one of her many speeches, and those critics have decided that that single quote is evidence that Margaret Morrow will be an activist judge. The quote in controversy is from a 1- to 2-minute presentation to the State Bar Conference on Women in the Law. She says: ''For the law is, almost by definition, on the cutting edge of social thought. It is the vehicle through which we ease the transition from the rules which have always been to the rules which are to be.''

As Margaret said during her second hearing, the overall context of that speech concerned how lawyers were going to govern the legal profession. She wasn't speaking of the substance of the law. Rather, she was referring to the legal profession. Her point in that speech was if lawyers have to work 2,000 to 3,000 hours a year in order to have positions in private law firms, how will both men and women in the legal profession govern and balance their careers and their family lives? In her speech at the Women in the Law Conference, Margaret Morrow said: ''[Women lawyers] should reject the norm of 2000-plus hours a year; the norm that places time in the office above time with family . . . We should work to infuse our perspective into the law—our experience as women, as wives, and as mothers.''

I would also refer you to the letter from Robert Bonner which so clearly states that he, and so many other Republians of good reputation, can assure you that Margaret Morrow will not be an activist judge.

Finally, some of her critics base their belief that Ms. Morrow will be an activist judge on a speech she made during her installation as the first woman president of the State Bar of California on October 9, 1993. In her speech, Ms. Morrow quoted Justice William Brennan: ''Justice can only endure and flourish if law and legal institutions are engines of change, able to accommodate evolving patterns of life and social interaction.'' Taken out of context, her critics believe Ms. Morrow will use the courts as an engine of change. However, during her hearing, Ms. Morrow confessed she pulled Justice Brennan's statement from a book of quotes, and she testified that ''The theme of that speech was that the State Bar of California as an institution and the legal profession had to change some of the ways we did business. The quotation regarding engines of change had nothing to do with changes in the rule of law or changes in constitutional interpretation.'' In fact, the speech was about the changes the bar should make so that it would be more responsive to the public. It did not advance a theme that the courts should be engines of change.

To respond to my colleagues' charge that Margaret Morrow advocated gun control while president of the state bar, let me just say that this is patently untrue, and is refuted by 11 of the 21 Members of the California State Bar Board of Governors who were on the board at the time in question. They were there, they know what happened and what didn't happen, and they have signed a letter confirming that Margaret Morrow did not advocate gun control as her critics accuse her of. These 11 members are Republicans and Democrats alike.

These Republicans and Democrats explain in their letter to me that in 1993, the State Bar Conference of Delegates—representatives of voluntary bar associations throughout California—adopted two resolutions calling upon the Bar to study a possible revision of firearms laws and to propose measures to protect judges, lawyers, and others from gun violence. These resolutions were prompted by a tragic shooting incident at a San Francisco law firm in which several people were killed. These resolutions were passed before Ms. Morrow assumed her position as the first woman President of the State Bar of California.

The resolutions were then considered by the State Bar Board of Governors, of which Margaret Morrow was president in 1993–94. She appointed a special committee to consider the firearms resolutions, saying that she wanted to ensure compliance with the Supreme Court decision, Keller v. State Bar, that forbids a state bar from using mandatory lawyers' dues to support political or ideological causes.

The Board of Governors, under Margaret Morrow's leadership, rejected the resolutions passed by the delegates and passed explicitly neutral language instead. Let me repeat this very important point. As President of the State Bar Board of Governors, Margaret Morrow led the Board in deciding to reject resolutions on gun laws passed by the California Bar Conference of Delegates and instead adopted a neutral resolution, which suggested that the State Bar sponsor ''neutral forums on violence and its impact on the administration of justice.'' Therefore, she did the exact opposite of what her critics accuse her of. She followed the law as articulated by the United States Supreme Court, precisely what she will do if she is confirmed as a district judge.

I yield the remaining 5 minutes to the distinguished chairman of the Judiciary Committee, Chairman HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as we close this debate, I would like to take just a moment to reiterate my support for Margaret Morrow. As my friend from Missouri, Senator ASHCROFT, has conceded, Ms. Morrow certainly enjoys the professional qualifications to serve as a United States district court judge.

Unfortunately, those who have chosen to vote against Ms. Morrow have failed to identify a single instance in the nominee's legal practice in which she has engaged in what can be considered as activism. The best the opponents to Ms. Morrow can do is take quotes from several of her speeches and read into that an activist intent. I do not believe, however, that when closely analyzed, those claims stand up. Regarding the two brief statements being used to question Ms. Morrow's propensity to engage in judicial activism, when balanced against the 20-plus-year distinguished and dedicated career, the statements are simply insufficient to determine that Ms. Morrow would be a judicial activist.

The first statement attributed to Ms. Morrow that the ''law is on the cutting edge of social thought,'' when placed within its proper context and read along with the entire speech is not troubling to me. I note that the opposition did not discuss the text of that speech or the theme of the speech, because the speech itself is not controversial in any manner. In fact, the theme of the speech advocates change in the legal profession itself. The speech does not advocate judicial activism. This is why no one has mentioned any other sentence or phrase from the speech. It simply does not advocate activism.

The second statement attributed to Ms. Morrow, that the law and legal institutions are engines of change, was taken from a quote by Mr. Justice Brennan. Whether you agree with Mr. Justice Brennan or not, he was one of the most substantial Justices in history. And she was quoting him. Again, the opposition has not mentioned the theme of the speech from which this quote was taken. The speech also advocated change in the legal profession, not activism in the courts.

I personally believe that the profession could stand some changes in certain areas. It is not fair to this nominee or any other that her entire career

and judicial philosophy be judged on the basis of a few statements, arguably very ambiguous statements. I cannot ignore the overall theme of the speeches from which these statements were taken. The speeches in no way advocated activism. They only advocated change in the legal profession.

Ms. Morrow's legal career speaks for itself. She will be an asset to the Federal bench, in my opinion. Thus, when Ms. Morrow's statements are read in context, they do not paint a picture of a potential activist. Moreover, when asked by the members of the committee to explain her judicial philosophy and her approach to judging, she gave an answer with which any strict constructionist would agree. And when asked to explain whether her speeches were intended to suggest that judges should be litigating from the bench, she adamantly denied such a claim.

Given her plausible explanation of these statements criticized by my good friends from the Judiciary Committee and her sworn testimony that she would uphold the Constitution and abide by the rule of law, I have to give her the benefit of the doubt and will vote to confirm her. I think and I hope my colleagues will do the same.

Ordinarily, I believe that a nominee's testimony should be credited unless there is overwhelming evidence to the contrary. Here, those who oppose this nominee lack such evidence. What they are left with are snippets from some of her speeches, speeches that we are trying to divine the intent of, while lacking the evidence to think otherwise.

I will credit the testimony of the nominee and her stated commitment to the rule of law. I sincerely hope that she will not disappoint me, and I believe that she is a person of integrity and one who will judge, as she has promised, in accordance with the highest standards of the judgeship profession and with the highest standards of the Constitution and the rule of law.

On this basis, I support the nominee. I believe we all should support this nominee. She has had a thorough hearing and we have had many, many discussions of this. But I just don't think we should take things out of context and stop a nominee on that basis.

With that, I hope our colleagues will support the nominee. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Margaret M. Morrow, of California, to be United States District Judge for the Central District of California?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. BREAUX. I announce that the Senator from Kentucky (Mr. FORD) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 67, nays 28, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—67

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Baucus	Feinstein	Mack
Bennett	Frist	McCain
Biden	Glenn	Mikulski
Bingaman	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gregg	Murray
Bryan	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Hollings	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Santorum
Cleland	Jeffords	Sarbanes
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Stevens
Daschle	Kerry	Thompson
DeWine	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Domenici	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Lieberman	

NAYS—28

Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Hagel	Sessions
Burns	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thurmond
D'Amato	Kyl	
Enzi	McConnell	

NOT VOTING—5

Ford	Reid	Warner
Levin	Specter	

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay it on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 299TH ANNIVERSARY OF FRENCH COLONIZATION

Mr. LOTT. Madam President, I rise today to recognize an important day in the history of this nation—a day that may intrigue some of you who are not familiar with Southern history. Tomorrow is the 299th anniversary of the landing of D'Iberville on the shores of present-day Mississippi, and the beginning of the French colonization of the American South.

Madam President, my colleagues are familiar with the English landings in Jamestown and Plymouth, Maryland and Pennsylvania. Some may recall the Spanish settlements up the eastern seaboard or the missions in the far West. But I suspect few of you know of the French colonization of the deep South and the frontier of the future United States, and the deeds of men like Pierre Lemoyne Sieur D'Iberville, the French military officer who began that colonization.

However, down home, all along the Mississippi Gulf Coast, we know and we remember. We remember how D'Iberville's band of French soldiers, hunters, farmers and adventurers began the exploration and occupation of the lower Mississippi valley. We remember that this landing eventually gave birth to towns as far-flung as Biloxi, Natchez, Mobile, New Orleans, Baton Rouge, Memphis, St. Joseph, Detroit, and Galveston.

My native Mississippi Gulf Coast is a place of year-round beauty, romance, and charm. It is easy to understand why the French chose to found their first colony there.

We are throwing a party today, in Biloxi, Mississippi, where D'Iberville landed, 299 years ago tomorrow, and in Ocean Springs, where he built Fort Maurepas. As I am sure you have heard, we know how to throw a party. But next year, on this very day, will be the 300th anniversary of D'Iberville's landing. And I especially want to invite every one of my colleagues and you, Madam President, to attend that celebration.

All along the Mississippi Gulf Coast, from my native Pascagoula west to Pass Christian and Bay St. Louis, hundreds of volunteers are already planning and preparing a vast array of festivals, parties, national sporting events, educational activities, and cultural exchanges with French cities, working to make our 1699 Tricentennial a truly wonderful celebration.

In conjunction with next year's festivities will be the Mardi Gras Celebration in all the coast towns, from Texas to Florida. I believe all of my colleagues are familiar with Mardi Gras.

But the Tricentennial celebrations are more than just festivities. They are celebrations of how really diverse we are in the deep South, how wonderfully varied and multi-cultural our Southern heritage, our American heritage really is, and how much we've accomplished over the past 300 years!

Come to the Gulf Coast next year with us, and help us celebrate that diverse culture, and our hard-won economic prosperity. You might be surprised. You'll find that whether we are of French, Scottish, Irish, Spanish, Yugoslavian, Vietnamese, English, African-American or Native American

ancestry, or a little of everything, we are all fair, honest, hardworking, and friendly to a fault. And we can all cook!! And we all talk with this accent!!

So come down and join us, if not this year, certainly for the big Tricentennial celebration. A lot of faces and names will be familiar to you: Brett Favre, the great NFL quarterback, astronauts Fred Haise of Apollo XIII and Stuart Roosa, and the works of great American painter Walter Anderson and potter George E. Ohr. And the places to see!—the beautiful home of Jefferson Davis, the beaches, the southern way of life, the unique nightlife, the Mardi Gras, the 1699 celebrations and re-enactments.

Madam President, I invite all my colleagues to come down to the Gulf Coast next year and join us in the wonderful celebration of our Tricentennial.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 10, 1998, the Federal debt stood at $5,471,889,906,215.21 (Five trillion, four hundred seventy-one billion, eight hundred eighty-nine million, nine hundred six thousand, two hundred fifteen dollars and twenty-one cents).

One year ago, February 10, 1997, the Federal debt stood at $5,302,292,000,000 (Five trillion, three hundred two billion, two hundred ninety-two million).

Five years ago, February 10, 1993, the Federal debt stood at $4,172,770,000,000 (Four trillion, one hundred seventy-two billion, seven hundred seventy million).

Ten years ago, February 10, 1988, the Federal debt stood at $2,452,575,000,000 (Two trillion, four hundred fifty-two billion, five hundred seventy-five million).

Fifteen years ago, February 10, 1983, the Federal debt stood at $1,194,868,000,000 (One trillion, one hundred ninety-four billion, eight hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,277,021,906,215.21 (Four trillion, two hundred seventy-seven billion, twenty-one million, nine hundred six thousand, two hundred fifteen dollars and twenty-one cents) during the past 15 years.

HUMAN CLONING PROHIBITION ACT OF 1998

Ms. MOSELEY-BRAUN. Madam President, I would like to take a moment to commend my colleagues for voting ''no'' this morning on the effort to shut down debate and take up S. 1601, the Human Cloning Prohibition Act of 1998 without hearings or the benefit of a comprehensive Committee review of the bill.

At the outset, I want to make it clear that I stand with the vast majority of Americans who oppose efforts to clone human beings. S. 1601, however, does much more than that. The bill includes a permanent ban on the act of human somatic cell nuclear transfer, which means taking the nucleus—which contains DNA—from a mature cell and putting it into an egg cell from which the original nucleus has been removed. Although the bill defines the product of such a transfer as an embryo, it is not actually a fertilized egg, as that term is commonly understood. It is an unfertilized egg cell that contains DNA from another source. It is true that if this cell were implanted in a woman's womb, it could very well develop into a baby. However, the cell may also be grown in a laboratory to become skin, nerve, or muscle tissue.

Because of its ban on human somatic cell transfer, there is a strong likelihood that S. 1601 would extinguish biomedical research in several vital areas. Scientists are examining approaches to treating disease that won't depend on drugs, but on stem cells that can differentiate into brain, skin, blood, or heart cells. S. 1601 would put an end to such research whenever somatic cell nuclear transfer is involved. Thus, it would outlaw efforts to create cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for the treatment of spinal cord trauma and paralysis; neural cells to treat those suffering from Parkinson's disease, Huntington's disease, and Lou Gehrig's disease; blood cells to treat cancer anemia and immunodeficiencies; cells for use in genetic therapy to treat 5,000 genetic diseases, including cystic fibrosis, Tay-Sachs, schizophrenia, and depression; liver cells for the treatment of such diseases as hepatitis and cirrhosis; and myriad other cells for use in the diagnosis, treatment, and prevention of a multitude of serious and life-threatening medical conditions.

Consider the effect that S. 1601 would have on research related to the treatment of diabetes. A diabetes patient has a shortage of insulin-producing cells in her pancreas. Somatic cell nuclear transfer technology may allow for the transplantation of a large number of insulin-producing cells into the diabetic patient that would be genetically identical to her. As a result, rejection would not be an issue and the patient would be cured. S. 1601 would stifle research into this promising approach to the treatment of diabetes.

Moreover, S. 1601 would prevent doctors from utilizing certain treatments that already exist, such as an effective therapy for mitochondrial disease, which causes infertility in women.

In sum, too much is at stake to allow legitimate concerns over human cloning to quash the beneficial research and existing treatments associated with somatic cell nuclear transfer. Over 120 medical research, industry, and patient advocacy organizations have expressed the view that S. 1601 would do just that. That is why I am co-sponsor of Senator FEINSTEIN and Senator KENNEDY's substitute bill, S. 1602. This legislation, drafted with the assistance of the National Bioethics Advisory Commission (NBAC), the National Institutes of Health, the American Society for Reproductive Medicine, the Biotech Industry Association, the Department of Health and Human Services, and the Food and Drug Administration, imposes a 10-year ban on the implantation of the product of somatic cell nuclear transfer into a women's uterus. While it bans the cloning of human beings for 10 years, the bill does not prohibit the cloning of molecules, DNA, cells, tissues, or nonhuman animals. It therefore does not restrict important biomedical and agricultural research that will improve the quality of life for millions of Americans and save the lives of many more.

S. 1602 requires that in four-and-a-half years the NBAC prepare and submit a report on the state of the science of cloning; the ethical and social issues related to the potential use of this technology in human beings; and the wisdom of extending the prohibition. The bill also requires the President to seek cooperation with other countries to establish international restrictions similar to those it enumerates.

Madam President, S. 1601 was brought directly to the floor two days after it was introduced without a day of committee hearings or a markup. The Senate did the right thing today when it decided that such a far-reaching bill with so many implications for the future direction of scientific inquiry must be carefully considered in committee. I am confident that we will ultimately agree upon a bipartisan approach to dealing with the issues raised by cloning technology, one that ensures that life-saving medical research will not be threatened. Through its action today, the Senate has sent the message that it intends to give this complex matter the thoughtful and deliberative consideration it deserves.

Mr. HATCH. 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. ROBERTS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. ROBERTS. Madam President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 23, 1998, immediately following the prayer and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place and that the Chair be authorized to appoint a Senator to perform this task.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Louisiana (Ms. LANDRIEU) to read Washington's Farewell Address on February 23, 1998.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–36

Mr. ROBERTS. Madam President, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 11, 1998, by the President of the United States:

Protocols to the North Atlantic Treaty of 1949 on accession of Poland, Hungary, and Czech Republic (Treaty Document No. 105–36.)

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These Protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and the other parties to the North Atlantic Treaty. I request the advice and consent of the Senate to the ratification of these documents, and transmit for the Senate's information the report made to me by the Secretary of State regarding this matter.

The accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO) will improve the ability of the United States to protect and advance our interests in the transatlantic area. The end of the Cold War changed the nature of the threats to this region, but not the fact that Europe's peace, stability, and well-being are vital to our own national security. The addition of these well-qualified democracies, which have demonstrated their commitment to the values of freedom and the security of the broader region, will help deter potential threats to Europe, deepen the continent's stability, bolster its democratic advances, erase its artificial division, and strengthen an Alliance that has proved its effectiveness during and since the Cold War.

NATO is not the only instrument in our efforts to help build a new and undivided Europe, but it is our most important contributor to peace and security for the region. NATO's steadfastness during the long years of the Cold War, its performance in the mission it has led in Bosnia, the strong interest of a dozen new European democracies in becoming members, and the success of the Alliance's Partnership for Peace program all underscore the continuing vitality of the Alliance and the Treaty that brought it into existence.

NATO's mission in Bosnia is of particular importance. No other multinational institution possessed the military capabilities and political cohesiveness necessary to bring an end to the fighting in the former Yugoslavia—Europe's worst conflict since World War II—and to give the people of that region a chance to build a lasting peace. Our work in Bosnia is not yet complete, but we should be thankful that NATO existed to unite Allies and partners in this determined common effort. Similarly, we should welcome steps such as the Alliance's enlargement that can strengthen its ability to meet future challenges, beginning with NATO's core mission of collective defense and other missions that we and our Allies may choose to pursue.

The three states that NATO now proposes to add as full members will make the Alliance stronger while helping to enlarge Europe's zone of democratic stability. Poland, Hungary, and the Czech Republic have been leaders in Central Europe's dramatic transformation over the past decade and already are a part of NATO's community of values. They each played pivotal roles in the overthrow of communist rule and repression, and they each proved equal to the challenge of comprehensive democratic and market reform. Together, they have helped to make Central Europe the continent's most robust zone of economic growth.

All three of these states will be security producers for the Alliance and not merely security consumers. They have demonstrated this through the accords they have reached with neighboring states, the contributions they have made to the mission in Bosnia, the forces they plan to commit to the Alliance, and the military modernization programs they have already begun and pledge to continue in the years to come at their own expense. These three states will strengthen NATO through the addition of military resources, strategic depth, and the prospect of greater stability in Europe's central region. American troops have worked alongside soldiers from each of these nations in earlier times, in the case of the Poles, dating back to our own Revolutionary War. Our cooperation with the Poles, Hungarians, and Czechs has contributed to our security in the past, and our Alliance with them will contribute to our security in the years to come.

The purpose of NATO's enlargement extends beyond the security of these three states, however, and entails a process encompassing more than their admission to the Alliance. Accordingly, these first new members should not and will not be the last. No qualified European democracy is ruled out as a future member. The Alliance has agreed to review the process of enlargement at its 1999 summit in Washington. As we prepare for that summit, I look forward to discussing this matter with my fellow NATO leaders. The process of enlargement, combined with the Partnership for Peace program, the Euro-Atlantic Partnership Council, the NATO-Russia Founding Act, and NATO's new charter with Ukraine, signify NATO's commitment to avoid any new division of Europe, and to contribute to its progressive integration.

A democratic Russia is and should be a part of that new Europe. With bipartisan congressional support, my Administration and my predecessor's have worked with our Allies to support political and economic reform in Russia and the other newly independent states and to increase the bonds between them and the rest of Europe. NATO's enlargement and other adaptations are consistent, not at odds, with that policy. NATO has repeatedly demonstrated that it does not threaten Russia and that it seeks closer and more cooperative relations. We and our Allies welcomed the participation of Russian forces in the mission in Bosnia.

NATO most clearly signaled its interest in a constructive relationship through the signing in May 1997 of the NATO-Russia Founding Act. That Act, and the Permanent Joint Council it created, help to ensure that if Russia seeks to build a positive and peaceful future within Europe, NATO will be a full partner in that enterprise. I understand it will require time for the Russian people to gain a new understanding of NATO. The Russian people, in turn, must understand that an open door policy with regard to the addition of new members is an element of a new NATO. In this way, we will build a new and more stable Europe of which Russia is an integral part.

I therefore propose the ratification of these Protocols with every expectation that we can continue to pursue productive cooperation with the Russian Federation. I am encouraged that President Yeltsin has pledged his government's commitment to additional progress on nuclear and conventional arms control measures. At our summit in Helsinki, for example, we agreed that once START II has entered into force we will begin negotiations on a START III accord that can achieve even deeper cuts in our strategic arsenals. Similarly, Russia's ratification of the Chemical Weapons Convention last year demonstrated that cooperation on a range of security matters will continue.

The Protocols of accession that I transmit to you constitute a decision of great consequence, and they involve solemn security commitments. The addition of new states also will entail financial costs. While those costs will be manageable and broadly shared with

our current and new Allies, they nonetheless represent a sacrifice by the American people.

Successful ratification of these Protocols demands not only the Senate's advice and consent required by our Constitution, but also the broader, bipartisan support of the American people and their representatives. For that reason, it is encouraging that congressional leaders in both parties and both chambers have long advocated NATO's enlargement. I have endeavored to make the Congress an active partner in this process. I was pleased that a bipartisan group of Senators and Representatives accompanied the U.S. delegation at the NATO summit in Madrid last July. Officials at all levels of my Administration have consulted closely with the relevant committees and with the bipartisan Senate NATO Observer Group. It is my hope that this pattern of consultation and cooperation will ensure that NATO and our broader European policies continue to have the sustained bipartisan support that was so instrumental to their success throughout the decades of the Cold War.

The American people today are the direct beneficiaries of the extraordinary sacrifices made by our fellow citizens in the many theaters of that ''long twilight struggle,'' and in the two world wars that preceded it. Those efforts aimed in large part to create across the breadth of Europe a lasting, democratic peace. The enlargement of NATO represents an indispensable part of today's program to finish building such a peace, and therefore to repay a portion of the debt we owe to those who went before us in the quest for freedom and security.

The rise of new challenges in other regions does not in any way diminish the necessity of consolidating the increased level of security that Europe has attained at such high cost. To the contrary, our policy in Europe, including the Protocols I transmit herewith, can help preserve today's more favorable security environment in the transatlantic area, thus making it possible to focus attention and resources elsewhere while providing us with additional Allies and partners to help share our security burdens.

The century we are now completing has been the bloodiest in all of human history. Its lessons should be clear to us: the wisdom of deterrence, the value of strong Alliances, the potential for overcoming past divisions, and the imperative of American engagement in Europe. The NATO Alliance is one of the most important embodiments of these truths, and it is in the interest of the United States to strengthen this proven institution and adapt it to a new era. The addition to this Alliance of Poland, Hungary, and the Czech Republic is an essential part of that program. It will help build a Europe that can be integrated, democratic, free, and at peace for the first time in its history. It can help ensure that we and our Allies and our partners will enjoy greater security and freedom in the century that is about to begin.

I therefore recommend that the Senate give prompt advice and consent to ratification of these historic Protocols.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 11, 1998*.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–337. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 14

Whereas the United Nations has designated 67 sites in the United States as ''World Heritage Sites'' or ''Biosphere Reserves,'' which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas many of the United Nations' designations include private property inholdings and contemplate ''buffer zones'' of adjacent land; and

Whereas some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress; and

Whereas these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a ''World Heritage Site'' as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas a recent designation of a portion of Kamchatka as a ''World Heritage Site'' was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve covering parts of western Alaska, eastern Russia, and the Bering Sea; and

Whereas, as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress; and

Whereas actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the ''American Lands Sovereignty Protection Act of 1997'' that required the explicit approval of the Congress prior to restricting any use of United States land under international agreements;

Be it resolved, That the Alaska State Legislature supports the ''American Lands Sovereignty Protection Act'' that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States.

Copies of this resolution shall be sent to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–338. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 3

Whereas, The United States is a signatory to the 1992 United Nations Framework Convention of Global Climate Change; and

Whereas, In December, 1997, the United States participated in negotiations in Kyoto, Japan, resulting in the agreement known as the Kyoto Protocol, which calls for the United States to reduce emissions of greenhouse gases by 7 percent from 1990 levels during the period A.D. 2008 to 2012, with potentially larger reductions thereafter; and

Whereas, The United States delegation signed the Protocol on December 10, 1997; and

Whereas, The Kyoto Protocol calls for reductions by other industrial nations from 1990 levels by 6 to 8 percent during the same period; and

Whereas, Developing nations are exempted from greenhouse gas emission limitation requirements of the Framework Convention and refused to accept any new commitments for such limitations during the negotiations of the Kyoto Protocol; and

Whereas, The United States relies on carbon-based fossil fuels for more than 90 percent of its total energy supply; and

Whereas, The requirements of the Protocol would bind the United States to more than a 35 percent reduction in carbon dioxide emissions between 2008 and 2012; and

Whereas, Research has not reached convincing proof that fossil fuel related emissions is in fact creating global climate changes; and

Whereas, Economic impact studies by the United States government estimate that the requirements of the treaty could result in the loss of 900,000 jobs, increased energy prices, losses of output in energy intensive industries such as aluminum, steel, rubber, chemical and utility production and especially the coal industry; and

Whereas, The State of West Virginia, being dependent upon these industries and especially upon the coal industry, would experience these effects severely, including the possible loss of thousands of jobs; and

Whereas, The President of the United States pledged on October 22, 1997, that the United States will not assume binding obligations unless key developing nations meaningfully participate in this effort; and

Whereas, The failure of key developing nations to participate will create unfair competitive imbalances between the United States and these developing nations, potentially leading to the transfer of jobs vital to the West Virginia economy to developing nations; and

Whereas, On July 25, 1997, the United States Senate adopted Senate Resolution No. 98, expressing the sense of the Senate that the United States should not be a signatory to any protocol or to any other agreement which would require the advice and consent of the Senate to ratify, and which would mandate new commitments to mitigate greenhouse gas emissions unless the protocol or agreement mandates commitments and compliance by developing nations; therefore, be it

Resolved by the Legislature of West Virginia, That the President of the United States is requested not to sign the Kyoto Protocol so long as the possibility of all above mentioned negative effects upon the American economy exists; and, be it

Further Resolved, That, in the event that the President signs the Kyoto Protocol, the Senate of the United States is requested to refuse ratification of the Protocol so long as the possibility of said effects exits; and, be it

Further Resolved, That the Clerk of the House of Delegates shall, immediately upon its adoption, transmit duly authenticated copies of this resolution to the President of the United States, to the President Pro Tempore and the Secretary of the United States Senate, and to the United States Senators representing West Virginia.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Special Report entitled ''History, Jurisdiction, and a Summary of Activities of the committee on Energy and Natural Resources During the 104th Congress'' (Rept. No. 105–160).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2003.

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1622. A bill to suspend temporarily the duty on deltamethrin; to the Committee on Finance.

S. 1623. A bill to suspend temporarily the duty on diclofop-methyl; to the Committee on Finance.

S. 1624. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Finance.

S. 1625. A bill to suspend temporarily the duty on resmethrin; to the Committee on Finance.

S. 1626. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

S. 1627. A bill to suspend temporarily the duty on tralomethrin; to the Committee on Finance.

S. 1628. A bill to suspend temporarily the duty on synthetic organic coloring matter c.i. pigment yellow 109; to the Committee on Finance.

S. 1629. A bill to suspend temporarily the duty on synthetic organic coloring matter c.i. pigment yellow 110; to the Committee on Finance.

S. 1630. A bill to suspend temporarily the duty on pigment red 177; to the Committee on Finance.

LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON CERTAIN CHEMICALS

Mr. ROTH. Mr. President, I rise today to introduce nine bills to suspend temporarily the imposition of duties on the importation of certain products.

I am pleased to introduce six bills to suspend temporarily the imposition of duties on imports of certain chemicals used in the production of pesticides. These chemicals are deltamethrin, diclofop-methyl, piperonyl butoxide, resmethrin, thidiazuron and tralomethrin. By temporarily suspending the imposition of duties, these bills would help AgrEvo USA, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness.

I am also pleased to introduce three bills to suspend temporarily the imposition of duties on imports of Pigment Yellow 109, Yellow 110 and Pigment Red 177. These high quality coloring materials are imported for sale in the United States by Ciba Specialty Chemicals Corporation (Pigments Division), a company located in Newport, Delaware. By temporarily suspending the imposition of duties, these bills will reduce significantly the cost of coloring materials that are used in a wide variety of finished products, including automotive parts, vinyl flooring, carpet fibers and plastic utensils.

I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1622

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.30.18	(1R,3R)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropane-carboxylic acid (S)-alpha-cyano-3-phenoxybenzyl ester (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2000	.... ''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1623

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subheading 9902.30.16 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/98'' and inserting ''12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1624

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[[2-(2-butoxyethoxy)ethoxy]m ethyl]-6-propyl-1,3-benzodioxole (piperonyl butoxide) (CAS No. 51–03–6) (provided for in subheading 2932.99.60)	Free	No change	No change	On or before 12/31/2000	.... ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1625

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.19	[5-(phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2000	.... ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1626

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subheading 9902.30.17 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/98'' and inserting ''12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1627

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.19	Cyclopropanecarboxylic acid, 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-, cyano(3-phenoxyphenyl)methyl ester (tralomethrin) in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2000	.... ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1628

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON C.I. PIGMENT YELLOW 109.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.00	Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction product with 2-methyl-1,3-benzenediamine and sodium methoxide (CAS No. 106276-79-3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	.... ".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1629

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON C.I. PIGMENT YELLOW 110.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	Benzoic acid, 2,3,4,5-tetrachloro-6-cyano-,methyl ester, reaction products with p-phenylenediamine and sodium methoxide (CAS No. 106276-80-6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	.... ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1630

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	Pigment red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2000	.... ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself, Mr. DEWINE, Mr. SMITH of New Hampshire, Mr. CRAIG, Ms. COLLINS, Mr. INHOFE, Mr. FAIRCLOTH, and Mr. HELMS):

S. 1631. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Labor and Human Resources.

THE PARENTAL FREEDOM OF INFORMATION ACT

Mr. HUTCHINSON. Mr. President, imagine, if you will, that your daughter is given an assignment by her teacher which requires her to keep a journal, not just a journal of her own intimate and very private thoughts, but of answers to questions that have been posed to her by her teacher. Should you as a parent have a right to know what questions the teacher has posed, what questions the teacher has asked?

Now imagine that a research team from a local university is given permission by your child's school to perform psychological exams on your son or daughter. Should you as a parent in that situation have a right to approve of this exam before it takes place? Should you as a parent at least be informed about the impending exams?

Finally, Mr. President, imagine that your son is required to take a class in ''decisionmaking'' which you are concerned may include discussion of issues that might violate or be contrary to the teachings you have espoused and inculcated in your children in the

home.Should you, in that circumstance, as a parent have a right to review the classroom material prior to enrolling your children in that particular class, in that decisionmaking class?

In each of these three examples, the clear and, I think, the obvious answer is yes, parents, as those to whom primary responsibility for the education of their children is entrusted, should be allowed to know what questions their children are being asked; parents should have the right to decide whether or not their children are examined psychologically; parents should have the right to review their children's curriculum.

Unfortunately, the above examples are not just random hypotheticals that I dreamed up or that I had my staff dream up. These are real-world examples of how public schools are currently usurping the rights of parents to be informed about the education of their children.

Mr. and Mrs. Robinson from Sheridan, AR, have yet to learn what questions were posed to their daughter by her teacher in an in-class journaling assignment. Parents in Monroeville, PA, have yet to obtain their children's records maintained as a part of a research project run in their children's school by the University of Pittsburgh. Parents in California have been forced to go to court to view the curriculum being used in their local school for a class that they fear may delve into deeply personal matters.

How can this be the case? How can we have this situation in a country founded on the principles of freedom, in a country that has always respected the parents' ultimate authority in the rearing and education of their children? How can parents be denied basic information relating to their children's education?

The answer may lie in a book recently published by Eric Buehrer entitled ''The Public Orphanage.'' In this book, Mr. Buehrer points out that public schools have become ''one-stop social service agencies'' attempting to address the needs of children that were traditionally the responsibility of the children's parents.

Whether this trend is the errant result of a legitimate attempt to fill the void left in children's lives with the breakdown of the American family, or whether this trend is part of a more sinister philosophy based on belief that ''Washington or Government knows best,'' it is a trend that is leading to lower educational achievement and to less clearly defined standards of right and wrong for our Nation's children. In short, I think it is a trend that we should not allow to continue.

The importance of parents in the education of their children was clearly emphasized in 1994 by Secretary of Education Richard Riley in testimony before the Committee on Labor and Human Resources. In this testimony, Secretary Riley, I think very powerfully and poignantly, emphasized that ''Thirty years of research tells us that the starting point of American education is parental expectations and parental involvement with their children's education'' and that schools must ''establish a supportive environment for family involvement.''

Despite this important parental role, Secretary Riley pointed out that ''many parents feel that their right to be involved in school policy—to be full participants in the learning process—is being ignored, frustrated or even denied.'' In short, Secretary Riley noted that many parents simply do not feel ''valued'' by the schools that educate their children.

So today, I am introducing legislation that will value the role of parents in educating their children. It will help to establish a supportive environment for families by guaranteeing parents a place at the table in decisions central to the creation and implementation of education policies within their local schools.

This legislation builds on the already well-established principles outlined in the 1974 Family Education Rights and Privacy Act, which ensures that parents have access to all records which public schools maintain on their children. The Parental Freedom of Information Act, which I am introducing today, will strengthen the rights of parents by guaranteeing them access to the curriculum being used to teach their children. Current law, the 1974 law, ensures that parents will have access to the records and files that are maintained on their children. But we need to go a step further. We need to build on that successful 1974 legislation by ensuring that parents also have the right to access the curriculum being used to teach their children. I think it is a reasonable provision which allows parents to review their children's textbooks, audio-visual materials, manuals, journals, films and any other supplemental material used to educate their children.

On the surface, one would think this legislation shouldn't be necessary. I think most Americans assume that parents already have the right to go into the school and ask to see the books, ask to see the curriculum materials, ask to see the supplemental materials, ask permission to view a film that might be shown to their children, to look at the journals that are in the library, and to have basic access to all of the information and all of the curriculum materials being used in the education of their children. But unfortunately, the record is now replete with examples of where parents have run into a stone wall and have met stiff resistance when they have tried to obtain that kind of basic educational information. Information which is so essential to the education of their children.

So we say on one hand, we want parents to be supportive, we want parents to be involved, we want parents to attend PTA, we want them to attend parent-teacher conferences, we want them to show by their actions that they are actively involved in the education and upbringing of their children. We don't want our public schools to be social orphanages that take care of the children from breakfast until supper.

Then, on the other hand, we allow policies to be enacted in local schools across this country that resist that very desire by many parents, that make it difficult, if not impossible, to access critical materials being used in the education of their children.

The Parental Freedom of Information Act will provide parents access to curriculum and to the testing materials administered to their children, and it will require parental consent prior to any student being subjected to medical, psychological or psychiatric examinations, testing or treatment at the school.

This legislation is very basic and straightforward and, I think, is just plain common sense. This legislation will empower parents by providing them access to the information they need to oversee and direct the education of their children and will slow, and hopefully reverse, the establishment of schools as public orphanages.

I look forward to pursuing this legislation in committee and with my colleagues in the Senate.

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. 1631

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 ''Parental Freedom of Information Act''.

SEC. 2. INFORMATION ACCESS AND CONSENT.

(a) IN GENERAL.—Section 444 of the General Education Provisions Act (20 U.S.C. 1232g) is amended by adding at the end the following:

''(i) INSTRUCTIONAL AND TESTING MATERIALS.—

''(1) IN GENERAL.—No funds shall be made available under any applicable program to any educational agency or institution that has a policy of denying, or that effectively prevents, the parent of an elementary school or secondary school student served by such agency or at such institution, as the case may be, the right to inspect and review any instructional material used with respect to the educational curriculum of, or testing material administered to, the student. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the instructional material or testing material within a reasonable period of time, but in no case more than 30 days after the request has been made.

''(2) DEFINITIONS.—In this subsection:

''(A) INSTRUCTIONAL MATERIAL.—The term 'instructional material' means a textbook, audio/visual material, manual, journal, film, tape, or any other material supplementary to the educational curriculum of a student.

''(B) TESTING MATERIAL.—The term 'testing material' means a copy of any test (without responses) that is administered to a student during the current or preceding school year,

and if available, any statistical comparison data regarding the test results with respect to the student's age or grade level. The term does not include a nonclassroom diagnostic test, a standardized assessment or standardized achievement test, or a test subject to a copyright agreement.

''(j) RIGHT OF ACCESS.—

''(1) IN GENERAL.—A parent of an elementary school or secondary school student whose right to gain access to information or material made available to the parent under this section during the 30-day compliance period set forth in subsection (a)(1) or (i)(1) is knowingly or negligently violated may maintain an action for appropriate relief after the last day of such period. Appropriate relief includes equitable or declaratory relief and reasonably incurred litigation costs, including a reasonable attorney's fee.

''(2) LIMITATION.—A civil action under this subsection may not commence more than 2 years after the last day of the 30-day compliance period set forth in subsection (a)(1) or (i)(1).

''(k) PARENTAL CONSENT.—No funds shall be made available under any applicable program to an educational agency or institution that, as part of an applicable program and without the prior, written, informed consent of the parent of a student, requires the student—

''(1) to undergo medical, psychological, or psychiatric examination, testing, treatment, or immunization (except in the case of a medical emergency); or

''(2) to reveal any information about the student's personal or family life (except to the extent necessary to comply with the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)).''.

(b) RIGHT OF ACCESS.—The third sentence of section 444(a)(1)(A) of the General Education Provisions Act (20 U.S.C. 1232g(a)(1)(A)) is amended by striking ''forty-five'' and inserting ''30''.

By Mr. CHAFEE:

S. 1633. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. CHAFEE. Mr. President, this afternoon I am introducing legislation to suspend the duty on the importation of certain textile printing machines that are used by textile manufacturers in the United States.

These particular machines are used for the printing of patterns, designs and motifs on fabrics—an important process in the making of textile goods. However, none of these machines are made in the United States. That means domestic manufacturers must import these machines at considerable cost, which does not help their ability to compete in what is an increasingly challenging market. Yet since there is no domestic industry producing these machines, the duties serve little purpose.

The bill I am introducing would lift the duty imposed on these machines. It is my hope that by doing so, we will be helping the textile industry in this country to improve its competitiveness and maintain its workforce, both in Rhode Island and around the nation.

By introducing this legislation today, I believe there should be ample time for review and comment on the bill, and that it can be ready for inclusion when Senate begins work on comprehensive duty suspension legislation this year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1633

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

(a) Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.81.20	Other textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/99''

(b) The amendment made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(c) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of goods described in subheading 8443.59.10 of the Harmonized Tariff Schedule of the United States—

(1) which was made after December 31, 1997, and before the date that is 15 days after the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 879

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 879, a bill to provide for home and community-based services for individuals with disabilities, and for other purposes.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mrs. BOXER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1308

At the request of Mr. BREAUX, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1308, a bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1321

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DURBIN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from California [Mrs. FEINSTEIN], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nebraska [Mr. KERREY], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. REED], and the Senator from Minnesota [Mr. WELLSTONE] were added as

cosponsors of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1396

At the request of Mr. JOHNSON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1396, a bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools.

S. 1406

At the request of Mr. SMITH, the names of the Senator from Oregon [Mr. WYDEN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1563, A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1577

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1577, A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 1578

At the request of Mr. COATS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1578, A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1580, A bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1593

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1593, A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses.

S. 1599

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1599, A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1599, supra.

S. 1601

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1601, A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1601, supra.

S. 1602

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1602, A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1604, A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1605

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1605, A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1611

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1611, A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1618, A bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1619

At the request of Mr. MCCAIN, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1619, A bill to direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of Senate Joint Resolution 30, A joint resolution designating March 1, 1998 as ''United States Navy Asiatic Fleet Memorial Day,'' and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Joint Resolution 30, supra.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of Senate Resolution 171, A resolution designating March 25, 1998, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

AMENDMENT NO. 1397

At the request of Mr. THURMOND his name was withdrawn as a cosponsor of Amendment No. 1397 intended to be proposed to S. 1173, A bill to authorize funds for construction of highways, for highway safety programs, and for mass

transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 74—RELATIVE TO THE EUROPEAN UNION

Mr. GRASSLEY (for himself, Mr. BOND, Mr. BROWNBACK, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 74

Whereas the European Union has banned imports of United States beef treated with hormones since 1989;

Whereas 9 out of 10 United States cattle are treated with growth promoting hormones;

Whereas growth promoting hormones have been deemed safe by all countries that have reviewed the use of such hormones, including reviews by European Union scientists in 2 separate studies;

Whereas since the implementation of the European Union ban, United States cattle producers have lost hundreds of millions of dollars in exports;

Whereas the United States beef industry loses approximately $250,000,000 in annual sales due to the ban;

Whereas the United States beef industry, the United States Department of Agriculture, and the United States Trade Representative have invested substantial resources to comply with strict dispute settlement procedures of the World Trade Organization;

Whereas the Dispute Settlement panel and the Appellate Body of the World Trade Organization have ruled that the European Union's ban of United States beef is not based on sound science or supported by a risk assessment and is therefore in violation of the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures; and

Whereas noncompliance by the European Union regarding the ban on United States beef threatens the integrity of both the Agreement on the Application of Sanitary and Phytosanitary Measures and the World Trade Organization as a dispute settlement body: Now, therefore, be it

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

(1) the United States expects the European Union to immediately and completely comply with the World Trade Organization's ruling and grant United States beef producers access to the European market; and

(2) the United States Trade Representative should take immediate action to open European markets to United States beef producers in the event the European Union fails to comply with the World Trade Organization's ruling.

Mr. GRASSLEY. Mr. President, I rise today to submit a concurrent resolution to open the European market to U.S. beef exports. Last month, the Appellate Body of the World Trade Organization affirmed the earlier findings of the WTO that Europe's ban on U.S. beef violates commitments made under the Uruguay Round Agreement. The decision should clear the way for U.S. beef producers to sell their product to Europe.

This concurrent resolution requests the European Union to open its market immediately, in light of the WTO's decision, and directs the U.S. Trade Representative to take action if the EU fails to do so.

This dispute goes back to 1989 when the EU banned all imports of meat from animals treated with growth hormones. About 90% of U.S. cattle is treated with hormones. They have been found to be safe by every country that has studied them. In fact, twice the EU commissioned its own scientists to study the hormones and found them to be safe.

Mr. President, to put these growth hormones in perspective: A person would have to eat 169 pounds of beef from an animal treated with a growth hormone in order to consume the equal amount of that hormone present in one, single egg. They are completely safe for human consumption.

Yet, nine years ago, the EU decided to ban this meat from coming into its market. At that time, there was little we could do to counter the ban. We negotiated with the EU and even imposed sanctions, but nothing has worked.

Then came the Uruguay Round Agreement. For the first time, members of the GATT agreed to eliminate trade barriers not founded on a sound, scientific basis. In other words, trade decisions would be made on sound science, not political science. Clearly, the beef ban was not based on sound science.

In 1996, the U.S. requested a WTO panel to determine whether the EU had breached the Sanitary and Phytosanitary Agreement of the Uruguay Round. In August of last year, the panel found in favor of the U.S. position and the decision was affirmed in January. So the WTO has decided that the European's ban on U.S. beef violates the S/PS Agreement and must be removed immediately.

Mr. President, you would think that would be the final word on this issue. But the trade press is reporting that the Europeans are looking for ways around the decision. They want to study the issue a little longer. Even though the ban has already been in place for nine years.

It seems to me that they have had enough time. Our farmers have suffered the effects of this ban for too long. When the ban was put in place in 1989, we were sending $100 million of beef annually to Europe. If the ban was lifted, it is estimated that beef exports would total about $250 million per year. American beef producers literally have lost hundreds of millions of dollars due to this unjustified ban.

This concurrent resolution says to the Europeans, open your markets. You would had your day in court, now it is time to abide by the judge's decision.

If the WTO is to have long-standing legitimacy as an objective arbiter of international trade disputes, its decisions must be respected and complied with. We expect the Europeans to respect this decision, just as the United States has complied with the decision in the Kodak-Fuji case that went against us. We do not have to like the decision. But we have to respect the dispute resolution process.

The concurrent resolution also states if the Europeans do not immediately comply with the decision and open its markets, the U.S. Trade Representative should take action. I leave it up to the able USTR to decide what action is appropriate. But we cannot stand by and allow this decision to be ignored.

Mr. President, enough is enough. The private sector and several government agencies have spent significant time and money attempting to resolve this dispute. And they have been proven to be correct. The European beef ban is simply a trade barrier, disguised as a health concern. No scientific evidence exists to justify it. And the WTO has said so. Now is the time for the EU to end the ban and allow American farmers and ranchers a fair chance to compete in the European market.

SENATE CONCURRENT RESOLUTION 75—HONORING THE SESQUICENTENNIAL OF WISCONSIN STATEHOOD

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 75

Whereas the land that comprises the State of Wisconsin has been home to numerous Native American tribes for many years;

Whereas Jean Nicolet, who was the first known European to land in what was to become Wisconsin, arrived on the shores of Green Bay in 1634;

Whereas Father Jacques Marquette and Louis Joliet discovered the Mississippi River, one of the principal waterways of North America, at Prairie du Chien on June 17, 1673;

Whereas Charles de Langlade founded at Green Bay the first permanent European settlement in Wisconsin in 1764;

Whereas, before becoming a State, Wisconsin existed under 3 flags, becoming part of the British colonial territory under the Treaty of Paris in 1763, part of the Province of Quebec under the Quebec Act of 1774, and a territory of the United States under the Second Treaty of Paris in 1783;

Whereas on July 3, 1836, the Wisconsin Territory was created from part of the Northwest Territory with Henry Dodge as its first governor and Belmont as its first capital;

Whereas the city of Madison was chosen as the Wisconsin Territory's permanent capital in the fall of 1836 and construction on the Capitol Building began in 1837;

Whereas, pursuant to legislation signed by President James K. Polk, Wisconsin joined the United States as the 30th state on May 29, 1848;

Whereas members of Native American tribes have greatly contributed to the unique culture and identity of Wisconsin by lending words from their languages to the names of many places in the State and by sharing their customs and beliefs with others who chose to make Wisconsin their home;

Whereas the Wisconsin State Motto of ''Forward'' was adopted in 1851;

Whereas Chester Hazen built Wisconsin's first cheese factory in the town of Ladoga in

1864, laying the groundwork for one of the State's biggest industries;

Whereas Wisconsin established itself as a leader in recognizing the contributions of African Americans by being the only State in the union to openly defy the Fugitive Slave Law;

Whereas the first recognized Flag Day celebration in the United States took place at Stony Hill School in Waubeka, Wisconsin, on June 14, 1885;

Whereas Wisconsin has sent 859,489 of its sons and daughters to serve the United States in the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the Persian Gulf, and Somalia;

Whereas 26,653 Wisconsinites have lost their lives serving in the Armed Forces of the United States;

Whereas Wisconsin allowed African Americans the right to vote as early as 1866 and adopted a public accommodation law as early as 1895;

Whereas on June 20, 1920, Wisconsin became the first State to adopt the 19th Amendment, granting women the right to vote;

Whereas in 1921 Wisconsin adopted a law establishing equal rights for women;

Whereas Wisconsin celebrated the centennial of its statehood on May 29, 1948;

Whereas many Wisconsinites have served the people of Wisconsin and the people of the United States and have contributed to the common good in a variety of capacities, from inventor to architect, from furniture maker to Cabinet member, from brewer to Nobel Prize winner;

Whereas the State of Wisconsin enjoys a diverse cultural, racial, and ethnic heritage that mirrors that of the United States;

Whereas May 29, 1998, marks the 150th anniversary of Wisconsin statehood; and

Whereas a stamp commemorating Wisconsin's sesquicentennial will be issued by the United States Postal Service on May 29, 1998: Now therefore, be it

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

(1) honors the proud history of Wisconsin statehood; and

(2) encourages all Wisconsinites to reflect on the State's distinguished past and look forward to the State's promising future.

SEC. 2. TRANSMITTAL OF CONCURRENT RESOLUTION.

Congress directs the Secretary of the Senate to transmit an enrolled copy of this concurrent resolution to each member of the Wisconsin Congressional Delegation, the Governor of Wisconsin, the National Archives, the State Historical Society of Wisconsin, and the members of the Wisconsin Sesquicentennial Commission.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing over the President's Day Holiday in Portland, Maine on Unauthorized Long Distance Switching (''Slamming'').

This hearing will take place on Wednesday, February 18th, 1998, at 9:30 a.m., at the Portland City Hall Council Chambers, 389 Congress Street, Portland, Maine. For further information, please contact Timothy J. Shea of the Subcommittee staff at 202/224–3721.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, February 25, 1998 at 9:30 a.m. to conduct an oversight hearing on the strategic plan implementation including budget requests for the operations of the Office of the Secretary of the Senate, the Sergeant at Arms, and the Architect of the Capitol.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, February 26, 1998 at 9:30 a.m. to receive testimony from Senator McCain on S. 1578, to make certain information available through the CRS web site; and to conduct an oversight hearing on the budget requests and operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 11, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1069, a bill to designate the American Discovery Trail as a national trail, a newly established national trail category, and S. 1403, a bill to establish a historic lighthouse preservation program, within the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HUTCHINSON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, February 11, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 11, 1998 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a hearing on Agency for Health Care Policy and Research during the session of the Senate on Wednesday, February 11, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 11, 1998 at 10:00 a.m. to hold an open hearing and at 2:30 p.m. to hold a closed markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 11, 1998, to conduct a hearing on bankruptcy reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HERO OF THE HOLOCAUST

• Mr. LIEBERMAN. Mr. President, I rise to pay tribute to Mr. Hiram Bingham IV, a Connecticut native, who risked his life and sacrificed his career to rescue thousands of Jews from the Nazis while serving as a U.S. diplomat in Vichy France. Mr. Bingham performed these services despite the opposition of his superiors in France and in Washington, displaying a courage of conviction which demands both our recognition and greatest respect.

Hiram Bingham IV died in 1987 and it was only last year that his son, William S. Bingham, discovered the records which brought his father's exploits to light. Survivors whom Hiram Bingham helped rescue have now petitioned Yad Vashem, Israel's Holocaust Memorial, that he be honored as a ''righteous gentile'' for having put his life and career on the line to save Jewish refugees.

Hiram Bingham IV never sought glory for himself but as a man who put service to others before all other considerations he has earned our appreciation as a true American hero. In doing so he has extended the remarkable public service and honorable reputation of the Bingham family, one of Connecticut's great families.

Mr. President, I ask that an article by William Bingham in the New London Day be printed in the RECORD.

The article follows:

[From the New London Day, Oct. 5, 1997]

A MAN FROM SALEM EMERGES AS A HERO OF THE HOLOCAUST: HIRAM BINGHAM IV

(By William S. Bingham)

When we lose a loved one, we struggle desperately to recollect bits and pieces of a life lived and finished. We hang tightly onto the slightest memories that have meaning for us. Gradually, the memories fade and the vividness of those who were once alive grows dim. But parchment and celluloid, letters and photographs allow us to recapture our loved ones' lives. These images and words left behind in journals, books and correspondence allow us to revisit the life and times of our loved ones and the history they embrace.

Such was the journey I started when I began investigating my father's secret history as a covert operative in a mission to rescue Jews, artists and other political figures from the Nazis during World War II.

I cannot say I know everything about my father. Most of him is still a mystery to me. But almost 10 years after the death of my father, Hiram Bingham IV, I discovered a cache of diaries and documents tightly bound in manila folders by hay bale rope and masking tape, buried deep in the dust and cobwebs of an ancient linen closet tucked by colonial design into the wall behind the fireplace in my family's 230-year-old pre-Revolutionary homestead in Salem. In these bound folders and files marked simply ''H.B.—Personal Notes—Marseilles—1940,'' which had lain untouched for more than a half-century, I discovered chilling evidence of my father's secret role in thwarting the spread of Nazism and in rescuing thousands of Jews from the Nazis.

After my father died in 1987, I discovered he was a silent hero of the Holocaust. As with almost all intelligence operatives, he maintained secrecy about most of his actions from everyone except those who had a need to know up to the time of his death. He kept his silence because he himself became a victim of pro-Nazi elements and Nazi sympathizers in the U.S. government and, in his role as a rescuer, he took actions which were condemned by his superiors and contravened U.S. laws and policy. My father's story contained in these hidden papers sheds a small ray of light on one of the darkest periods in human history.

Among his papers were secret memos, photographs and reports on the concentration camps, maps and notes on escape routes and meetings of the anti-Nazi conspirators. There were reports on Nazi propaganda, hidden Nazi gold and war criminals and the ''Fifth Column'' (Nazi civilian infiltrators worldwide). There were accounts and descriptions of Nazi agents and suspected agents within and without the U.S. consulate in Marseilles and embassies in Europe and Latin America and their methodology for world conquest. There were letters from Marc Chagall and Thomas Mann, which the top opponents of Adolf Hitler had written to my father pertaining to the rescues, the rescue operations and my father's participation. There were copies of passport photos and ''official'' documents and papers used by the escapees to gain freedom from the concentration camps and to escape the Holocaust.

As a vice consul in the U.S. Consulate in Marseilles, France, when the Nazis invaded and took Paris in the summer of 1940, my dad became a government expert on Nazis and Fascists, and a key agent in the secret rescue operation of thousands of Jewish and other political refugees from war-torn Europe. The whole rescue operation, encouraged and supported by Eleanor Roosevelt, was kept in large part secret even from his State Department superiors, because many of them at first supported Hitler. Some in the U.S. government believed Hitler would win the war and felt that the U.S. should maintain favorable political, social and economic relations with the Nazis.

In the face of strident and vocal opposition from his own bosses in France and Washington, my father helped establish a clandestine operation of international operatives smuggling Hitler's ''most wanted'' enemies—predominantly Jewish intellectuals, political activists and artists who opposed Nazism—through an underground railroad system across Europe to gain safe passage through Africa, the Caribbean and Latin America to the United States and other safe harbors. Some of my father's collaborators formed Maquis, guerrilla-resistance cadres, to fight the Nazis in the countryside.

But my father's role in the operation had to remain secret from his superiors, his family and all but his closest friends, because he followed a moral imperative to aid Jews and other political refugees in violation of official U.S. policy, regulations and laws. My father's superiors in the State Department and other branches of government who favored accommodation and cooperation with Hitler had forbidden official and unofficial support for the operation.

It was only because of Eleanor Roosevelt's quiet support, pressuring Franklin D. Roosevelt to permit the operation, and my father's Washington contacts through his own father (former Connecticut Gov. and U.S. Sen. Hiram Bingham III), that my father himself was not arrested and prosecuted for violating ''official'' U.S. law and policy. But my father suffered retaliatory treatment at the hands of his superiors and feared government prosecution if the extent of his role in the planning and execution of rescue missions was known.

Why were the Nazis chasing Chagall? In the pictures and letters it became clear that my father was instrumental in saving Chagall, but why did he need to? Why did the Nazis want to exterminate the surrealist artists like Max Ernst, Marcel Duchamp and Andre Masson, or the surrealist poet Andre Breton, or the novelists?

Because surrealism was a threat to Nazism—it was nonconformist and often contained political messages that were the antithesis of Nazism, totalitarianism and nationalism.

My father was an artist and philosopher till the end of his life. He would sit on an old beat-up chair by the bathtub, where he would place his large-framed canvases flat on the porcelain rim of the tub and paint his surreal visions while listening to Beethoven and Brahms. He liked the subdued light from the west through a small window there, and he could rotate his paintings to adapt to the swirls of his ''music on canvas,'' as he called it. You could turn the panting upside down or sideways, he told me, any way, and new visions would be revealed.

My father had painted portraits of some of the rescued, and he had painted copies of several of Chagall's paintings because he admired Chagall and had become his friend during the crisis. My father's journal entries revealed that Chagall had gracefully admired my father's rather traditional portraits and landscapes during meetings at my father's villa in Marseilles while they were planning his escape, and Chagall told him always to paint large canvases and never conform to what others wanted him to paint.

I remembered the tale of Lion Feuchtwanger, who was smuggled out of a concentration camp at Nimes dressed up as woman at the direction of my father and hidden at my father's villa for two months, passed off as his mother-in-law from Waycross, Ga., to fool the neighbors and the Gestapo and spies at the U.S. Consulate. Feuchtwanger, I learned, was Hitler's Public Enemy Number One, because of his historical novel, ''The Oppermans,'' which exposed Hitler and the evils of Nazism in 1933.

Hitler stripped Feuchtwanger of his German citizenship, and the Nazis issued a death warrant for him before he fled to France, where the pro-Nazi Vichy government held him until he was rescued. When it was leaked to members of the U.S. Consulate that my father was hiding Feuchtwanger and his wife at my father's villa, my father soon realized that his own life was in danger—so he put a pseudonym ''Lion Wetcheek'' on Feuchtwanger's passport and arranged that the Feuchtwangers be smuggled on a footpath over the Pyrenees Mountains into Spain and on to Lisbon, Portugal, where they caught a steamship to New York City. The code words for them in this operation were ''Harry's friends.''

I vaguely remembered the names of Rudolf Breitscheid and Rudolf Hilferding, whom my parents would discuss in hushed and saddened voices. Although their names rang a bell in my recollections from youth, I never knew who they were or what happened to them. The two Rudolfs were Hitler's greatest political enemies in the Reichstag. Old political activists in Germany, they too were stripped of German citizenship by Hitler and fled to France.

MET IN BROTHELS

Some of the rescue team would meet in Marseilles brothels with their prospective escapees, because it was one of the few places where discretion and hushed conversation in English and other foreign languages could take place without arousing the suspicion of the proprietors. On occasion, some of the women in the team (Americans among them) would entice pro-Nazi guards and policemen in order to distract them, or get them drunk so that rescue operations could proceed with little or no interruption. Other meetings took place in jazz clubs, until the Nazis forbade jazz, or at my father's villa in the evening after his work in the visa section of the consulate was finished for the day.

Until I discovered these papers, only a few individuals knew my father's role: those who worked closely with him and a handful of those he helped rescue. Some, like the artists Marc Chagall, Max Ernst and Andre Masson—and writers Victor Serge, Lion Feuchtwanger and Franz Werfel and the family of Thomas Mann—were close to my father during their own escapes. But because my father had to keep his actions secret from his own government superiors and fellow employees, some of whom were supporters of and informants for the Nazis, he could not reveal his role in planning and executing the escapes of the refugees to any but a select few of the escapees who were staunch anti-Nazi activits and conspirators in the underground network.

At any moment, Nazi agents posing as refugees or enemies of Hitler and Mussolini might infiltrate and blow the whole operation.

Indeed, when the true nature of my father's role became more fully known by his superiors in the U.S. State Department, he was removed from his position in the visa section. Given meaningless bureaucratic paperwork, he was passed over time and again for promotions, and he was ultimately dispatched to Buenos Aires, Argentina, with my mother and their five children. Despite the threat from Nazi sympathizers and agents acting with the U.S. State Department, my father continued to investigate and report on the Nazi menace in Latin America and in the U.S. Embassy in Buenos Aires.

In an ultimatum to the State Department in 1945, he vowed to resign from the diplomatic corps if there were no efforts to put a stop to the spread of Nazism and fascism in Latin America. For this ultimatum, he was again passed over for promotion and his pleas for investigations of Nazi gold and war criminals being smuggled into Chile and Argentina on German U-boats (submarines) were ignored.

He then made good on his vow, resigned from his post, and returned to the family homestead in Salem to farm, paint, pursue various business ventures and study Buddhism and Eastern philosophy, which he embraced as a believer in mystical Christianity.

Only now, after 50 years of obscurity, is my father's story coming to light worldwide. After discovering the cache of documents, I began an effort to investigate all of his correspondence and official files, including those in the U.S. archives, which are now declassified, and to find those he rescued who may never have known his role in their escapes. All of these incredible stories of spies, refugees, counterspies, American heroes, surrealist artists and writers fighting and fleeing the conflagration which engulfed Europe, I am assembling into a personal and historical account of the events for publication based on my father's papers and supporting documents.

Prompted by contacts from a man whom he rescued and from the U.S. Holocaust Museum in Washington, D.C., which knew of his involvement in the effort, the key documents and photographs I discovered in that ancient linen closet behind the fireplace have been duplicated and are being preserved by the museum. More than 50 documents and photographs from my father's files were exhibited, along with several of my father's surrealist paintings and landscapes, at the Simon Weisenthal Center—House of Tolerance Museum, in Los Angeles, during July and August this past summer.

PETITION SEEKS MEDAL

A petition prepared by survivors my father helped rescue asks that Hiram Bingham IV be honored with a medal from the State of Israel and a tree planted in his honor at Yad Vashem, the Holocaust Memorial in Israel.

If he is awarded the Yad Vashem medal as one of the rescuers, he will be only the second U.S. Citizen and the only U.S. diplomat ever so honored for putting his life and career on the line to rescue Jewish refugees.

Perhaps most important, the documents related to Nazi gold and war criminals being spirited away to Latin America on submarines with the knowledge of the U.S. State Department now are being investigated by the Simon Weisenthal Center.●

BLACK HISTORY MONTH

● Mr. SMITH of Oregon. Mr. President, in recognition of Black History Month I come to the floor to honor a little-known member of the Lewis and Clark expedition that explored the Oregon territory. Expedition historians tell us that an African-American by the name of York accompanied Lewis, Clark and the Shoshoni woman, Sacagawea on the long journey ending in the area of what is now Fort Clatsop, OR.

Throughout the Lewis and Clark expedition, York served as a valuable translator, helped to strengthen Native-American relations, and guided several successful trading ventures. It has been said that on numerous occasions, York risked his life so that the expedition could continue. York's contributions were numerous, and according to the Lewis and Clark Heritage Foundation, when the party reached the Columbia River, a decision had to be made whether to head to the north shore of the Columbia—Washington State—or cross the river to the south side—Oregon—where Indians had said that game could be found. An actual vote of the members was recorded, representing the first American democratically held election west of the Rockies that included the vote of a woman, Sacagawea, and a black man, York.

Today, a mural in the southwest corner of the Rotunda of Oregon State Capital in Salem depicts the expedition that Merriwether Lewis and William Clark, Sacagawea and York made through the Louisiana and Oregon Territories. I want to join all Oregonians today in celebrating Black History Month and celebrate the contributions that African-Americans have made to American history.●

RECOGNITION OF DR. ROBERT REID, INCOMING PRESIDENT OF THE CALIFORNIA MEDICAL ASSOCIATION

● Mrs. FEINSTEIN. Mr. President, I would like to recognize Dr. Robert Reid, who on February 16, 1998, will become the 133rd President of the California Medical Association, the largest medical association in the nation. With a membership of 35,000 physicians, California Medical Association represents California physician from all regions, medical specialities and modes of practice—from solo practitioners, to academic physicians, to physicians working in large group practices. Reflecting the diversity that is California, the association's members advocate for quality of care and access to health care for all of the state's residents.

Dr. Reid is a practicing Obstetrician-Gynecologist and Director of Medical Affairs for the Cottage Health System in Santa Barbara, California. Prior to becoming the hospital's Medical Director, Dr. Reid served as the hospital's Chief of Staff and has been a member of its Board of Directors since 1991.

Dr. Reid is also a fellow of the American College of Obstetrics-Gynecology and Past President of the Tri-Counties Obstetrics-Gynecology Society.

He became active in organized medicine in 1972 when he joined the California Medical Association. Ten years later he was elected President of the Santa Barbara County Medical Society and has since gone on to serve the House of Medicine as alternate delegate to the AMA, Vice-Speaker of the CMA Committee on Scientific Assemblies, and chair of the CMA Finance, Membership Development and Communications committees.

Born in Milan, Italy, Dr. Reid is a graduate of the University of Colorado Medical Center. He lives in Santa Barbara, CA, with his wife Patricia, and is the father of four grown children. I am sure Dr. Robert Alfred Reid will continue to make many important contributions to medicine and to the nation's health policy debate.

BLACK HISTORY MONTH

● Mr. SARBANES. Mr. President, since 1926, we have designated February as the month during which we honor the contributions of African-Americans to our history, our culture, and our future.

Of course, no month should pass without our giving attention to the historical legacy of America's African-Americans. However, this month is the time when we devote special attention to this legacy, which, in the face of seemingly insurmountable odds, has survived and enriched American life in countless ways.

As it does each year, the Association for the Study of Afro-American Life and History (ASALH) has selected a theme for this month's celebration. This year's theme is ''African Americans and Business: The Path Toward Empowerment.''

Mr. President, maybe more than any other theme, the question of African-Americans and business demands our attention and interest. The degree to which African-Americans participate in and benefit from America's commercial and business life may be the single best indicator of whether they have obtained the equality of opportunity and freedom for which they have long strived and to which they are entitled under our Constitution. We move toward full equality when uniquely gifted individuals—athletes, artists, entertainers, etc.—capture the public's imagination and because of their unique gifts transcend the limits placed on their race. We move even closer to this goal when each and every African-American has the opportunity to get a loan, lease or purchase property, open a business, develop a product, hire other African-Americans, and contribute to the betterment of his community. The ability of African-Americans to have these most basic avenues of opportunity and advancement open to them may give us the best sense of just how far we have progressed on the road to equality.

Thus, any study of the history of African-Americans and business should highlight not only the many brilliant inventors and entrepreneurs who have made unique or major contributions to American history. It should also take note of the many average, hard-working people who have fulfilled, against

great odds, the American dream of owning and operating their own businesses. Let me devote a few minutes to both these sets of heroes.

On one hand African-Americans, and Americans in general, can boast of such great minds as Jan Matzeliger (1852–1889), Joseph Lee (1849–1905), Elijah McCoy (1843–1929), and Andrew Beard (1850–1910)—19th century inventors who helped revolutionize American industry at a crucial period in its development. They can boast of groundbreaking success stories such as Madame C.J. Walker (1867–1919), America's first black millionaire businesswoman, whose hair products company employed 3,000 people, and Maggie Lena Walker (1867–1934), America's first female bank president. Mr. President, this list is merely a sample of the many African-Americans who have made unique contributions to American commerce, and who have helped lead us to the heights we occupy today as the strongest economic force in the world.

On the other hand, let us also take note of the more modest success stories of the many African-Americans who at this same time owned and ran businesses, surviving not only economic hardship but a social system that left them short of funding, public support, and legal protection. Here I speak of the members—now long forgotten—of the Colored Merchants Association of New York City, formed during the Great Depression to sustain the city's African-American businesses against the shocks of that economic disaster. I speak here also of the numerous African-American newspapers established in the late 19th century, the first of which, Baltimore's Afro-American, is still published to this day.

Mr. President, I submit that only when such stories of struggle and achievement are commonplace, and demand no particular attention, can we truly claim credit for eradicating completely the scourge of racial bias from our society.

I think we are moving in the right direction. Between 1987 and 1992, when the last set of complete figures were available from the Census Bureau, the number of American businesses owned by African-Americans increased by 46%. In my own State of Maryland, the numbers are even more impressive. In Maryland during the 1987–1992 period, the number of African-American businesses grew by 14,080 to 35,578, a 65% increase. These figures, I am proud to say, make Maryland the State with the most African-American-owned businesses in the Nation. Moreover, two of Maryland's counties are among the top ten in the nation in terms of the number of African-American businesses based there. Clearly, more and more African-Americans are taking the path to empowerment that Americans of all colors and creeds should view as their birthright.

Thus, during Black History Month, let us celebrate not only firms like Prince George's County's Pulsar Data Systems, a computer systems integration company that made $165 million in 1995, and was ranked by Black Enterprise Magazine as the fifth most profitable black-owned company in America that year. Let us also celebrate smaller enterprises like Grassroots II, an African-American bookstore in Salisbury, MD, which specializes in literature celebrating the African-American experience. Both these types of businesses—the smaller no less than the bigger—show us how far we have come as a nation and how far we still need to go.

In closing, Mr. President, let me pay tribute to a Maryland-based African-American run ''business'' that deserves special mention this month. This business sought to lead African-Americans down a different path of empowerment—not economic empowerment, but intellectual and cultural empowerment. I speak of the black history calendar business run by C. Cabell Carter during the 1970's and 1980's. Mr. Carter, a retired schoolteacher who died in 1987, travelled throughout Baltimore's African-American community selling calendars that featured African-American artwork and highlighted on each day of the year a significant achievement in African-American history. He charged a nominal fee for each calendar, and, by most estimates, sold few calendars per year. I ask that a February 5, 1998 article in the Baltimore Sun about Mr. Carter be printed in the RECORD at the end of my statement.

Mr. Carter did not create jobs, he was not known outside his immediate community, and he would hardly qualify as a prosperous businessman, much less a captain of industry. His achievement, however, was to make his fellow African-Americans aware of their rich history, and to instill in them the pride to be part of that history. It is my sincere hope that some of those with whom Mr. Carter spoke and to whom he sold calendars will be the ones that we in Congress will honor in future editions of Black History Month.

The article follows:

TAKING BLACK HISTORY TO THE STREETS

(By Elmer P. Martin and Joanne M. Martin)

Historian Carter G. Woodson began Negro History Week in 1926 (now Black History Month), but over the years many average citizens helped popularize the February observance.

One such local person was the late C. Cabell Carter, a Baltimore schoolteacher who spent much of his retirement years in the 1970s and '80s peddling black history calendars he created, and serving as a sort of street-corner historian, preaching to everyone from drug dealers to church leaders about the importance of knowing their history.

Mr. Carter charged a nominal fee for the calendars that featured black and white renderings of ancient African royalty and historical African-Americans of note. Virtually every day on the calendars was marked with a significant event in black history.

Mr. Carter probably sold 1,000 calendars a year. Any proceeds were used to finance the production of the next year's calendars and black history postcards. Once, he self-published a thin paperback of profiles of black historical figures.

WIDELY TRAVELED

With his tall, thin figure always immaculately dressed in a starched, white, buttoned-down shirt and tie, and frequently a jacket or suit, Mr. Carter was a well-known figure in Baltimore's black community who traveled all over the area selling his calendar. You were as likely to see him outside Lexington Terrace housing project as you were to find him traversing Morgan State University.

Amazingly, he did all his travels—in good weather and bad—using public transportation. When he was cautioned not to go into dangerous areas, he shrugged off such suggestions. After all, he was on a mission to educate his people, which meant he had to go wherever his people were.

Mr. Carter sought to ''liberate'' black history from academia and take it to the streets. He said it was important for black youth to know that their people had a rich history long before coming to this country. He wanted to fill the gaps left by many history books.

While Mr. Carter spread the word about black history, he didn't spend a lot of time talking about himself, so details of his background are sketchy.

He was born Dec. 5, 1912, and graduated from Hampton Institute (now Hampton University). He taught for years at Carver Vocational School, where he became a leading advocate for instituting black studies and black history in the public schools.

His wife apparently died years ago; his only child, a son, could not be located at the time of Mr. Carter's death, Aug. 8, 1987.

We came to know Mr. Carter when we established the Great Blacks in Wax Museum in 1983. He volunteered his services and became one of our founding board members. He loved taking our wax figures on the road for exhibits to such places as Mondawmin Mall.

Mr. Carter said he developed his love of history while serving in the Army's 92nd Infantry Division during World War II, where he received the Bronze Star for bravery in action.

Faced with extreme racial prejudice and segregation from fellow soldiers and others, Mr. Carter read black history to keep from succumbing to feelings of inferiority and bitterness. The therapeutic results persuaded him that all black people should become acquainted with their history.

Toward that end, he spent considerable time collecting newspaper clippings, visiting libraries and engaging in other activities in an effort to amass historical data for his files, which he would in turn share with others.

AN ECCENTRIC CHARACTER

Although some people regarded him as a bit crazy for approaching hardened youths on street corners, such youths were generally disarmed by Mr. Carter's easy smile, his sincerity, his low tolerance for foolishness and the great confidence he had in their promise and potential.

Mr. Carter often said, ''It is a sad day when the elders are afraid of their own children. I refuse to ever get in that state.''

Mr. Carter also started the Reading Improvement Association, a community-based literacy program. His work did not go unappreciated. At his funeral, some 300 people from all walks of life packed a small cemetery chapel to pay tribute to that wonderfully unusual man.

The West Baltimore resident died penniless at age 74. His landlord, not realizing the importance of Mr. Carter's collection, had it

gathered up and thrown away. So there's little left of Mr. Carter's work except a few calendars and a few copies of his book, ''Black History Makers.''

But, during Black History Month, we recognize such little-known figures as Mr. Carter, as well as the celebrated.

Mr. Carter would have liked that.●

HONORING HOBBS, N.M., HIGH SCHOOL BASKETBALL COACH RALPH TASKER

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a man who has accumulated a remarkable record as the head basketball coach at Hobbs High School in New Mexico. This year he ends more than a half century of teaching and coaching. During these decades of service, he has endeared himself to a community and earned acclaim as one of the most winning high school coaches in the United States.

To understand the significance of Ralph Tasker's impact, it is useful to know more about Hobbs, the community to which he had dedicated his life.

Hobbs is a city born of the hard-scrabble oil and gas industry. Situated on the dusty mesquite-laden plains of southeast New Mexico, it is primarily dependent on farming, ranching, and the petroleum industry. It is a proud community that has touted itself as ''Hobbs, America.''

I believe I can safely say that a lot of the pride in this community has been fostered by its school system and, more specifically, the renowned success of its high school basketball team.

Mr. President, on February 20, Ralph Tasker will coach his last high school basketball game in Hobbs.

On that Friday evening in the Ralph Tasker Arena, the people of Hobbs—a town accustomed to the booms and busts of the oil and gas industry—will honor the man who since 1949 has lead the Hobbs Eagles to consistent basketball glory. Under Ralph Tasker's steady tutelage, it can be said a most constant sound in Hobbs, beyond the hum of oilfield pumps, has been the swish of basketballs ripping through the hoops, the squeak of rubber on hardwood, and decades of cheering fans. It has been through the efforts of Ralph Tasker, the hard knuckled basketball coach, that Hobbs has become known to America.

Understandably, Hobbs honors the end of Coach Tasker's remarkable career with a measure of trepidation.

Mr. President, I believe Ralph Tasker's career as a high school coach has been so outstanding that he deserves the recognition of the Senate.

Born, raised and educated in West Virginia, Ralph Tasker's life has virtually always involved basketball. His teaching and coaching career began in Ohio. During World Was II, he served with the U.S. Army Air Corps stationed at what is now Kirtland Air Force Base in Albuquerque. Tasker played basketball with the Flying Kellys during his service days.

Following the war, he earned a masters degree and returned to New Mexico, this time to Lovington where he taught and coached starting in 1946. It was in 1949 that Ralph Tasker began his illustrious tenure as the head basketball coach at Hobbs High School.

Over the decades, Coach Tasker has compiled the third most winning record of active high school coaches in the United States, with a record of at least 1,116 wins and only 289 losses.

Tasker's Hobbs Eagles have won a dozen state championships—one in Lovington in 1949 and 11 in Hobbs in 1956, 1957, 1958, 1966, 1968, 1969, 1970, 1980, 1981, 1987, and 1988. He is believed to have set a record of sorts by coaching state championship basketball teams in five different decades, from the 1940s to the 1980s. The varsity team has qualified for the state basketball tournaments 36 times, including 24 consecutive tourney appearances between 1961 and 1985.

In 52 seasons as head basketball coach, Ralph Tasker's teams have suffered only two losing seasons. In comparison, he has coached 36 teams to seasons with 20 or more victories. He led two teams through perfect seasons, 1966 (28–0) and 1981 (26–0). His 1970 squad averaged 114.6 points per game during a 27-game season, which is still a national record.

All this success has been rewarded with a trophy case of personal honors. Ralph Tasker has been named National High School Coach by the National High School Coaches Association and by the National Sports News Service. In 1991, he was named the National Athletic Coach of the Year by the prestigious Walt Disney National Teacher Awards Program.

He was a 1988 inductee into the National High School Sports Hall of Fame in Kansas City, Missouri. He has also been inducted into the New Mexico High School Coaches Association Hall of Honor, the Alderson-Broaddus College's Battler Hall of Fame, and the New Mexico State University Aggie Hall of Fame.

Recognition of Coach Tasker's abilities is underscored by the fact that more than 100 Eagle basketball players have gone to college on basketball scholarships, with 50 named to All-State squads, nine selected to prep All-American teams, and 13 drafted by professional basketball leagues.

But I know that the citizens of Hobbs are most proud and appreciative of Ralph Tasker for the hundreds of lives he has helped shape as a coach and mentor. Hundreds upon hundreds of youth people have benefited from the hard work, discipline, and sense of comradery they gained under Coach Tasker's direction. For more than 50 years he has given impressionable young men a sense of direction, a sense of being part of something bigger and greater than they could be by themselves. In teaching such lessons through sweat and toil on the varnished boards of a gymnasium floor, he has made Hobbs a better place to live.

For all his accomplishments, I salute Ralph Tasker, and join those who bring deserved attention to his lifetime of commitment to an honored sport and the youth who play the game.●

RETIREMENT OF RALPH TASKER

● Mr. BINGAMAN. Mr. President, I rise to give praise to a great man. Ralph Tasker has announced that after 52 seasons of coaching, he will retire as the head basketball coach at Hobbs High School in New Mexico. In his 52 seasons, Coach Tasker has amassed over 1,103 wins en route to 12 State championships, 4 State runner-up titles, and 1 National Coach of the Year title. Indeed, Coach Tasker's legacy is that of a man who not only won many basketball games, but also brought his positive influence into the lives of hundreds of high school students.

From 1965 to 1967, Coach Tasker's team won 53 consecutive games. In the 1969–70 season, his team averaged 114.6 points per game, earning him the prestigious National Coach of the Year title. In the 1980's, Coach Tasker continued his winning ways as he led his team to consecutive undefeated seasons from 1980–82, and he was elected to the National High School Sports Hall of Fame.

Mr. President, on the eve of the third-winningest active high school coach's retirement, I would like to take this opportunity to thank Ralph Tasker for his years of dedication to the youth of New Mexico. Certainly, we all have a lot to learn from this man, and his example stands as a marker that we should all strive to attain. Thank you, Coach Tasker, for teaching us the true meaning of winning gracefully.●

NOMINATION OF DR. DAVID SATCHER

● Mr. GRAMS. Mr. President, over the course of the debate on Dr. Satcher's nomination for Assistant Secretary of Health and Surgeon General, Senator ASHCROFT and others have expressed some issues of concern. First, Dr. Satcher's comments regarding abortion. Second, an AZT study in Africa to research alternative treatments for developing nations to the costly and inaccessible AZT regimen.

While I initially had concerns about Dr. Satcher's comments on abortion, I wanted to listen to the debate, examine additional written responses Dr. Satcher provided to the committee on this issue, and make my decision.

During the committee's consideration of Dr. Satcher, he stated that he supports President Clinton in his veto of the ban on partial-birth-abortions. After the hearings, he tried to backtrack.

In his October 28, 1997 written comments to Senator FRIST, Dr. Satcher further explained his position on abortion and I'd like to quote those remarks.

Let me state unequivocally that I have no intention of using the positions of Assistant

Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda and I want to use the power of these positions to focus on issues that unite Americans—not divide them.

I am not comforted by this clarification of his position.

Mr. President, I believe we as a nation require a Surgeon General who's position on this issue is one of furthering policies which, at a minimum, do not give tacit approval of a procedure that 75 to 80 percent of Americans agree is barbaric and unneeded.

With regard to the AZT trials to prevent the maternal-to-infant transfer of HIV in Africa, I also share some concerns about the protocol set up in this study. Specifically, the use of a placebo control group.

Mr. President, I have always been a strong supporter of medical research. I cannot, however, endorse or condone research done in developing countries in a manner which we would not conduct it here in our own Nation—with our own constituents as the subjects of that research.

Mr. President, I listened to both sides of the arguments and came to a conclusion. I have no reason to believe Dr. David Satcher is not qualified to serve as Assistant Secretary of Health and Surgeon General of the United States. However, I, for the reasons cited earlier, could not in good conscience support his nomination.●

MAKING CRS REPORTS AVAILABLE TO THE PUBLIC

● Mr. ABRAHAM. Mr. President, last week Senator MCCAIN, the Chairman of the Commerce Committee, introduced legislation to make Congressional Research Service Reports, Issue Briefs and Authorization and Appropriations products available over the Internet to the public. I rise today to express my support for this timely legislation.

The Congressional Research Service has a well-deserved reputation for producing objective, high-quality reports and issue briefs. I have relied on these reports in the past and have only the highest regard for the material produced by CRS. This information is not readily available to the general public, however. Congressional offices must officially request information on a constituent's behalf.

Senator MCCAIN's legislation, S. 1578, directs the Director of CRS to make reports, issue briefs and the more comprehensive CRS reports on federal authorizations and appropriations available on the Internet. Most of this information is already available on the CRS website but can only be accessed by Members of Congress and their staff. Obviously, since we use the Internet to make this information more accessible to Congress, we have the ability to make this information available to the general public. It is time we do so.

Increasingly, the public is demonstrating that it is not satisfied with the way Congress does business. Amid the furor over campaign finance reform, accusations abound of Members ''selling'' their votes to private interest groups. I believe that greater access to the documents used by Members of Congress when making decisions will increase public understanding of this institution. Since constituents will be able to see the materials which influence the way a Member votes, a more accurate view of the Congressional decision-making process should emerge.

Passage of this legislation will also permit the Congressional Research Service to serve an important role in informing the public. This nation's citizens will be able to read CRS products and receive a concise, accurate summary of the issues that concern them. The American taxpayer is paying for this information, almost $65 million for this year alone, and has a right to see it.

The technological advances of the last decade are truly astonishing. Every effort should be made to apply this new technology as widely as possible. The advent of the Internet provides an important avenue for the exploration of new applications. This new medium has made possible the low-cost, rapid dissemination of information to an growing audience, and, whereas legislation to make CRS information available to the public was not plausible ten years ago, today we can do it at a very low cost.

Mr. President, removing the barriers to public view of CRS documents is a great idea who's time has come. It will help Congress to better fulfill its duty to inform the public and allow constituents to see first hand the information that serves as the basis for many of the decisions made by its federally elected representatives.●

AN IDAHOAN MINES OLYMPIC GOLD

● Mr. KEMPTHORNE. Mr. President, I rise to congratulate an American athlete who has shown us all that adversity can be turned into inspiration and success.

Picabo Street, a young woman from the tiny mining town of Triumph in my home state of Idaho, has thrilled us all with her gold medal-winning performance in the women's super giant slalom at the Winter Olympics in Nagano, Japan.

Four years ago I stood in this chamber to offer my congratulations to Picabo, who won a silver medal in the Lillehammer Olympics in the downhill. While a lot has happened in this country and the world over those four years, one thing has remained the same: Picabo Street's desire to win an Olympic gold medal.

That dream looked like it might not be fulfilled after a horrible accident 14 months ago during a training run. Picabo blew out her knee, and missed almost the entire 1997 season. But thanks to her determination and tireless rehabilitation, the knee was strong enough to return to action late last year. And then, another setback marred her prospects for Nagano. Just 12 days ago, she was knocked unconscious in a spill during a race in Sweden.

But this remarkable third-generation Idahoan, who learned to ski on the slopes of Sun Valley, was determined not to let this latest setback keep her from fulfilling the promise she made to her parents when she was a little girl—the promise of Olympic gold.

Picabo says the long and difficult months of rehabilitation from her injury were the toughest times of her life. Yet her hard work and dedication pulled her through. Even while she could only sit and watch her teammates get ready for these games, she never lost hope.

Picabo's mother, Dee, taught her the words to the Star Spangled Banner. Four years ago, Picabo stood on the silver medal platform, listening to another country's anthem being played. She vowed the next time she'd hear her anthem. Those singing lessons came in handy today. With the gold medal around her neck, Picabo sang the words to our national anthem. I'm sure every American sang with her.

Idaho can be truly proud of a hometown hero, who overcame seemingly insurmountable odds to regain the form that made her a world champion. I ask every Idahoan and every American to join me in offering congratulations to this amazing athlete.

The little girl from the gold mining town of Triumph, Idaho has triumphed and won the gold medal.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROBERTS. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

No. 371, Sally Thompson, to be CFO of the Department of Agriculture.

No. 490, Robert Warshaw, to be Associate Director for National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF AGRICULTURE

Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, FEBRUARY 12, 1998

Mr. ROBERTS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, February 12, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately begin a period for the transaction for morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions:

Senator NICKLES, 20 minutes; Senator DOMENICI, 45 minutes; Senator BYRD, 1 hour; Senator THOMAS, 10 minutes; Senator ALLARD, 20 minutes; Senator DORGAN, 1 hour; Senator MURKOWSKI, 20 minutes; Senator JEFFORDS, 5 minutes; Senator GRAMM, 30 minutes; Senator JOHNSON, 10 minutes, and Senator BAUCUS for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Madam President, tomorrow morning, as previously ordered, the Senate will be in morning business until 2 o'clock. Following morning business, the Senate may proceed to any legislative or executive business cleared for action. Therefore, votes are possible during Thursday's session of the Senate.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask that the 30 minutes allotted to me be immediately following Senator DOMENICI?

Mr. ROBERTS. I inform the distinguished Senator from Montana that the order right now is Senator NICKLES for 20 minutes, Senator DOMENICI for 45 minutes, and Senator BYRD for 1 hour.

Mr. BAUCUS. I ask unanimous consent that I may follow Senator BYRD for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERTS. Madam 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, following the remarks by my distinguished colleague from Delaware, Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

NATO ENLARGEMENT

Mr. BIDEN. Madam President, I am pleased to report a very historic event that occurred today at the State Department at about 12 noon. The President of the United States, the Secretary of State, the Vice President, and the Foreign Ministers of the Czech Republic, Poland, and Hungary, were in attendance. At this event, the President signed an amendment to the Washington treaty—the NATO treaty—that has been or will shortly be delivered to the Senate asking that the Czech Republic, Hungary and Poland become full members of NATO. This ceremony at the State Department completed the formal transmission from the President to this body for its advice and consent of the protocols of accession of those three countries into NATO.

It was pointed out to me by the Vice President, as we were leaving the State Department ceremony, that it was this very day upon which the Yalta Conference ended some 50 years ago. It seems to me incredible that it is happening, but also that it has taken this long for to us rectify a serious historical error. At the ceremony, there were a number of things stated about why this was so important.

We are moving very quickly this session to a momentous vote addressing America's security interests in Europe, which will not only affect us, but the next several generations of Americans. I refer to the addition of new allies to the North Atlantic Treaty Organization. Recognizing that the protocols would be referred to the Foreign Relations Committee for its review,

The committee, under Chairman HELMS' leadership, has been holding a series of comprehensive hearings since October on the pros and cons of enlarging NATO.

Beginning with Secretary of State Albright, we heard testimony from senior Clinton administration and former executive branch officers, retired ambassadors and generals, and distinguished academics and foreign policy experts—most in favor of, but some in opposition to expansion.

The Committee also invited public testimony from all citizens concerned with this issue, welcoming veterans groups, scholars, and representatives of the American Baltic, Central and East European, and Jewish communities. Opinion among all witnesses ran four to one in favor of embracing the Poles, Hungarians, and Czechs as NATO allies.

With the Protocols now in hand, the Committee will hold one more hearing with Secretary of State Albright, Secretary of Defense Cohen, and Chairman of the Joint Chiefs Shelton on February 24.

The following week, the Committee is expected to markup and vote on the Resolution of Ratification. I anticipate that the Committee will overwhelmingly recommend consideration of the Resolution by the full Senate. The Majority Leader has indicated that consideration should begin in March, after action on campaign finance reform.

Mr. President, rather than giving a detailed statement now on the many benefits to America of NATO enlargement, I wish only to enunciate a few central themes upon which I will expand as Senate consideration of these vital protocols approaches.

The first thesis is that, as NATO's leader, America must ensure the Alliance moves beyond its Cold War mission. The status quo is tantamount to declaring NATO a non-performing asset.

Internally, NATO is already adapting to address different threats to peace, now that a massive military strike from the East is highly unlikely. The Alliance is placing smaller, smarter, more mobile forces under a streamlined command system with a new strategic concept. This will allow rapid action, including beyond the borders of NATO, such as our current mission in Bosnia.

Enlargement is part of NATO's external transformation. This transformation is designed to widen the zone of stability, deter new threats of ethnic conflict, eliminate new divisions or ''zones of influence,'' and promote common action against weapons proliferation and transfer, terrorism, and organized crime. NATO's open door to expansion helps provide the confidence and inspiration for continued democratization and economic development in the former Soviet States and in Eastern and Central Europe.

Admission of new allies is the most solemn in the spectrum of new security relationships NATO has undertaken throughout Europe and the former Soviet Union, since the admission of Spain, and prior to that, Germany, Greece and Turkey. In addition, NATO has developed unique partnerships with Russia and Ukraine, and has drawn former adversaries into a web of cooperation through what we refer to as the Partnership for Peace and the Euro-Atlantic Partnership Council.

The second thesis that I will be expounding on at a later time is that the costs of enlargement are real but manageable, and represent a bargain for the American people in terms of our security.

NATO's own study of the Polish, Hungarian, and Czech contributions to our common defense rates them well worth the ten-year, one-and-a half billion dollar price tag. The U.S. share in this price will be roughly four hundred million dollars over ten years, or about forty million dollars per year.

Most importantly, Secretary of State Albright noted in her testimony, that our Allies stated at the last NATO summit that the resources for enlargement will be found and that she will ensure that our allies pay their fair share—a very important requirement to be met in order to gain the support of our colleagues in the Senate.

In the long-run, America has always found that common defense is cheaper defense. This is true certainly in financial, but even more so in the far more

precious human resources the sixty million people and two hundred thousand troops Poland, Hungary, and the Czech Republic bring to our common security. This is not a question of whether the U.S. will trade Warsaw for Washington, or Budapest for Buffalo, but rather that the Poles, Czechs, and Hungarians are willing to assume the front line in America's forward defense of its shores.

The third thesis is that our relations with Russia remain solid, productive, and cooperative, notwithstanding enlargement. Prophets of backlash have been disproven.

Although few Russians are fond of NATO enlargement, policymakers in Moscow have accepted it. Moreover, no Russian with whom I met in Moscow—from Communist leader Zyuganov, to liberal leader Yavlinsky, to the nationalist retired General Lebed—believed that NATO enlargement constitutes a security threat to Russia.

We have seem Russia ratify the Chemical Weapons Convention, renew efforts to ratify START II, send troops under overall U.S. command to implement peace in Bosnia, and work smoothly with NATO as an organization in the new Russia-NATO Permanent Joint Council.

But ultimately, Russia must understand that it has no veto over NATO actions, nor over the right of former Soviet satellites to freely choose their defense arrangements. I believe their actions demonstrate that they have come to terms—however grudgingly—with this fact.

My fourth thesis is a caution. The consequences of a failure to embrace the Poles, Hungarians, and Czechs as new allies would be a disaster.

This century has taught us that when Central Europeans are divorced from Western institutions of common defense, they are vulnerable to pressure and control by the great powers around them, and susceptible to insidious suspicions of their neighbors' intentions. This forces them to nationalize their defense policies, creating tension and instability

Here, I would like to quote from Dr. Henry Kissinger's testimony to the Foreign Relations Committee on this very point. Dr. Kissinger's testimony to the Foreign Relations Committee on this very point was very, very enlightening, I thought.

Kissinger warned: Basing European and Atlantic security on a no man's land between Germany and Russia runs counter to all historical experience, especially that of the interwar period. It would bring about two categories of frontiers in Europe, those that are potentially threatened but not guaranteed, and those that are guaranteed but not threatened. If America were to act to the defend the Oder [between Germany and Poland] but not the Vistula [in Poland], 200 miles to the east, the credibility of all the existing NATO guarantees would be gravely weakened.

Madam President, I will close with a fifth and final thesis, and it is a moral one.

For 40 years, the United States loudly proclaimed its solidarity with the captive nations of Central and Eastern Europe who were under the heel of communist oppressors. Now that most of them have cast off their shackles, it is our responsibility, in my view, to live up to our pledges to readmit them into the West through NATO and the European Union as they qualify.

Just as NATO enlargements embraced Turkey, Greece, and West Germany several years before the European Union's precursors were yet in existence, so we should not hesitate to accept Poland, Hungary, and the Czech Republic now, even before their accession to the European Union.

The habits of cooperation created by NATO membership can only help these nations as they prepare for economic integration into Europe and the West.

I thank the Chair for listening and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:50 p.m., adjourned until Thursday, February 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 11, 1998:

DEPARTMENT OF COMMERCE

DEBORAH K. KILMER, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JANE BOBBITT, RESIGNED.

DEPARTMENT OF JUSTICE

RICHARD H. DEANE, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS VICE KENT BARRON ALEXANDER, RESIGNED.

RANDALL DEAN ANDERSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS, VICE DANIEL C. DOTSON, RETIRED.

DANIEL C. BYRNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS VICE MICHAEL A. PIZZI, RESIGNED.

BRIAN SCOTT ROY, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE CHARLES WILLIAM LOGSDON, RESIGNED.

THE JUDICIARY

CHESTER J. STRAUB, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOSEPH M. MCLAUGHLIN, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM JAMES IVEY, OF TENNESSEE, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE JANE ALEXANDER, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CRAIG H. ANDERSON, 0000
LARRY L. ANDERSON, 0000
NORMAN E. ARFLACK, 0000
JAMES F. ARMSTRONG, 0000
JIMMY D. ARMSTRONG, 0000
ROBERT W. ASKEY, 0000
MICHAEL A. BAILEY, 0000
DENNIS E. BANOWETZ, 0000
LONNIE L. BARHAM, 0000
WILLIAM B. BARKER, 0000
JOHN F. BARRY, 0000
JOHN P. BASILICA, 0000
WILLIAM E. BEASLEY, 0000
STEVEN L. BELL, 0000
SHELLEY L. BENNETT, 0000
ROBERT A. BEREITER, 0000
DAN A. BERKEBILE, 0000
JOSE BERRIOS, 0000
WILLIAM J. BERTSCH, 0000
CHARLES D. BETONEY, 0000
MITCHELL T. BISANAR, 0000
ABNER C. BLALOCK, JR., 0000
JIMMY L. BLAND, 0000
JACK P. BOBO, 0000
GEORGE F. BOWDOIN, 0000
LEON C. BOWLIN, 0000
ROBERT A. BRADFORD, 0000
JOHN J. BRAHAM, 0000
DOUGLAS M. BRANTLEY, 0000
ROBERT T. BRAY, 0000
MARTIN T. BREAKER, 0000
DONALD J. BREECE, 0000
GLENN C. BREITLING, 0000
MANUEL BRILLON-RODRIGUEZ, 0000
RITA M. BROADWAY, 0000
FREDERICK G. BROMM, 0000
CLARENCE D. BROWN, 0000
OTIS BROWN, JR., 0000
ELTON C. BRUCE, 0000
DAVID H. BRUNJES, 0000
JAMES A. BRUNSON, 0000
ELBERT T. BUCK, JR., 0000
CRAIG W. BULKLEY, 0000
PHILLIP R. BURCH, 0000
DAVID P. BURFORD, 0000
MICHAEL T. BURK, 0000
DONALD L. BURNETT, 0000
JAMES L. BURSON, 0000
JOHN L. CAIRER, JR., 0000
TERRY B. CALLAHAN, 0000
WAYNE T. CAMERON, 0000
JULIO CAPOCAPO, 0000
MICHAEL E. CARR, 0000
CASPER CATAUDELLA, 0000
DENNIS L. CELLETTI, 0000
THOMAS E. CHALIFOUX, 0000
STEPHEN G. CHAMBERS, 0000
JAMES E. CHAPMAN, 0000
RONALD L. CHUBB, 0000
RAY D. CLEVEN, 0000
ANTONIO R. COBIAN-MENDEZ, 0000
GILBERT P. COLLINS, 0000
STEPHEN D. COLLINS, 0000
WILLIAM D. COLVIN, 0000
WILLIAM G. CONFER, 0000
REX J. CONNERS, 0000
JOHN K. COOLEY, 0000
BILLIE M. COOPER, 0000
LARRY D. COPELIN, 0000
BILLY J. COSSON, 0000
PAUL D. COSTILOW, 0000
REBECCA A. COULTER, 0000
TERRY R. COUNCIL, 0000
ALLEN D. CRANFORD, 0000
MICHAEL S. CROCKER, 0000
MICHAEL J. CURTIN, 0000
DONNA L. DACIER, 0000
MICHAEL J. DACY, 0000
FRANCIS A. DANIELS, 0000
HAROLD F. DANIELS, 0000
CHARLES H. DAVIDSON, 0000
JOHN T. DAVIS, 0000
MYLES L. DEERING, 0000
PAUL J. DEGATEGNO, 0000
PHILIP M. DEHENNIS, 0000
ROBERT F. DELCAMPO, 0000
MILTON E. DEMORY, 0000
CRAIG W. DEUTSCHENDORF, 0000
GREGORY H. DEVOE, 0000
DAVID L. DICKSON, 0000
RENE DOLDER, 0000
MICHAEL R. DONAGHY, 0000
MARK C. DOW, 0000
ROY L. DRAKE, JR. 0000
MARK W. DUSHNYCK, 0000
WALTER K. DYER, 0000
DONALD E. EBERT, 0000
LESTER D. EISNER, 0000
MARK A. ELLIS, 0000
STEPHEN B. ENGLE, 0000
ROGER D. EVANS, 0000
MICHAEL R. EYRE, 0000
TERRY FOBBS, 0000
WILLIAM A. FOLEY, 0000
WILLIAM P. FOSTER, 0000
JULIUS A. FRALEY, 0000
ROBERT P. FRENCH, 0000
WILLIAM J. FULFORD, 0000
JOHN T. FURLOW, 0000
CHARLES L. GABLE, 0000
JOHN D. GAINES, 0000
DAVID D. GAPINSKI, 0000
JAMES P. GARDNER, 0000
JOSEPH E. GARLAND, 0000
STEPHEN F. GARRISON, 0000
ALAN C. GAYHART, SR. 0000
DENNIS GILPATRICK, 0000
HAROLD GLANVILLE, 0000
DAVID E. GOINS, 0000
RONNIE E. GORDON, 0000
MICHAEL A. GORMAN, 0000
PAUL R. GRAMS, 0000
DAVID L. GRAY, 0000
MICHAEL C. GRAY, 0000
MARK S. GRAZIER, 0000

DAVID E. GREER, 0000
RALPH R. GRIFFIN, 0000
DAVID J. GRIFFITH, 0000
RUSSELL D. GULLETT, 0000
DAVID F. GUNN, 0000
MICHAEL HACKENWERTH, 0000
GARY M. HARA, 0000
BILLY R. HARTBARGER, 0000
EARL W. HARTER, 0000
STEVEN J. HASHEM, 0000
DONALD J. HASSIN, 0000
PAUL HAVEY, 0000
JOHN R. HAWKINS, 0000
LEONARD T. HENDERSON, 0000
PATRICK R. HERON, 0000
JOHN B. HERSHMAN, 0000
WILLIAM A. HIPSLEY, 0000
JOHN C. HOLLAND, 0000
PAUL M. HOUSE, 0000
GREGORY A. HOWARD, 0000
DONNA L. HUBBERT, 0000
THOMAS C. HUNT, 0000
THOMAS W. HUNT, 0000
ROBERTA S. IMMERS, 0000
CHARLES L. INGRAM, 0000
CHRISTOPHER A. INGRAM, 0000
CLAUDE T. ISHIDA, 0000
STANLEY G. JACOBS, 0000
DENNIS E. JACOBSON, 0000
WALTER S. JANKOWSKI, 0000
CARL R. JESSOP, 0000
KENNETH C. JOHNSON, 0000
SHELDON L. JOHNSON, 0000
WILLIAM G. JOHNSON, 0000
FREDDIE L. JONES, 0000
FREDRICK D. JONES, 0000
WALTER M. JONES, 0000
WILLIE E. JONES, JR, 0000
JAMES JOSEPH, 0000
FRED A. KARNIK, JR, 0000
ROBERT F. KEANE, 0000
JAMES E. KELLY, 0000
HOLLIS G. KENT, 0000
BRIAN A. KILGARIFF, 0000
KIM KIMMEY, 0000
CRAIG S. KING, 0000
JAMES H. KING, 0000
ROBERT C. KING, 0000
WILLIAM C. KIRKLAND, 0000
MARK S. KOPSKY, 0000
RICHARD KUECHENMEISTER, 0000
THOMAS J. KUTZ, 0000
HENRY T. KUZEL, 0000
DIANNE S. LANGFORD, 0000
CHARLES B. LANIER, 0000
ANTONIO S. LAUGLAUG, 0000
THOMAS C. LAWING, 0000
JACK E. LEE, 0000
WILLIAM T. LEE, 0000
CLAY C. LEGRANDE, 0000
PHILLIP J. LENNERT, 0000
MYRON C. LEPP, 0000
GARY N. LINDBERG, 0000
DANIEL M. LINDSLEY, 0000
RICHARD K. LINTON, 0000
BETSY A. LITTLE, 0000
CASIMIR G. LORENC, 0000
THOMAS D. LUCKETT, 0000
JOHN B. LYDA, 0000
KENNETH L. MACK, 0000
ROBERT M. MACMECCAN, 0000
GLENN W. MACTAGGART, 0000
GREGG H. MALICKI, 0000
JAMES B. MALLORY, 0000
JOHN C. MALONEY, 0000
STEVEN L. MANNHARD, 0000
JANET V. MARK, 0000
DAVID L. MARLEY, 0000
PASCUAL MARRERO, 0000
MARION D. MARSH, 0000
EUGENE C. MARTIN, 0000
CHARLES E. MASON, 0000
MATTHEW C. MATIA, 0000
MICHAEL T. MCCABE, 0000
JEFFREY C. MCCANN, 0000
JAMES C. MCCASKILL, 0000
WILLIAM M. MCCORKLE, 0000
GARY L. MCCORMICK, 0000
BERNARD D. MCCRAW, 0000
KEVIN F. MCCROHAN, 0000
GEORGE W. MCCULLEY, 0000
JOE D. MCDOWELL, 0000
PATRICK F. MCGOVERN, 0000
DAVID F. MERRILL, 0000
STEPHEN F. MILLER, 0000
DENNIS MINER, 0000
FREDERICK E. MINER, 0000
JESUS M. MOLANOCARDENAS, 0000
MICHAEL B. MONTGOMERY, 0000
ROBERT L. MOODY, 0000
MARIA E. MOON, 0000
JEROME T. MORIARTY, 0000
ANTHONY MORRISON, 0000
RONALD H. MOSKOWITZ, 0000
JAMES A. MOYE, 0000
ROBERT L. MULLALY, 0000
WILLIAM R. MURPHY, 0000
WILLIAM P. MURRAY, 0000
JOHN L. NATTERSTAD, 0000
MURRAY A. NEEPER, 0000
CHARLES R. NESSMITH, 0000
CHARLES H. NEWELL, 0000
HERBERT L. NEWTON, 0000
SUZANNE M. NEWTON, 0000
ROBERT M. NICHOLAS, 0000
RICHARD L. NORMAN, 0000
MARTIN N. NOWAK, 0000
MADONNA M. NUCE, 0000
ARTHUR C. NUTTALL, 0000
DENNIS J. O'BRIEN, 0000
PATRICK M. O'HARA, 0000
EMMETT N. O'HARE, 0000
JAMES W. OXFORD, 0000
CHARLES C. PANGLE, 0000
GARY A. PAPPAS, 0000
LOUIS A. PAPPAS, 0000
THOMAS W. PARKINS, 0000
JAMES A. PATTON, 0000
PETER Q. PAUL, 0000
DAVID J. PAYNE, 0000
DENIS J. PETCOVIC, 0000
MURRAY T. PETERSEN, 0000
JAMES W. PETERSON, 0000
STEPHEN M. PETERSON, 0000
EMIL H. PHILIBOSIAN, 0000
PHILIP G. PICCINI, 0000
BILLY L. PIERCE, 0000
MICHAEL L. PIERCE, 0000
DAVID S. PIKE, 0000
ALBERT PORTO, 0000
DONALD E. POTTER, 0000
ALLYN R. PRATT, 0000
WAYNE A. PRATT, 0000
CHARLES C. PRICE, 0000
MICHAEL L. PRICE, 0000
RONALD G. PRICE, 0000
GARY M. PROFIT, 0000
ERNESTO QUINONESMARTIN, 0000
DAVID W. RAES, 0000
JAMES W. RAFFERTY, 0000
JOHN J. REECE, JR., 0000
ROBERT E. REED, 0000
STEVEN L. REED, 0000
JOHNNY H. REEDER, 0000
JEFFREY C. REYNOLDS, 0000
ANDREW RICHARDSON, 0000
GARY G. RICKMAN, 0000
ROBERT J. RIDILLA, 0000
GLENN K. RIETH, 0000
TIMOTHY D. RINGGOLD, 0000
JAIME O. RIVERA, 0000
CHARLES S. RODEHEAVER, 0000
ALEKSANDRA M. ROHDE, 0000
JOHN W. ROLLYSON, 0000
JAMES T. ROOT, 0000
JOSE M. ROSADO, 0000
GEORGE M. ROSS, 0000
KENNETH B. ROSS, 0000
LAWRENCE H. ROSS, 0000
JOEL S. ROSTBERG, 0000
CHARLES D. RYDELL, 0000
TERRY L. RYDELL, 0000
DAVID F. SARNOWSKI, 0000
STEPHEN D. SCHAER, 0000
ROBERT C. SCHARLING, 0000
LARRY D. SCHIED, 0000
JAMES A. SCHILLER, 0000
GEORGE A. SCHWENK, 0000
GARTH T. SCISM, 0000
MICHAEL SEBASTIAN, 0000
JACKIE L. SELF, 0000
VICTOR L. SHELDON, 0000
JAMES H. SHIREY, 0000
JAMES L. SIMPSON, 0000
WILLIAM A. SLOTTER, 0000
HERBERT D. SMILEY, 0000
PERRY G. SMITH, 0000
STEVEN A. SMITH, 0000
WILLIAM T. SMITH, 0000
KARL P. SMULLIGAN, 0000
STANLEY L. SNIFF, 0000
DEE J. SNOWBALL, 0000
JAMES L. SNYDER, 0000
FRANK T. SPEED, 0000
DANIEL S. SPRING, 0000
ROBERT J. STAIERT, 0000
BRUCE A. STARKEY, 0000
JOHN B. STAVOVY, JR, 0000
LARRY J. STUDER, 0000
ROBERT L. SWARTWOOD, 0000
BASIL O. SWEATT, 0000
RICHARD M. TABOR, 0000
ROBERT S. TEMPLETON, 0000
WYNIACO D. THOMAS, 0000
REX E. THOMPSON, 0000
WILLIAM F. TIEMANN, 0000
CHARLES K. TOBIN, 0000
ELROY K. TOMANEK, 0000
ALAN A. TOMSON, 0000
NELSON E. TORRES, 0000
JAMES R. TRIMBLE, 0000
HUGHES S. TURNER, 0000
PATRICK J. TUSTAIN, 0000
DAVID R. TUTHILL, 0000
RONALD W. URBAN, 0000
THOMAS E. VANDERPOOL, 0000
ROBERT W. VANMETER, 0000
JERRY A. VAUGHN, 0000
PHILIP E. VERMEER, 0000
DANIEL J. VONDRACHEK, 0000
WILLIAM L. WALLER, 0000
RONALD L. WEAVER, 0000
CHARLES R. WEBB, 0000
NANCY J. WETHERILL, 0000
GARY E. WHEELDON, 0000
BERT J. WHITTINGTON, 0000
MARK E. WIDMER, 0000
WILLIAM WILBOURNE, 0000
JOE D. WILLINGHAM, 0000
JOHN F. WILLIS, 0000
ROBERT C. WINES, 0000
MICHAEL L. WOOD, 0000
WILLIAM S. WOOD, 0000
JAMES A. WRIGHT, 0000
JEFFREY L. YEAW, 0000
JOHN L. YOUNG, 0000
JOHNNIE L. YOUNG, 0000
WALTER F. YOUNG, 0000
MICHAEL H. ZANG, 0000
KENNETH W. ZIESKA, 0000
BRUCE E. ZUKAUSKAS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11, 1998:

DEPARTMENT OF AGRICULTURE

SALLY THOMPSON, OF KANSAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

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.

THE JUDICIARY

MARGARET M. MORROW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT S. WARSHAW, OF NEW YORK, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY.

EXTENSIONS OF REMARKS

ANATOLY KORNUKOV

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SOLOMON. Mr. Speaker, something very outrageous has just happened in Russia that should be an affront to all Americans.

As we all remember, on September 1, 1983, the Soviet Union shot down a civilian jetliner, Korean Airlines flight 007.

Well Mr. Speaker, the very general who gave the order to murder those civilians, including our friend and colleague Congressman Larry McDonald, has just been appointed by President Yeltsin as the new Chief of Staff of the Russian Air Force.

And do you know what? This general, Anatoly Kornukov, still doesn't regret that he gave the order. He still maintains the Soviet fiction that KAL 007 was on a spy mission.

That's right, 6½ years after Boris Yeltsin stood on that tank, and led the dissolution of the Soviet empire, old Communist thinking not only persists in Russia, it is in fact prevalent and is being rewarded by Boris Yeltsin.

And 6 years after we put Russia on the foreign aid dole, to the tune of over $50 billion from American and Western taxpayers, this is the thanks we get.

It is time for this administration to put their foot down and demand the removal of this killer, otherwise there will be no more foreign aid to Russia.

CONGRATULATIONS TO ELAINE (DE LA TORRE) BERNARD AND CAROL DE LA TORRE OF GENESIS, INC.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Elaine (De La Torre) Bernard and Carol De La Torre of GENESIS, Inc. for being recognized Business Women of the Year by the Central California Hispanic Chamber of Commerce, and Top Female Owned Business by the California State Chamber of Commerce. As sisters and owners of Genesis, Elaine and Carol have made countless contributions to the community and are very deserving of recognition.

For the past 10 years, Elaine Bernard and Carol De La Torre have dedicated their lives to Genesis, Inc., a non-profit organization that provides residential treatment, foster care and supportive family services to children who have been sexually, physically and/or emotionally abused, neglected or abandoned. The Genesis goal is to serve in the Fresno county area and community by providing interventions and building blocks for area youth and families. From the moment Genesis group homes opened their doors, there have been tremendous changes in the lives of many children.

Originally, GENESIS, INC. opened one residential group home in Fresno to serve female adolescents who were predominately Hispanic and under-served. The number of group homes has grown to six with over forty-two clients in placement. GENESIS also established three community schools to assist with their educational needs and goals. GENESIS has been committed to providing job opportunities to Valley residents and has prided itself on the ability to provide quality employment for both men and women of diverse culture and backgrounds. Furthermore, GENESIS has provided a learning environment for university interns and volunteers who receive valuable on-the-job training and experience under the supervision of highly skilled professionals.

The California State Chamber of Commerce recognizes one top female owned business on an annual basis. On September 19, 1997 Genesis incorporated received this award under the criteria of success and contributions to the community. Genesis was chosen among 30 other nominations from around the state of California.

Mr. Speaker, it is with great honor that I pay tribute to Elaine (De La Torre) Bernard and Carol De La Torre of Genesis, Inc. for over 10 years of outstanding community service. It is the leadership and care exhibited by these two sisters that warrant this recognition. I ask my colleagues to join me in wishing Elaine (De La Torre) Bernard and Carol De La Torre many more years of success.

PHILADELPHIA INQUIRER EXPOSES LABOR ABUSES ON U.S. SOIL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. MILLER of California. Mr. Speaker, the following article appeared in the February 9, 1998 Philadelphia Inquirer and describes the living and working conditions in the U.S. Commonwealth of the Northern Mariana Islands (CNMI). This article, ''Your Pricey Clothing is Their Low-Pay'' offers additional examples of the alarming conditions under which many workers in this U.S. territory toil.

Every independent reporter who has traveled to the CNMI to investigate the working and living conditions of the tens of thousands of imported foreign workers there—whose population outnumbers that of the U.S. citizens—has reached the same alarming conclusion: U.S. laws designed to protect workers on U.S. soil are not being adequately applied or enforced. Instead, this part of America has become an outpost for foreign investors, the construction, tourism and garment industries being the major suppliers of foreign workers. In the CNMI, Chinese labor bosses are able to ''run their factories just as they would in China—as virtual sweatshops.'' Because this is a U.S. territory, $810 million worth of garments manufactured under these conditions in 1997 entered the U.S. duty— and quota-free and allowed to bear the ''Made in USA'' label.

One Chinese woman describes restrictive labor practices that include being forbidden from attending church. Another tells of working seven days a week and only occasionally getting a half-day off on Sundays. Human rights advocates say ''many guest workers endure unpaid work, forced overtime, withheld wages and unsafe workplaces.''

Many foreign workers live in ''squalid shacks without running water, sufficient toilets or proper ventilation'' but ''are too deep in debt back home to risk getting fired'' by speaking out about unfair treatment, poor working conditions, or improper wages. Indeed, many of these workers have sold their family's land, their homes, and have borrowed the money from loan sharks to pay recruiters who have promised them good, high-paying jobs in America. The workers must repay these loans or risk harm to themselves and their families.

As the article attests, the CNMI is hardly a good example of a situation we in Congress would want to emulate in our hoe States. Rather, it is an example of what can go horribly wrong when a U.S. territory government develops an economy based heavily on the importation of cheap, alien, indentured workers, who are granted no stake in society, and who are denied adequate labor protections by the local government.

Congress can, and should, take action to correct this situation. I have introduced legislation, HR 1450—the ''Insular Fair Wage and Human Rights Act'' that would place the CNMI immigration system under federal law, bringing the CNMI into conformity with every other U.S. territory. Further, this legislation will incrementally increase the local minimum wage until it reaches the federal level, and provide that garments only be allowed to bear the ''Made in USA'' label if all federal laws were adhered to in the manufacture of the garment.

[From the Philadelphia Inquirer, Feb. 8, 1998]

YOUR PRICEY CLOTHING IS THEIR LOW-PAY WORK

(By Jennifer Lin)

SAIPAN, NORTHERN MARIANA ISLAND.— The rest of America may worry about losing jobs to Asia, but this lush island in the far western Pacific has created an outpost of Asia right on American soil.

Pacific Rim investors—primarily overseas Chinese and Koreans—have flocked to this U.S. territory, building a profitable world-class garment industry. They hire workers from China. They import fabric, buttons and zippers from China. And in many cases, they run their factories just as they would in China—as virtual sweatshops—ignoring U.S. laws designed to protect workers.

Even so, the factories can sew ''Made in the U.S.A.'' onto clothing, skirt U.S. duties and quotas, and pay their workers far less than the U.S. minimum wage. Attempts to rescind those privileges have been opposed by several American lawmakers, some of whom have taken trips to Saipan paid for by the island government.

The coveted ''Made in the U.S.A.'' label is like a seal of approval for clothing-makers, implying that products are untainted by labor abuses the American buying public associates with garments made in Asian sweatshops. But it has lost much of its meaning in Saipan.

Such companies as J.C. Penney, Ralph Lauren, Tommy Hilfiger and Jones New York have paid factories here to make their clothing under contract. The suppliers pay less than U.S. minimum wage and ship duty-free to the U.S.—giving them a decided advantage over competitors who make garments in the U.S.

Often it is impossible for American shoppers to know whether a ''Made In U.S.A.'' shirt was sewn by workers in Philadelphia or by low-wage Chinese in Saipan. (Sensing problems, some U.S. companies have asked their Saipan suppliers to switch to labels that say ''Made in the Northern Marianas'' or ''Made in Saipan.'')

Last year, garmet factories on the islands shipped a projected $810 million in clothing to the U.S. mainland. Had the merchandise been treated like imports from Asia, the U.S. Treasury could have collected $150 million in duties.

Most workers in Saipan's garment industry are Chinese, and 21 of the 26 factories are owned by Asian investors. China's giant, government-controlled textile industry has set up shop here as a way of avoiding strict U.S. quotas. Marianas Garment Manufacturing Inc., indirectly owned by the Chinese textile industry, hires all 500 of its workers in China and flies them here to sew ''Made in Saipan, U.S.A.'' onto its clothing.

There is no other place in the United States or its territories like the Commonwealth of the Northern Mariana Islands, a chain of 14 scenic islands, including the largest, Saipan, where more than 5,000 American troops died in a World War II battle.

It is the only place on U.S. soil where the local government can set its own rules on minimum wage, and one of two with its own immigration policy (along with American Samoa).

It is the only place where factories import entire workforces and can pay them $3.05 an hour, well below the minimum wage of $5.15 an hour in the United States and the $8 an hour earned by the typical American garment worker.

And it is the only place where foreign workers outnumber citizens—about 35,000 ''guest workers'' to 27,000 U.S. citizens.

The Northern Mariana Islands offer just one example of how intense global competition combines with an ample supply of desperately poor laborers to perpetuate sweatshop conditions. Garment manufacturers hopscotch the globe in search of cheap labor, cutting deals with local contractors who promise ever cheaper and more pliant workers. When wages rise or workers become restive, manufacturers spread some of their work to the next cheap site, from Taiwan and South Korea in the 1980s to Mexico and Honduras today.

Often, the result is substandard working conditions and subsistence wages, despite campaigns by labor and human-rights groups that have improved the lives of many garment workers. The persistence of sweatshops preserves the low prices and wide selection Americans enjoy for imported garments. But sweatshops also make American-made garments less competitive while swelling American's massive trade deficit with the rest of the world—led by China.

What makes the Northern Mariana Islands unique is that manufacturers here rely not on local workers (who are U.S. citizens) but on imported workforces of impoverished laborers eager to toil for low wages, often under sweatshop conditions.

The islands' garment wages are far higher than the 20 to 50 cents per hour paid in the world's lowest-paying countries. But the exemptions from U.S. standards—and the direct pipeline to the U.S. retail market—more than compensate. The transplanted Asian garment industry here is growing at a rate of 45 percent a year, according to the U.S. Commerce Department.

In an effort to promote economic growth, the exemptions were negotiated by island leaders and approved by Congress in 1976, a year after islanders voted for U.S. commonwealth status. (The United States seized control of the islands from Japan after World War II.)

Island leaders argued that the territory in 1976 was too underdeveloped to afford the federal minimum wage. Islanders also were intent on controlling immigration. With a population in 1976 of only 14,000, the islands feared being overrun by Asians trying to migrate to the United States but getting no farther than Saipan.

(American Samoa has a small number of Chinese workers, but most of its ''guest workers'' come from neighboring Western Samoa and Tonga.)

Island leaders say they need the exemptions to protect their economy. Employers contend that locals do not want the back-breaking, low-wage sewing or construction jobs that go to outsiders.

Foreign laborers are so hungry for work that they pay thousands of borrowed dollars to middlemen to get them jobs. Once here, many live like indentured servants.

Coming from China, the Philippines, Bangladesh and Sri Lanka, they sew clothing, build factories, clean houses, cook meals, wait on tourists, work as hostesses in karaoke bars, pave roads and guard hotels. Critics—including President Clinton—charge that the Northern Mariana Islands are flouting basic American values. Clinton has chastised the island government for importing destitute Asians despite an unemployment rate of 14 percent among natives on the islands, where 30 percent of all citizens live below the poverty line. In a letter last May, the President called labor practices on the islands 'inconsistent with our country's values.''

On Jan. 14, a bipartisan U.S. congressional commission noted that ''only a few countries, and no democratic society, have immigration policies'' as open to abuse as Saipan's. The commission recommended extending U.S. labor and immigration laws to the islands—reforms also proposed by the Reagan and Bush administrations.

Pending in Congress are bills that would gradually raise the islands' minimum wage to the federal level, impose federal guidelines for immigration, and restrict the use of the ''Made in the U.S.A.'' label.

The Marianas government has hosted a steady stream of congressional visitors, at an estimated cost of more than $500,000. The Roll Call newspaper reported that in the last year, seven lawmakers, 75 aides, five spouses and one child—House Majority Whip Tom DeLay (R., Texas) took his daughter)—have traveled to Saipan, at a cost of about $5,000 a person. Typically, the visitors stay in beachfront hotels, tour new factories, and visit golf courses and coral reefs.

''Everybody cries 'junket,'" said Tony Rudy, DeLay's press secretary. ''. . . The fact is that our schedule was filled with meetings from top to bottom.''

Rudy said DeLay toured factories and spoke with workers, who told him they earned more in Saipan than they could in their native countries.

''If you bump that up to $5 or whatever an hour,'' Rudy said, companies will ''just take the next plane over to the Philippines, where they can pay $1 an hour.''

In a letter to officials in Saipan in June, DeLay and House Majority Leader Dick Armey (R., Texas) said any legislation that would harm the islands' economy runs counter to the ''principles of the Republican Party.'' Adam Turner, a spokesman for Juan N. Babauta, the Marianas' representative in Washington, said only ''a handful'' of Saipan's factories could be considered substandard.

''Hopefully,'' he said, ''the local government will do a better job cleaning it up.''

In fact, most of the islands' impoverished garment workers are grateful to earn $3 an hour. But they work on U.S. soil, and it is indisputable that conditions in many plants here would not pass muster in America.

Eric Gregoire, who until November was a human-rights monitor for the Catholic Church, said some workers are forbidden by their Asian bosses to come and go as they please or to live as freely as people in the United States.

''We're all for economic prosperity, but you have to look at the other side of the ledger,'' said Allen Staymen, head of the office dealing with U.S. territories for the U.S. Department of Interior. ''Slavery also was a very prosperous economic system. Prosperity in itself doesn't justify behavior that is not acceptable in the United States.''

In just 15 years, Saipan has built a flourishing garment industry from almost nothing. Its factories employ about as many people as does Philadelphia's beleaguered apparel-and-textile trade, which has lost thousands of jobs to overseas competitors.

''It's an absolute insult to American workers and American taxpayers that you would be able to make these products using harshly exploited individuals and foreign workers and then get all the benefits of using the 'Made in the U.S.A.' label,'' said Rep. George Miller (D., Calif.), who is pushing to take away most of the islands' privileges.

Spokesmen for several U.S. companies said their monitors have found no evidence of substandard conditions in island plants that sew their garments. ''We do monitor those factories where we do sourcing in the Marianas, and to date have had very satisfactory results,'' said Wes Card, chief financial officer of Jones Apparel Group Inc. of Bristol, which retails the Jones New York label.

One of biggest island factories is Marianas Garment Manufacturing Inc.—indirectly owned by the China National Textiles Import & Export Corp. (Chinatex), a behemoth that handles $1.2 billion in Chinese textile exports to the world, much of it to the United States.

Robert O'Connor, a Saipan-based attorney for the company, denied that the factory, known locally as MGM, is tied to the Chinese state-run textile industry.

''The name Chinatex has never had anything to do with this corporation,'' O'Connor said.

In fact, all of the individuals listed as directors and officers of the Saipan factory are executives with the Osaka, Japan, branch office of Chinatex.

Wu Yong, president of the MGM factory, said in a telephone interview from Osaka that Chinatex opened the factory because shipments from Saipan are not controlled by U.S. quotas on textile imports. The United States sets comprehensive limits on shipments of clothing coming from other countries in order to protect U.S. textile jobs. The factory uses labels that say ''Made in Saipan, U.S.A.'' and ''Made in the U.S.A.''

MGM is one of several garment factories charged in recent years with violations of federal labor laws. In 1992, the island government accused the Chinese factory of keeping two sets of books and paying sweatshop wages—half of the territory's minimum

wage, which was $2.15 an hour at the time. In September, the company settled the charges by paying $1 million in back wages.

''That happened five years ago,'' Wu said through an interpreter. ''It's not happening anymore.''

Far from Saipan's luxury hotels are what the U.S. Interior Department calls ''labor camps,'' home to 20,000 Asian workers. The fortunate ones get dormitories with bunk beds and communal bathrooms. Others find themselves consigned to squalid shacks without running water, sufficient toilets or proper ventilation.

Young Chinese women spend their days hunched over sewing machines under fluorescent lights. The hours are long and the conditions sometimes harsh, but few complain. They are too deep in debt back home to risk getting fired.

Some Chinese men said they paid $7,000 apiece for construction jobs, while Chinese seamstresses are charged from $3,000 to $4,000 each for passage here—often as much as they will earn in a year after paying taxes and fees for room and board. The money goes to Chinese government middlemen, who secure passports and arrange jobs.

Once here, guest workers are vulnerable to exploitation. Human-rights advocates say many guest workers endure unpaid work, forced overtime, withheld wages and unsafe workplaces.

A seamstress from southern China said she is forced to work seven days a week at Micronesian Garment Manufacturing Inc., one of the largest factories, with nearly 300 workers. Occasionally, she said, she can take a half-day off on Sunday to wash her clothes or write letters. Several workers said the garment factory, controlled by Hong Kong and mainland Chinese investors, would not grant overtime unless the women met their daily quotas. Typically, if a worker falls behind, she must reach her quota on her own time just to qualify for time-and-a-half overtime pay.

Steve Yim, a Hong Kong-based management consultant for Micronesian Garment Manufacturing Inc., confirmed that workers must meet their quotas before they can earn overtime but denied that women work for no pay in order to fill their daily quotas.

''I'm not aware of it,'' Yim said, adding that no one was forced to work overtime, ''but if they are willing to work seven days, we don't prohibit them. We can't stop them.''

Guests workers are reluctant to speak out, because they know their employers can send them packing with one day's notice.

''It's not a job market where if they don't like it, they can leave,'' said Gregoire, the human rights worker. ''You're going to sit there and endure whatever you have to endure.'' Most workers from China are required to sign contracts with the Chinese government, vowing to obey the laws of the United States, Northern Mariana Islands—and China.

A two-year contract for one Chinese carpenter forbids him from engaging in ''any political or religious activity.'' He cannot take drugs, watch ''sex movies,'' fight, get drunk or ''fall in love or get married.'' Some garment-industry executives say conditions are improving as manufacturers become more attuned to American labor practices.

Eloy Inos, an executive with Tan Holdings Corp., the largest garment-maker on Saipan, said the garment factories help create ancillary work in shipping, insurance and other support services. He said some problems had been caused by Asian manufacturers' unfamiliarity with U.S. labor standards.

''They've since learned and have changed a lot, although at times the changes were painful,'' Inos said.

But restrictive labor practices persist in many garment factories here, despite limited reforms and continued pressure by human-rights groups. Recently, Chinese women were forbidden by their employer from attending a Christian church. The church's Korean pastor had to remind the South Korean factory manager that people in the United States are free to practice religion.

At another South Korean garment company—formerly S.R. Corp., now Coral Fashion Inc.—workers were told that they could leave their barracks only twice a week for one hour. Violators ''will be barred from going out the barracks indefinitely,'' the company wrote in a notice posted on Feb. 6, 1997. The factory has since been warned by local officials that it is against the law in the United States to lock up one's workers.

FOOD CHECK-OUT DAY

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CHRISTENSEN. Mr. Speaker, Monday, February 9th, was ''Food Check-Out Day.'' ''Food Check-Out Day'' marks the day when most Americans have earned enough money to pay for all the food they will consume for the year. American families spend just 10.9 percent of their disposable income for food compared to 15 percent in France, 18 percent in Germany and 33 percent in Mexico.

Besides supplying the country with an affordable food supply, the American farmer provides jobs to workers off the farm. For each dollar spent on food in this country, only 23 cents goes to the farmer; 77 cents goes to food marketing, processing, retailing, generating thousands of jobs for American workers. In my State of Nebraska, 1 out of 4 jobs are tied to agriculture.

Mr. Speaker, I want to thank the farmers and ranchers from my State. Without their hard work and dedication to agriculture, the United States would not have the safest, let me reiterate the safest, and most affordable food supply in the world.

CHRISTA CARPENTER'S AWARD WINNING ESSAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BILIRAKIS. Mr. Speaker, I would like to share the following essay with our colleagues. It was written by one of my constituents, Ms. Christa Carpenter, and won first place in the March for Life national essay contest commemorating the twenty-fifth anniversary of legalized abortion in the United States. I believe she presents a compelling argument in support of the sanctity of all human life.

WE MARCH ON FOR LIFE AND TRUTH

God's truth is eternal, absolute, universal, and impartial. It is our most powerful weapon in the battle to end abortion. During the past twenty-five years of the murdering of our brothers and sisters, His truth has been marching on in the pro-life movement.

Our Faith tells us that a pre-born baby, from the moment of fertilization, possesses a soul, and is created in the image and likeness of God. Despite the physical condition of the baby, or the circumstances of conception, all are equal in the sight of God. Whether deformed, retarded, black or white, protectors of life must keep in mind that Christ's truth is without exception, and all pre-born babies possess the right to life. There are no exceptions, no compromises, when it comes to the life of ANY baby.

The Catholic Church proclaims that all men are ''obliged to honor and bear witness to the truth''. In fact, it is our duty to defend the pre-born. St. Thomas Aquinas states, ''As a matter of honor, one man owes it to another to manifest the truth.''

Abortion is a direct violation of the truth. The entire platform of the pro-abortion movement is based on lies. Their many statements such as ''It's a woman's body''; ''It's a blob of tissue''; ''The mother's life is at stake'' are attempts to justify the murder of a pre-born human being. Abortion can never be justified, for everyone knows in his conscience that it is wrong.

These remarks have been proven wrong by people who have LIVED Christ's truth. The most vivid example in my mind happened two years ago during my Mother's crisis pregnancy, when her water broke and she went into labor prematurely. The doctors refused to give her medical treatment to help save my twenty-week old pre-born brother, John Paul. They said my Mother would die if the pregnancy continued, and declared she should have the abortion for the ''sake of the mother''.

With the help of many friends, Mom was able to stay at home, never leaving her bed for ninety-three days. Our family endured many trials to keep my brother alive. We were rewarded when he was delivered at thirty-three weeks, for this was long after the time the doctors said he would be dead. He lived twenty-three hours, and received Baptism and Confirmation before he went ''straight to Heaven''. Many in the world took our experience for a failure, but we take comfort in the fact that John Paul is a saint, and sees God ''face to Face''. Thanks to the truth we learned from those in the pro-life movement, we know Christ's truth. It conquered the lies of the pro-death world in the case of my Mother. She is living proof that the ''life of the mother'' exception is just an excuse to kill a baby.

Defenders of life, world-wide, have shown their commitment to the truth by sacrificing their time and comfort for the abolition of the Massacre of the Innocents. Actively they protest at abortion clinics, and present the pro-life message at every opportunity: on television, in newspapers, on radio, and in schools.

More often than not, we never see the ''fruits'' of our endeavors. Some say our efforts in the pro-life movement will never be able to stop the mass murder of children throughout the world. Yet, whether representatives of His truth are the majority or the minority; whether abortion increases or stops entirely; whether we have no political support or have the help of the entire government; His TRUTH will perpetually reign supreme. When it comes to the life of a baby, all know that a baby is a child created in the image and likeness of God, and abortion is the murder of that precious infant.

This battle may ensue for our lifetime or for the next generation to come, but His truth will ultimately ''set us free'' from the evil of abortion. Advocates of life, take heart: for as His truth is marching on, our God is marching with us.

CONGRATULATING DONNA WEINBRECHT—OUR GOOD WILL AMBASSADOR OF THE SLOPES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise on behalf of the United States Congress and the people of New Jersey to congratulate Olympic legend Donna Weinbrecht of West Milford, New Jersey, on an outstanding career. She is a mentor and role model for our young people and a credit to our nation for her excellence in all she does. This young women from New Jersey is an inspiration to both athletes and non-athletes alike. Her sterling character, hard work. unending dedication and thorough mastery of her sport make her a role model for young people across our nation.

Donna—the world-renowned ''Queen of the Moguls''—competed in her final Olympic freestyle race today. Despite a rash of injuries, including a very sore knee, Donna skied her way into the finals on Sunday and today came extremely close to a second career Olympic medal, with a fast and clean run to the finish line.

Mr. Speaker, Donna has been the ''foundation'' of the U.S. freestyle team for 11 years. Over her career she won an Olympic Gold Medal, seven U.S. titles and five World Cup Championships. These championship performances are what has earned her the international reputation as the ''Queen of the Moguls.''

But her impact on her sport goes beyond trophies and honors. She has also served as the sport's ''goodwill ambassador.'' Due in large part to Donna's energetic promotion of freestyle skiing—or ''the bumps''—we have the opportunity to watch this exciting form of skiing at the Olympics and around the world.

While Donna is the ''Queen of the Moguls,'' her mother, Caroline Weinbrecht, calls herself the ''Queen of the Screams'' for her style in cheering on her daughter.

Caroline and Jim Weinbrecht stayed home from their daughter's trip to Japan this year because both have health problems that would have made the 14-hour trip difficult. They were with Donna when she won the gold in Albertville in 1992, however, and her brother and sister, Jim and Joy, are in Nagano. They are a family that is always there for each other.

Donna was born April 23, 1965, in Hoboken and now resides in West Milford. Donna won the first-ever Olympic gold medal for women's freestyle mogul skiing at the 1992 Olympic Games. Nine months later, she suffered a severe knee injury while training for the next ski season. Many experts didn't expect her to ski competitively again, but with disciplined training and extra effort she came back to win the World Cup in 1994 and 1996. Those are the traits of character and dedication that will bring her continued success in whatever future life endeavor course she chooses.

The 5-foot-4 skier has known a lifetime of achievements. The highlight, or course, was taking the Gold Medal in Freestyle Mogul Skiing at the 1992 Olympic Games in Albertville. In 1990, 1991, 1992, 1994 and 1996, she was both the World Cup and U.S. National Champion in the same event. She took the U.S. title in 1988 and 1989.

She has won 46 Gold, 12 Silver, 12 Bronze World Cup Medals. She was named ''International and U.S. Female Freestyle Skier of the Year'' by Ski Racing Magazine in 1996; ''International Sportswoman of the Year'' finalist in 1993; Women Sports Foundation's 1996 ''Ski Athlete of the Year''; the United States Olympic Committee's ''Amateur Athlete of the Year'' for 1990–1992; and one of the Women Sports Foundation's ''Outstanding Amateur Athletes in America'' for 1990–1992. She was a member of the Amateur Athletic Union in 1990–1992.

Donna's hometown of West Milford has been enthusiastically cheering on their favorite skier. Students at Apshawa Elementary School e-mailed messages to Donna earlier this week and Olympic flags hang outside several neighbors' homes. Local schools have shown students videos of her past performances. At West Milford High School, where she was a high school skier, a mural on the gymnasium wall commemorates her 1992 Olympic victory.

My Congressional colleagues and I join Donna's family, the residents of High Crest Lake in West Milford, the citizens of New Jersey and, indeed, all of our nation in saluting our Olympic champion. Donna will always be a ''gold medal champion'' in our hearts. She has carrier our flag proudly.

TRIBUTE TO TALLER SAN JOSE (ST. JOSEPH'S WORKSHOP)

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. SANCHEZ. Mr. Speaker, I rise today to congratulate the Taller San Jose (St. Joseph's Workshop) for offering hope to the Latino youth who seek a productive, self-reliant future. The young people who come to Taller San Jose are looking for a second chance to ''work on their lives''. The students are male and female, 18 and over, and bilingual. They have usually dropped out of school, often more than once; have one or more children; want to finish school; and seek job training in order to become productive adults.

The program includes life skills and mentoring, GED preparation, computer literacy, clerical skills, nursing assistant training, and woodworking. All classes are designed for participants to develop job ready skills and behaviors which translate into accountability and responsibility. The program also offers classes to the larger community such as English as a Second Language at the basic and intermediate levels.

Taller San Jose, which has been open for 2½ years, was a recent recipient of the Audrey Nelson Community Development Achievement Award. This award recognizes exemplary uses of Community Development Block Grant funds which address the needs of families, homes and neighborhoods. TSJ was recognized as one of six in the nation to receive this national award in 1998.

IN HONOR OF PHILIP J. GARONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Philip J. Garone, a beloved member of the Greenpoint, Brooklyn community who recently passed away.

Mr. Garone, a lifelong resident of Brooklyn, was one of six sons born to Angelina and Angelo-Charles Garone in 1911. When Philip's father passed away, Philip began working after school to help support his family. This dedication to his family continued throughout his life.

Philip Garone also had a passion for music. He began playing the saxophone at an early age and was soon sought after by music great Tommy Dorsey. After working as a lithographer in the printing industry, Philip would play the sax at Greenwich Village clubs with famous musicians such as Gene Crooper and Sam ''the man'' Taylor.

In 1936, Philip married Virginia Torre at St. Francis De Paola Church. Together they had three daughters, Angela, RoseAnn and Phyllis, and lived on Lombardy Street in Greenpoint. Throughout their 23 years marriage, Philip was urged by many musicians to go on the road with his music. Again, his dedication to his family kept him close to home.

Philip and Virginia were married for 23 years until Virginia's tragic death from cancer in 1959 at the age of 42. Five years later, Philip met and married Angie DeLuca.

In Philip's 60 year musical career he played for community events, politicians, feasts, dances, block parties, and neighborhood weddings. In recent years he began playing for senior citizen groups at the Garity Post and the Swinging Sixties.

On April 13, 1997, Philip Garone died of a massive stroke at the age of 86. The silence of his saxophone is felt throughout the Greenpoint community.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. Philip Garone, a very talented and devoted man who contributed to his community with the beauty of his music and his devotion to his family and neighbors. He is greatly missed.

LISTEN CAREFULLY, PRESIDENT MENEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SCHUMER. Mr. Speaker, on Saturday, Argentine President Carlos Menem will attend a special showing of ''The Elixir of Love'' at the Metropolitan Opera House at Lincoln Center. With all due respect to tenor Ramone Vargas, there are far more important voices for President Menem to hear in New York.

He should hear the voice of Americans angry about the failure of his government to bring anti-semitic terrorists to justice. In 1992, the Israeli embassy in Buenos Aires was bombed. Two years later, the Argentine Jewish Mutual Association (AMIA) was car-bombed. Not a single person has been convicted of these crimes.

He should hear the outrage of the American Jewish community, angry that 115 people were murdered by these bombings, the worst act committed against Diaspora Jews since the Holocaust.

Most important, however, President Menem should see how Americans deal with terrorists who kill in our country. We use all available resources to track down these cowardly murderers. Americans would never stand for such incessant delays in bringing them to trial.

I understand that by mentioning these tragedies, I am bringing to his attention some of the unpleasant realities that exist in Argentina. It would be much easier for President Menem to turn a blind eye to the problems of terrorists and Neo-Nazism in his country.

But, President, Menem, you need to hear that the world will continue to look at Argentina with a jaundiced eye until there is action in this case.

You need to hear that anti-semitism is unacceptable in a democracy.

And you need to hear that we will not rest until justice is served.

Listen, carefully, President Menem. We hope we are heard.

REMEMBERING THE JAPANESE-AMERICAN INTERNMENT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. UNDERWOOD. Mr. Speaker, we have always prided ourselves in being one Nation, one people. The United States is truly a country composed of immigrants, and the great attraction continues to be the hope of a better life in this dynamic land. However, February 19 represents the tragic betrayal of that American dream to a group of Americans singled out for their race. On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066 which authorized the relocation and incarceration of thousands of Americans of Japanese descent in camps all over the United States.

After the American declaration of war against Japan, Executive Order 9066 went into effect. Japanese-American families endured terrible living conditions under these camps administered by an organization called the War Relocation Authority. Food shortages, cramped, communal living quarters and lack of sanitation facilities were only a few of the hardships. Although Japanese-Americans were later allowed, and sometimes forced, to enlist in the American military service, they were paid sub-level wages and fought for a country which imprisoned their families. Some courageous Japanese-Americans legally challenged the executive order; however, the Supreme Court upheld its validity.

On December 17, 1944, President Roosevelt revoked Executive Order 9066 and Japanese-Americans were allowed to return home. Many families were forced to start their lives from scratch. Although the American Evacuation Claims Act of 1948 was supposed to compensate Japanese-Americans, less than 10% were paid in property losses of over 26,500 claims. On August 10, 1988, President Reagan issued an apology and offered restitution for those who survived the camps. However, half of the 120,000 incarcerated Japanese-Americans died even before the bill was signed into law.

Japanese-American imprisonment in the 1940's is a tragic episode in American history which cannot be repeated. February 19, is a fateful day and should remind us of the lessons learned from Executive Order 9066. The racial connotations attributed to that order resulted in the mass betrayal of thousands of Americans who were constantly moved to exhibit their loyalties to the United States.

In 1998, there are those who have not even heard of the Japanese-American internment. We must educate our constituents on the importance of this day. I am happy to note that the Museum of American History has provided an extensive exhibit on this subject. I encourage my colleagues to view this exhibit. As Americans, we owe it to our constituents to educate ourselves about this terrible and unfortunate experience in our history.

IN HONOR OF REP. RONALD V. DELLUMS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TRAFICANT. Mr. Speaker, Rep. Ronald V. Dellums leaves the House of Representatives after twenty-six years of dedicated service to the people of California's ninth district and to all Americans. His unyielding determination and leadership curbed military spending and aided the reserve of the nuclear arms race. His resolution for change led him to develop alternative agendas and budgets to take the burden of the Cold War off the next generation. Investment in education, economic development and the reinstatement of a progressive tax base were his weapons. Dellums' desire for justice for all, shadowed his support of the 1991 Civil Rights Restoration Act, the reauthorization of the 1967 Voting Rights Act and for reparations for Japanese-Americans interned in concentration camps during World War II. His intensity for justice did not stop on the shores of America. In 1971, Rep. Dellums was the first to introduce legislation for economic sanctions against the racist apartheid regime of South Africa. Fifteen years later his bill passed the House, leading to the imposition of sanctions. South Africa is now free.

What do you say to a man who has devoted his career to justice and peace? You say . . . Thank you, Mr. Dellums. Thank you for standing tall against the forces that be. Thank you for being independent and outspoken. Thank you for supporting what was always the greater good.

The retirement of Rep. Ronald V. Dellums will be a great loss in the halls of Congress, but his legacy of peace will live on.

A TRIBUTE TO A BASEBALL GIANT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to express my admiration and deep gratitude for an outstanding athlete and a magnificent human being. Andre (The Hawk) Dawson. On February 21, 1998, Andre will be honored with a tribute for his many accomplishments in the field of baseball and for his achievements as a father and a mentor to thousands of young people who have reaped the benefits of his dedicated work in our community and throughout our nation.

For his outstanding accomplishments, Southwest Miami Senior High School Alumni Association, will proudly induct Andre into the Southwest Miami Senior High School Hall of Fame. Our high school athletes will be performing on the playing field of ''Andre Dawson Field'', and SW 50 Terrace (between 88 and 89 Avenue) will become ''Andre Dawson Drive''.

Andre has dedicated his ability and love of baseball to the game, thus achieving a multitude of awards since 1977. He began as Rookie of the Year in 1977, winning the Silver Slugger Award from 1980–'87, Gold Glove Award, 1980–'88, Allstar Team Selection from 1980–'89, Sporting News Player of the year in 1987 and the National League Most Valuable Player Award in 1987. He played for professional baseball teams, including the Boston Red Sox, Chicago Cubs, and the Florida Marlins.

Andre's stellar achievements go above baseball. He is a wonderful role model for our young people because of his deep religious faith and his commitment to family and community. He has worked tirelessly through fundraising events to raise money for childrens' benefits and making appearances on behalf of childrens' causes. He devotes much of his time to the Jimmy Ryce Foundation, a foundation formed to find missing children, and he has raised money for Alzheimer's disease research. He also has a private Andre Dawson Foundation, which is dedicated to helping the needy.

Andre is truly deserving of his upcoming honor. He has been blessed with a great talent, a compassionate heart, and a passion for helping his fellow man. We have been blessed to have Andre Dawson as our hero on and off the field.

CONGRATULATIONS TO THE TOWN OF GARRETT PARK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to congratulate the Town of Garrett Park, Maryland which is celebrating 100 years of incorporation this year. Throughout the year the town will be celebrating numerous centennial events, including a New Year's Eve party and a New Year's Day Open House.

The Town of Garrett Park is named for Robert W. Garrett, who was president of the Baltimore and Ohio Railroad in the late 1800's. The railroad, which first opened in the Washington, D.C. area in 1873, helped jump-start development in Montgomery County and ultimately, helped lay the groundwork for the incorporation of Garrett Park.

The one hundredth anniversary of Garrett Park's incorporation is a great achievement. This lovely town, which is located on the

banks of Rock Creek, has grown from its simple beginnings into a model for other municipalities to emulate. Garrett Park is a town which has embraced modern technology and yet still maintained a strong association with its rich history.

When you ask the people of Garrett Park to describe themselves and their town, they usually speak of their ''independence'' and ''civic duty''. They have a great respect for their local government and strive to look after one another. Garrett Park's greatest attribute may be the sense of close-knit community, from which stems its national recognition.

Again, I congratulate Garrett Park on this milestone. It is an achievement that all America should look up to and honor.

TRIBUTE TO MR. WALTER HAMEL, LAST SURVIVING WORLD WAR I VETERAN OF HAVERILL, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TIERNEY. Mr. Speaker, I rise to salute Mr. Walter Hamel, the last surviving World War I veteran in the City of Haverill, Massachusetts.

Mr. Walter Hamel is a true American patriot and war historian. Born 97 years ago, one of seven children, he enlisted in the war. Still underage at only 17 years old, Walter entered the service with the permission and blessing of his mother. During World War I, Walter was assigned to the U.S. Army Signal Corps in Hawaii. Not only did he gallantly serve in this post during World War I, his patriotism for the United States never weaned. Upon his return, Mr. Hamel participated in many parades and walked from nursing home to nursing home to distribute flags on Veterans' Day. Last November, the Haverill Gazette, located in my district, profiled Mr. Hamel as ''An Enduring Patriot'' for his actions.

Indeed, Mr. Hamel is not only a source of inspiration to his friends and family, but also to us all. Mr. Speaker, I am proud of the accomplishments of Mr. Walter Hamel; his military service and civil pride are to be commended. I hope my colleagues will join with me today in wishing Mr. Walter Hamel the very best as he continues to inspire us all.

TRIBUTE TO EDWARD C. VALDEZ

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Edward C. Valdez for his commitment and dedication to the Hispanic community. Edward Valdez is a prominent attorney and was awarded the 1997 Latin American Businessman of the Year. His accomplishments with the Hispanic community are noteworthy and warrant recognition.

Born in Castroville, California, Valdez spent much of his childhood in the fields picking fruit and vegetables. Valdez did very well in school, but had the notion that college and higher education was for non-Hispanics. He grew up in a community where people worked in the fields all of their lives and no one ever went to college. This discouragement caused him to join the Army instead of continuing on with school.

In the service, Valdez began to meet college graduates and realize that he could also go to college. In 1964, Valdez finished his military obligation and enrolled in junior college. His college studies and determination paid off in the late 1960s when AAA Insurance hired him as a claims adjuster. The company soon promoted Valdez to a job in Fresno, where he continued his education at California State University, Fresno. In 1969, he began law school and worked as a paralegal by day and studied by night.

After graduation, Valdez and several other lawyers formed a partnership that became well known for work with the under-served Valley populations and Hispanic leaders. When his partners left the firm to become judges, Valdez built his firm into a solo practice. He continued his motivation by providing help with several community service projects. Valdez supports the Central California Hispanic Chamber of Commerce and the positive effects it has on business in the Valley.

Valdez credits much of his success as a result of his education. I praise his emphasis in the importance of higher education. He encourages lifting Valley farm-labor populations into enterprises that bring jobs and money through higher education.

Mr. Speaker, it is with great honor that I pay tribute to Edward C. Valdez for his accomplishments and dedication to the Hispanic community. His passion for the legal profession and his encouragement for Hispanic youth is both refreshing and inspirational. I ask my colleagues to join me in wishing Edward Valdez many more years of success.

PHILADELPHIA INQUIRER REPORTS RAMPANT LABOR ABUSES IN U.S. COMMONWEALTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. MILLER of California. Mr. Speaker, the following article is the second of two that appeared in the February 9, 1998 Philadelphia Inquirer and describes the plights of tens of thousands of foreign workers who live and labor in one of our U.S. territories, the Commonwealth of the Northern Mariana Islands (CNMI). This article, ''For Workers, Island Jobs can be a Losing Proposition,'' describes the desperate situations of these workers once they arrive in the CNMI deeply in debt and prone to exploitation.

Every independent reporter who has traveled to the CNMI to investigate the working and living conditions of the tens of thousands of imported foreign workers there has found that the principles behind the labor and immigration situation in the CNMI are contrary to those defined by established ideals of American democracy. The CNMI economy is based on the exploitation of a large, disenfranchised, foreign population, and laws to protect these workers on U.S. soil are neither being adequately applied, nor enforced, and perpetrators of justice are not being punished.

The article describes fifty-five men from China who each paid $7,000 to a Chinese recruiter for ''transportation, passports, and the promise of construction jobs. Most had to borrow money from friends, family members or loan sharks.'' Once they arrived in the CNMI, these men found no jobs waiting. Although the men marched in protest to the offices of the U.S. Department of Labor, the federal government could not help them because the CNMI has sole authority over immigration policy and controlling recruiters.

A similar story is repeated for 134 men from Bangladesh who paid $5,000 to recruiters for jobs that did not exist. In both cases, the recruiters responsible for bringing these men from China and Bangladesh to the CNMI have fled, while the men remain disenchanted, hungry and desperate for employment.

The article also details the story of one 22 year old Chinese worker who tells of being summoned four times by her garment factory supervisor in his attempts to pressure her into returning to China to have an abortion after she became pregnant. The worker refused to have an abortion and, after losing several days of work because of a pregnancy related illness, was fired. She is now jobless and fears deportation back to China, where she would likely be subjected to a late-term abortion because she is unmarried.

Nowhere else in America would these practices be allowed to continue. Congress must act to change this situation. I have introduced legislation, HR 1450—the ''Insular Fair Wage and Human Rights Act'' that would place the CNMI immigration system under federal law, bringing the CNMI into conformity with every other U.S. territory. Further, this legislation will incrementally increase the local minimum wage until it reaches the federal level, and provide that garments only be allowed to bear the ''Made in USA'' label if all federal laws were adhered to in the manufacture of the garment. Passage of this legislation would bring additional federal oversight to the policies practiced in this remote corner of America.

[From the Philadelphia Inquirer, Feb. 8, 1998]

FOR WORKERS, ISLAND JOBS CAN BE A LOSING PROPOSITION

(By Jennifer Lin)

SAIPAN, NORTHERN MARIANA ISLANDS.—They arrive on the red-eye flight from Hong Kong pulling little suitcases on wheels into the humid, predawn blackness. Poor, tired and hungry for work, these young men and women from China are hoping for a slice of the American Dream.

They have paid thousands of dollars to agents at home for jobs in clothing factories on this faraway island that few can find on a map. At the airport, they stand out from the Japanese tourists heading off to luxury hotels on blossom-scented beaches. They are whisked away by waiting van's to spartan barracks.

For many desperate Asians, dreams of working in America have turned into living nightmares in Saipan. Men from Bangladesh and China have turned over their life savings to middlemen for jobs that never materialize. Young women from the Philippines have come to work in bars and been forced into prostitution. Garment workers from China have found themselves toiling in sweatshops for employers who cheat them out of their wages or limit their freedom.

Chinese garment worker Tu Xiaomei, 22 and pregnant, is one of the many unlucky ones. She is broke, jobless, and fearful of being deported.

Tu arrived in Saipan in the summer of 1996 and planned to work in a garment factory for two years. At a $3.05-an-hour sewing job here, she could earn more in one year than in four back home.

She fell in love with a Chinese laborer and became pregnant. When her factory found out, Tu said, it pressured her to return to China to have an abortion. She said a supervisor summoned her four times to deliver the same message.

''She didn't say, 'You must go back to China for an abortion.''' Tu said, ''but she always said, 'Think about it.'''

It is difficult to get an abortion on this predominantly Catholic island. But in China, abortion is widely used as a form of birth control for women limited by the government to one child. In Tu's home province of Jiangxi, women, by law, are not allowed to marry until they are 23 and may not legally bear a child until they are 24.

Tu refused to have the abortion. She wanted to work until the baby was born (she is due in May) and return to China only after her two-year contract with the factory had expired in July.

But in December, she missed several days of work because of a pregnancy-related illness. Her boss at the factory, owned by mainland Chinese and Hong Kong investors, told her not to come back, she said.

Steve Yim, a Hong Kong-based management adviser for the factory, Micronesian Garment Manufacturing Inc., denied that anyone pressured Tu to return to China for an abortion and said she ''deliberately'' stopped going to work.

Six months pregnant, Tu now rents a room near a busy road. Her bed consists of two wood planks on blocks. She has little food on her shelves and no money to see a doctor. Her biggest fear, she said, is being forced to return to China, where she would risk being pressured to undergo a late-term abortion.

''I don't want to have an abortion,'' Tu said. ''It's a small life; it's six months old. I'm afraid.''

The tens of thousands of foreigners brought to Saipan as ''guest workers'' are recruited by middlemen who operate in a murky business that is loosely regulated and open to abuse. Local recruiters who promise to find jobs for foreigners work in tandem with agents in such places as China, Bangladesh, Sri Lanka and the Philippines.

Fifty-five Chinese men from northeast China said they arrived here in September, only to find there were no jobs waiting. The men, recruited from a down-and-out industrial region of China with high unemployment, each paid $7,000 to a Chinese agent for transportation, passports, and the promise of construction jobs. Most had to borrow money from friends, family members or loan sharks, they said.

For weeks, the men were holed up in a dirty, hot, crowded, metal barracks near a golf course with an ocean view. They had little to eat and limited fresh water, they said. J&J International, the employer who had promised them work, had only been able to place a few of them.

On Oct. 21, the rest of the men marched in protest to the offices of the U.S. Department of Labor, carrying a banner that read, in English and Chinese: ''We need live. We need work.''

The U.S. federal government could not help them. One of the unique things about the Northern Mariana Islands is that the local government has full authority over immigration. It also is responsible for policing recruiters.

Kim Long, an employee for J&J International, said in December that the company had found work for 10 men and that the others were seeking too much money, demanding wages of $5 an hour instead of the island's minimum wage of $3.05 an hour.

The men told a different story. They said they would work for any wage at all.

In a letter to U.S. labor officials in October, they wrote, in Chinese: ''Many Chinese regard the United States as heaven on earth. But there are swindlers out there who dare to bring shame to the American government.''

The jobless laborers protested again in December. This time, having been kicked out of their barracks, they carried bedrolls under their arms. Embarrassed local officials went on television to seek jobs for the men and leaned on garment factories to find them work.

Some of the men got work building a casino on a neighboring island. About a dozen became so frustrated that they returned to China.

Another batch of workers from Bangladesh, meanwhile, has not been as fortunate.

In early 1997, 134 men from Bangladesh paid $5,000 apiece to recruiters for jobs that, as it turned out, did not exist. The local go-between, responsible for arranging the work in Saipan, fled to the Philippines.

Today, many of the men are still without work, left to scrounge for food and shelter, fearful of being deported and knowing that angry loan sharks would be on their tails back home.

Naive and unschooled, many of these workers believed the tall tales they heard from unscrupulous recruiters. One was promised a U.S. passport as soon as he got here. Another said he was told he could take a bus from Saipan to California. He is still looking for work.

CONGRATULATIONS TO HOLLIS DYER, OAK GROVE, MO'S, BUSINESSPERSON OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SKELTON. Mr. Speaker, it has come to my attention that the Oak Grove, Missouri, Chamber of Commerce has named Hollis Dyer as Business Person of the Year.

Born in Independence, Missouri, Hollis Dyer's family moved early in his life to Odessa, Missouri, where he graduated from Odessa High School at the age of 16. In 1945, Dyer began a short career in the Army, and then went on to attend Southwest Baptist Junior College in Bolivar, MO. He received an Associate of Arts degree from that school, and then attended Central Missouri State University. Before graduating from CMSU, Dyer became a teacher, and he continued to teach from 1947 through May 1955. In 1955, Dyer began a new career in banking, and became president of the Commercial Bank of Oak Grove in 1962. Dyer has served as president of the bank ever since, and he has established himself as an outstanding community leader.

Over the years, Dyer has attempted to make his hometown a better place to live and work. He, along with the community, brought one of the earliest senior citizen apartment complexes to the region, and this facility became a model prototype. Dyer was also involved with naming the streets in Oak Grove in order to create better insurance rates for the residents of the small community. In addition, Dyer supported the schools and churches of the area, as well as their many worthwhile projects.

Hollis Dyer's endless interest in the growth of the community and the well-being of its residents makes his name a household word to many who live in the city and the surrounding area. I am certain that the Members of the House will join me in congratulating Oak Grove, Missouri's Businessperson of the Year.

IN HONOR OF PICABO STREET

HON. MIKE CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CRAPO. Mr. Speaker, I rise today to bring to your attention the exciting news from the Winter Olympics in Nagano, Japan.

Picabo Street, an outstanding ski racer and pride of Sun Valley, Idaho, which I have the honor of representing, has captured the gold medal in the Women's Super-G event. This announcement is particularly exciting for the whole country because this medal represents one of the first two medals won by any U.S. competitors in Nagano. My colleagues will also be interested to know that, in addition to being from the world-renowned ski resort of Sun Valley, she is also named for the town of Picabo in Idaho's Second Congressional District.

As you may recall, Mr. Speaker, Picabo Street has already become a well-known sports star from her silver medal triumph in Lillehammer, Norway, four years ago. But yesterday's accomplishment is much more heroic when you consider that she has only just returned from a knee operation that would have ended most careers and a frightening fall twelve days ago that resulted in her becoming unconscious. I'm pleased to join my colleagues in saluting her today.

And the news only gets better. The Super-G is not Picabo Street's preferred event. As a downhill specialist, her triumph in the yesterday's event firmly establishes Picabo Street as the favorite for Saturday's Women's Downhill event. Mr. Speaker, our heartfelt thanks go out to Picabo Street for ending America's medal drought in Nagano. I'm sure you will be watching eagerly the contest on Saturday.

HONORING THE 1998 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1998 Fairfax County Chamber of Commerce Valor Award Winners. On Thursday, February 12, 1998, the Fairfax County Chamber of Commerce will present the Annual Valor Awards at the McLean Hilton.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor, The Silver Medal of Valor, The Bronze Medal of

Valor, The Certificate of Valor, and The Life Saving Award.

The Valor Award is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the twentieth year that these awards have been presented.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk.

The Silver Medal of Valor Award Winners for 1998 are: Police Officer John Alford, Police Officer First Class Randyll E. Newman, Police Officer First Class Dennis E. Voebeau, Police Officer First Class Michelle A. Wicker, Police Officer First Class Jeffrey K. Rockenbaugh, and Second Lieutenant Jesse F. Bowman.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award Winner for 1998 are Police Officer First Class Daniel C. Gohn, Police Officer First Class Scott F. Moskowitz, Master Police Officer Anthony J. Ruffel, Police Officer First Class Steven W. Faett, Police Officer First Class Michael J. Weaver, Master Technician Kerry R. Jackson, Technician Samuel L. Gray, Technician Robert J. Alvarado, Master Police Officer Michael W. Bishop, Police Officer First Class T. Brad Carruthers, and Police Officer First Class David R. Moyer.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award Winners for 1998 are Firefighter Gregory G. Foley, Lieutenant Wesley L. Marshall, Technician Anthony E. Doran, Technician Michael D. Hendershot, Lieutenant Charles D. Mills, Sergeant Diann L. Makariak, Police Officer First Class John J. Kiernan, Jr., Police Officer Chad E. Mahoney, and Police Officer First Class Scott F. Moskowitz.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award for 1998 are Technician Joseph P. Gorman, Lieutenant Michael A. Seabright, Public Safety Communications Center Assistant Supervisor Mary Ann Gerald, Police Officer First Class Paul J. O'Neill, Police Officer First Class Abraham Gelabert, Police Officer First Class Randolph A. Conley, Public Safety Communications Assistant Arlene Foote, Public Safety Communications Assistant Ronald D. Brooks, Police Officer Timothy C. Benedict, Police Officer First Class John W. Jackson, Police Officer Pierre J. Geis, Firefighter Brian K. Morton, Captain Randall J. Kennedy, and Lieutenant David L. Prohaska.

Mr. Speaker, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants who are truly deserving of the title ''hero.''

PUNJAB REPORTER'S MAIL BEING SEIZED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TOWNS. Mr. Speaker, once again the truth has leaked out from behind the facade of Indian democracy. The Punjab government of Chief Minister Parkash Singh Badal has issued an order intercepting the mail of Sukhbir Singh Osan, a reporter based in Chandigarh who writes for numerous publications including *Aj Di Awaaz*.

In addition to Mr. Osan, the superintendent of police, Mr. R.P. Singh, issued a written order to intercept the mail of ''five senior ex-Army officers and some politicians residing in Chandigarh,'' according to *Burning Punjab News*. Postal authorities verbally confirmed the existence of the order, but refused to put the confirmation in writing.

This is not a new practice. In 1993, the Movement Against State Repression—and why does a democratic country need a ''Movement Against State Repression'' anyway?—went to court to get an injunction against the Home Secretary of the Union Territory, who was intercepting the mail of politicians and journalists. The High Court ruled the interceptions illegal, yet a mere five years later the Punjab government is doing the same thing. This is the reality of Indian ''democracy.''

Mr. Osan has been one of the few journalists with the courage to expose the repression, corruption, and police-state tactics of the Punjab government. For this, his civil rights are being violated, yet India and its friends here insist more loudly than ever that India is a ''democracy.'' Clearly, it is not a democracy for Sukhbir Singh Osan and other political opponents of the Punjab government or for the minorities living under the repression of the state and central government. Couple this with the political detentions of several followers of Jasbir Singh Rode last August and the ongoing complaints against Sikh youth under the supposedly-expired ''Terrorist and Disruptive Activities Act'' (TADA), and you discover the real face of Indian democracy. Underneath that democratic veneer is a brutal police state unworthy of American aid or trade.

I ask the American ambassador to India to raise this matter with the Government of India and to report back to the Congress on when this ban is going to be lifted. Journalists and all citizens must be free to receive information freely. Until India learns to respect freedom of the press, it has no right to call itself a democracy.

I am inserting the article from *Burning Punjab* on the interception of Mr. Osan's mail into the RECORD. I hope my colleagues will take the time to read it.

CITY SCRIBE'S MAIL INTERCEPTED

CHANDIGARH, January 22—The Punjab Government headed by Parkash Singh Badal has ordered to intercept the mail of a city scribe working for *Aj Di Awaaz*, five other ex-army officers and a few politicians.

According to the information, Punjab Intelligence SSP Mr. R.P. Singh has directed his men in writing to collect the mail of Sukhbir Singh Osan, five senior ex-army officers and some politicians residing in Chandigarh.

When contacted the postal authorities confirmed the interception of mail by Punjab CID men. However, Postal authorities refused to give anything in writing.

It may be recalled that during 1993 President of Movement Against State Repression, Mr. Inderjit Singh Jaijee, had challenged in the Punjab & Haryana High Court the orders issued by the U.T. Home Secretary to intercept the mail of certain politicians and ten journalists. The High Court described the said order not only unconstitutional but illegal also. Sukhbir Singh Osan has invited the wrath of Parkash Singh Badal and his police for daring to expose corrupt practices of the Government in his dispatches from time to time.

A TRIBUTE TO LEON H. FIELDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. Leon H. Fields, an outstanding public servant. Mr. Fields has spent nearly 28 years helping Chicagoans get here to there and back again.

Mr. Leon Fields of Glenwood, Illinois is retiring from the Chicago Transit Authority, which operates the bus and rail system in the city.

The service Mr. Fields has offered to the CTA is a real ''up-by-the-bootstraps'' story. He began his career with the authority in 1969 as a rail car service and repairman. He steadily rose through the ranks at the CTA. Mr. Fields worked as a Maintenance Instructor, a Repair Shop Foreman, a Liaison to the Executive Director, Manager of Field Operations, Director of Rail Vehicle Light Maintenance and finally, General Manager of the CTA's orange line, which runs through the heart of my congressional district.

I have had the pleasure of working with Mr. Fields for more than five years, and I can tell you that his family's gain will be a loss for the people of Chicago who rely on the CTA. His knowledge, experience and dedication are second to none.

I would like to extend to Mr. Fields and his wife Denosia, and their children, Leon Jr., Angela, Tarsha and Latryce my best wishes on his retirement and my hope that they have many, many years together to enjoy the important things in life.

COLORECTAL CANCER LEGISLATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to announce that I am introducing a resolution to bring new public attention and federal resources to the issue of colorectal cancer.

Every year I lose an average of 172 of my constituents in Monroe County, New York to colorectal cancer. This is a tragic failure of our health care system because colorectal cancer is preventable, detectable, treatable, and often curable. Nevertheless, 55,000 Americans died in 1997 from this terrible disease.

Today I am introducing legislation that I hope will begin to dispel this deadly lack of knowledge. Along with 20 of my colleagues, I

will introduce a resolution drawing attention to colorectal cancer and urging the Secretary of Health and Human Services to establish a national public education and awareness campaign.

Too many Americans are simply unaware of their risk for colorectal cancer and the need for regular screening. Many cases of colorectal cancer can be prevented by eating a healthy, well-balanced diet, exercising regularly, and avoiding the abuse of alcohol and tobacco. Other cases can be prevented by removing precancerous polyps. And when colorectal cancer is detected before it has spread, it is 92 percent curable.

Tragically, too many cases of this cancer are not detected at that early stage. Respected authorities such as the American Cancer Society recommend that people over 50 have annual colorectal cancer screenings. Yet fewer than 20 percent of Americans at risk do so. According to one survey, one-third of men and women over 50 had never even heard of a sigmoidoscopy, one of the main tests to detect this disease.

We need to mount a war against this terrible disease. Education is the first vital step enabling us to reach all Americans with factual, scientific information about reducing their risk for colorectal cancer. We need to talk about this disease, and we need the media to take an active role in writing about it. Ten years ago it was not considered polite to talk about a mammogram in public; I want to bring colorectal cancer screening out of the closet the same way. Yesterday's Washington Post Health section set a shining example by devoting an entire special issue to colorectal cancer. We need more efforts like this to teach everyone about the steps they can take to avoid this disease.

As an activist on women's health issues, I would like to note that this issue is especially important for women. For too long, women have viewed colorectal cancer as a man's disease. This is utterly false. Colorectal cancer is an equal opportunity killer, striking men and women at equal rates. I want to be sure both our brothers and our sisters are all getting regular colorectal cancer screenings and taking measures to reduce their risk.

Education is the first step in the battle we are waging. Today I sent a letter to HHS Secretary Donna Shalala embarking upon the second step of this war as well. This letter requests that the department examine some of the causes underlying the low rates of colorectal cancer screening in our nation, including levels of screening around the nation, the importance of factors such as insurance coverage, and the role physicians play in ensuring that patients are screened regularly. This report will yield some new insights into additional steps we can take in Congress to fight colorectal cancer.

I am pleased to note that several Members of Congress with outstanding records on the issue of colorectal cancer are serving as lead original cosponsors of this resolution: Representatives CHARLIE RANGEL, BILL THOMAS, NORMAN SISISKY, BEN CARDIN, and ALCEE HASTINGS. Fifteen other Members of Congress have signed on as original cosponsors as well. I am also proud to announce that this resolution already has been endorsed by the American Cancer Society and Partnership for Prevention.

I hope all my colleagues will join me in working to defeat colorectal cancer, a disease that needlessly claims the lives of far too many Americans every year.

TRIBUTE TO BISHOP JOHN HURST ADAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today during Black HIstory Month to pay tribute to one of the most effectual persons I have ever known, Bishop John Hurst Adams, the Senior Bishop of the African Methodist Episcopal Church. Bishop Adams was born in Columbia, South Carolina, where he now lives and presides.

Bishop Adams grew up in the Waverly neighborhood of Columbia, which is located in the Sixth Congressional District which I proudly serve. He attended Waverly Elementary School, Booker T. Washington High School, and later Johnson C. Smith University in Charlotte, North Carolina, where he lettered in four sports. Bishop Adams continued his education at the Boston University School of Theology, Harvard University School of Divinity, and Union Theological Seminary.

Bishop Adams has spread the gospel across the breadth of our country during his lifetime of service. He began his ministry with a small congregation in Lynn, Massachusetts. He taught at Payne Theological Seminary in Ohio, and later served as President of Paul Quinn College in Texas for six years and as Chairman of the Board for eight. During his years at Paul Quinn College, the school received accreditation from the Southern Association of Colleges and Schools (SACS) and saw many new buildings, renovations and improvements.

Bishop Adams next pastored the First AME Church in Seattle. His impact on the community was so great that both daily newspapers published editorials lamenting his departure. From Seattle, Bishop Adams went to Los Angeles where he pastored Grant AME in the Watts section of Los Angeles, known for the Watts riot. It was here that he created a Saturday morning Ethnic School to teach reading, writing and black pride without white hate. That Saturday morning school continues to function today. It was while in Los Angeles that Bishop Adams was elected the 87th Bishop of the African Methodism.

Upon his election, Bishop Adams served the Tenth Episcopal District in Texas and later left his mark on the Second Episcopal District here in the Mid-Atlantic States. Under his leadership, 40 new congregations sprouted throughout the district. From here, he went to serve the Sixth Episcopal District in Georgia, and while there served as Chairman of the Board of Trustees for Morris Brown College, Turner Theological Seminary, Interdenominational Theological Center and the Atlanta University Center. He also served on the Centennial Olympic Committee.

I am very proud that Bishop Adam's service has now called him to the Seventh Episcopal District in South Carolina to preside over the State's 609 AME churches. Although his work is far from over, he has made numerous improvements in the community in which we live. Under his Chairmanship, Allen University, one of seven historically Black Colleges and Universities in my district, has received its ten year accreditation from the Southern Association of Colleges and Schools. Enrollment at Allen continues to climb, and the campus is in perpetual renovation as an exciting building program has been launched. And if I might add Mr. Chairman, this body has played a significant role in that renaissance, having recently appropriated funds to begin the restoration of historic buildings on that campus. Under Bishop Adam's leadership, the Reid House of Christian Service in Charleston, has flourished and now includes the Adams Building which houses the only African American Adoption Center in South Carolina.

Bishop Adams is a strong believer that people must join together to do what they cannot do alone. To that end, he has founded the Congress of National Black Churches, the Institute on Church Administration and Management in Atlanta, Georgia; the Richard Allen Service and Development Agency in Washington, D.C.; and the Educational Growth Organization in Los Angeles, California. He continues to serve on many boards and directorates, including the Interdenominational Theological Center, Institute on Church Administration and Management, Joint Center for Political Studies, Children's Defense Fund Black Community Crusade for Children, National Black United Fund, Industrial Area Foundation, National Urban League, and South Carolina's Palmetto Project.

Bishop Adams has received many fitting honors and awards throughout his 25 years as Bishop. In 1996, he was awarded South Carolina's highest citizen honor, the Order of the Palmetto, in recognition of his contributions to the State. And last Saturday I joined with thousands of South Carolinians who met in Charleston to help celebrate his Golden Anniversary in the ministry and Silver Anniversary in the bishopric. That celebration, Mr. Speaker, defied the notion that a prophet is without honor in his own homeland.

Although he has been called one of the ''most progressive black church leaders in history,'' Bishop Adams most important calling is that of his family. Bishop Adams and his wife, Dr. Dolly Desselle Adams, have been partners in the ministry for 41 years. They have three daughters and six grandchildren. Bishop Adams is referred to by many as the 3.5 million member AME denomination's ''most influential cleric.'' I am very proud to call him my friend.

Mr. Speaker, I ask you to join me today in honoring Bishop John Hurst Adams whose spirit, belief, and kindness have moved communities to action across the nation. He is an excellent roll model, a valued friend, an outstanding leader and a great American.

AARP REFUTES MAILINGS ON KYL-ARCHER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, for offices receiving mail on the Kyl-Archer bill to let any doctor at any time bill any Medicare patients as much as the doctor wants, the following article from the February, 1998 AARP Bulletin will provide a useful insert-answer.

The AARP article shows that a number of groups have been trying to scare seniors into contributing to a phony cause.

[From the AARP Bulletin, Feb. 1998]

AARP ANSWERS 'SCARE CAMPAIGN' ON MEDICARE PRIVATE CONTRACTING

(By Elliot Carlson and Don McLeod)

Medicare beneficiaries are being flooded with misinformation about their right to enter into private contracts with their doctors.

As examples, observers cite reports in some newspapers and magazines stating that, because of the 1997 Balanced Budget Act (BBA), doctors will be barred from treating older patients on a private basis.

''What we have here,'' says AARP legislative director John Rother, 'is a concerted scare campaign aimed at misleading Medicare beneficiaries into believing that they have lost the freedom to choose their own doctors and seek the care they need.''

That's false, Rother says. Rather than weakening an enrollee's right to contract privately with doctors, he adds, the recently enacted BBA actually expands that right. Prior to passage of that law last fall, Medicare beneficiaries and doctors were not permitted to contract privately for services Medicare covered, such as office visits.

Any doctor treating a Medicare patient had to file a claim with Medicare and was limited in how much he or she could charge a beneficiary.

The BBA liberalizes these provisions. For the first time, effective Jan. 1, 1998, the law allows doctors to contract privately with Medicare enrollees for services that are already covered by Medicare.

But no sooner was the BBA enacted, Rother points out, than some groups started misinterpreting it—telling people incorrectly that the new law, rather than expanding enrollee rights, had taken them away.

One group, he notes, has been writing beneficiaries, quite erroneously, that if they pay a doctor out of their own pocket for a treatment not covered by Medicare, then their doctor will be barred from treating Medicare patients for two years.

Not so. Patients always could—and still can—privately buy services not covered by Medicare, such as prescription drugs, eyeglasses and hearing aids. ''Beneficiaries have always been able to pay out of their own pocket for services not covered by Medicare without penalty to themselves or their physicians,'' says Nancy-Ann DeParle, administrator of the Health Care Financing Administration, which runs Medicare. ''The new Balanced Budget Act doesn't change that.''

And you always could—and still can—pay for extra medical tests you want without you or your doctor being penalized, even if your doctor disagrees about the need.

A case in point is mammograms. Under the law Medicare pays for one mammogram per year. If you have a history of breast cancer in your family and your doctor deems it advisable, Medicare will pay for a second test.

Even if you aren't a high-risk case for breast cancer but you simply want a second test, you can go ahead and pay for it on your own without penalty to you or your doctor.

But the 1997 BBA does change some things. As noted above, it allows doctors for the first time to contract privately with Medicare enrollees for services that are already covered by Medicare.

This change stems from a bill advanced last June by Sen. Jon Kyl, R–Ariz., who said the change was needed to allow ''those 9 percent of the physicians who do not treat Medicare patients to continue to treat their patients [after patients turn 65] as they always have.'' In the waning hours of the debate on this proposal, House-Senate conferees modified the Kyl provision and incorporated a number of enrollee protections.

A key protection requires doctors to disclose contract terms. Thus, the doctor and Medicare patient must both sign a contract in which the patient agrees not to file a claim with Medicare. The patient also agrees to pay 100 percent of whatever amount the doctor charges. The contract must disclose that Medicare will pay no portion of the cost of the service. Nor will the enrollee's medigap policy.

Also, the new provision is limited to doctors who agree, in an affidavit, to forgo all payment from Medicare for two years—a clause that has turned out to be controversial. Critics argue that the ''two-year ban'' makes it very hard for doctors to take advantage of the Kyl provision. And, they add, it could discourage doctors from taking new Medicare patients.

Such concerns don't stand up to close examination, says Tricia Smith, coordinator of AARP's legislative health team. ''There is good reason for the two-year exclusion.'' For starters, ''the provision is a real protection for Medicare patients,'' she says. ''It's intended to prevent doctors from picking and choosing patients based on income and severity of illness.

''Also,'' Smith adds, ''it seeks to protect Medicare against fraud.''

In the wake of the controversy over private contracting, Senator Kyl is advocating a new bill that would go well beyond the intent of his original proposal. Not only is he seeking to eliminate the two-year ban, but he also wants to allow doctors to contract privately with low-income patients and those in managed care. And he wants to let doctors pick and choose what services they will contract for.

The legislation is supported by the American Medical Association (AMA), which has opposed Medicare's limits on balance billing—the extra amount doctors can charge beneficiaries over and above Medicare's payment.

But AARP, along with the New York-based Medicare Rights Center and some other consumer groups, strongly opposes the Kyl legislation. The American College of Physicians has raised serious questions about it.

''These proposed changes could open up Medicare to even more fraud and abuse than we see now,'' says AARP's Smith. ''Medicare would have a very hard time identifying which services were paid for privately. Thus, doctors could double-bill and collect from both beneficiaries and Medicare.''

Critics, AARP among them, also worry about the danger that private contracting could create a ''two-tiered system''—one for better-off enrollees who could afford high-priced doctors and another for all other enrollees.

Finally, AARP and other critics worry about the ability of doctors to charge any price for services rendered and the Medicare enrollee being held responsible to pay 100 percent of the bill.

''When a beneficiary agrees to a private contract, he or she is liable for 100 percent of what the doctor chooses to charge for the service,'' Smith observes. ''When beneficiaries discover that and recognize that their medigap policy won't cover the costs, they may find that the out-of-pocket costs will be unmanageable.''

INTRODUCTION OF THE SAFE SCHOOLS INTERNET ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce the Safe Schools Internet Act. Later this year, our schools and libraries will be receiving funds from the Congressionally created Universal Service Fund to defray costs of Internet access. While it is undeniably important for our children to have access to this important tool in their classrooms, the ''hooking up'' of America's schools also comes with problems.

As most people know, in addition to the priceless information available on the Internet, the Internet also contains a limitless supply of material not appropriate for children. When we hook our schools to the Internet, we are also hooking them up to this material. While we would never let our school libraries carry material such as Penthouse or depictions of violent torture, we may soon be doing so through the Internet.

However, technology currently available on the market makes it possible to block out many offensive Internet web sites. The Safe Schools Internet Act would require that any school system accepting federal money from the Universal Service Fund to facilitate Internet access install Internet blocking software. Under the bill, libraries would be held to the same requirement for at least one computer in the library. The method of blocking would be left to local school and library officials, ensuring continued local control of these important institutions. This Safe Schools Internet Act will ensure that children in our schools and libraries are not confronted with age-inappropriate material, and that the federal government does not find itself financing offensive material in our schools.

I hope my colleagues will join me and cosponsor this important legislation.

COMMENDING JAMES CASALE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to commend James Casale, age 7, who has already proven himself to be an outstanding member of our society, James attends second grade at Gladstone Street School in Cranston, Rhode Island. When told that his school was having a canned food drive for the poor, James raided his family's pantry for items to contribute. After a few days, his parents told him the best way to contribute was to use his own money to buy food.

James used $100 saved from allowances and tooth fairy money to buy 17 cases of food. On November 20th his father dropped James and his four hundred cans off at the schoolyard. Those four hundred cans inspired other students in his school to donate even more than they already had. In previous years, the Thanksgiving food drive had accumulated only a few hundred cans. Last year's food drive set a record at 1,600 cans. However, because of

the example set by James Casale, this year's canned food drive more than doubled that amount, raising 3,445 cans.

James had seen people in the newspaper and on television who needed help, so he simply did what he could to help them. When asked why he made such a generous donation, James said that he did for poor people. Wouldn't it be wonderful if everyone who saw a need did what they could and stepped in to fill the void? Too many of us say ''I don't have the time,'' or ''I can't afford it'', yet James gave freely of both his time and money.

I had the opportunity to meet with James on November 21 and present him with a Public Service Certificate in recognition of his outstanding and invaluable service to the community. I was impressed by both the compassion and drive of this young man.

Mr. Speaker, I encourage my colleagues to join me in commending seven year old James Casale for setting an example for his classmates and his community.

CHICAGO DEALER HONORED BY TIME MAGAZINE—STANLEY BALZEKAS, JR.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to honor a fine businessman of the automobile industry, Mr. Stanley Balzekas, Jr. Mr. Balzekas Jr., a businessman in the Chicagoland area, delivers great service to families and individuals in the Chicagoland community.

Stanley Balzekas Jr., president of Balzekas Motor Sales, was honored by TIME Magazine with the 29th annual TIME Magazine Quality Dealer Award (TMQDA). Mr. Balzekas received this award on January 31, 1998 for his outstanding business achievements in the automobile industry. As part of the award, TIME Magazine makes an annual grant of scholarship funds to the University of Michigan Business School in the names of TIME, Goodyear, the National Automobiles Dealers Association, and the TMQDA recipients.

Stanley Balzekas Jr., a native of Chicago, Illinois, began his career in the automobile industry working part time for his father during high school and college. Upon graduation from DePaul University in Chicago, Illinois, and his completion of a masters degree of business and marketing, Mr. Balzekas climbed his way through the ranks to become president of Balzekas Motor Sales. Currently, Stanley Balzekas resides in Chicago with his wife, three children and three wonderful grandchildren.

I would like to extend my congratulations to Mr. Stanley Balzekas Jr. on his great accomplishments as a businessman and friend to the community bringing families and individuals ''the American dream'' of purchasing a new automobile.

TRIBUTE TO LEONARD W. ZIOLKOWSKI, SOUTHSIDE ADVANCEMENT ASSOCIATIONS' MAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to recognize a remarkable member of my district, as well as a friend of many years, Mr. Leonard W. Ziolkowski, for being named Man of the Year by the Council of South Side Advancement Association of Milwaukee, Wisconsin.

The Council of South Side Advancement is a civic network that draws from organizations throughout the area to unite the community and encourages involvement from its citizens. One way in which the Council encourages this is through recognition of outstanding members of the community at the Lincoln Day Banquet. As an honoree at this year's banquet, Mr. Ziolkowski personifies the leadership and involvement for which the organization strives.

Len's professional career exhibits remarkable examples of dedication and leadership. Appointed a patrolman in 1950, he was consistently promoted throughout his longstanding career with the Milwaukee Police Department until his retirement in 1986 as inspector of police. He then shared his experience and knowledge as supervisor of the police science program at the Milwaukee Area Technical College. He also has served as a member of the Fire and Police Commission for the City of Milwaukee and director of the Milwaukee Police Academy, which gained national recognition while under his direction.

Currently president of the South Side Business Club and vice-president of St. Joseph's Foundation, Len's leadership transcends his professional career and carries into his community involvement. As a fellow American of Polish descent, Len promotes his heritage by his participation in the Milwaukee Society and the Polish National Alliance. He is also active in the American Society of Law Enforcement Trainers, Law Enforcement Training Officers Assoc., International Narcotics Enforcement Officers Association, and the American Legion post 415.

I ask that you join me in congratulating Len Ziolkowski as he is honored at the Lincoln Day Banquet on February 22nd, 1998.

TRIBUTE TO MRS. CORRIE BELL MISSOURI

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a pillar in our community, Mrs. Corrie Bell Missouri of Columbia, South Carolina, on the occasion of her 100th birthday.

Mrs. Missouri has offered tireless assistance to her community for many years. She visits Pontiac Elementary School annually, where she entertains the students with facts from her ''Wonder Years.'' One of the skills Mrs. Missouri likes to share is her ability to recite the alphabet backwards. She is very active with the Francis Burns Senior Citizens, as well as with the Zion Canaan Senior Citizens Bible Study.

Mrs. Missouri was born in Richland County, South Carolina, on March 24, 1898, to Wilson and Estelle Bell. Mrs. Missouri is one of six children. Her siblings include William Harry Bell of New York (89 years old), Marion Bell Foster (deceased), Desport Bell (deceased), Essie Dixon (deceased), and James S. Bell (deceased). Family and good values are Mrs. Missouri's most cherished possessions. At an early age she married Bogan C. Missouri (deceased). They had one son, the Reverend Rufus Levi Mosby. She proudly carries the title of great-grandmother and has two granddaughters, Carrie Boyce and Beverly J. Mosby; and one great-grandson, D. ''Ray'' Boyce.

In her youth, Mrs. Missouri attended school at Zion Canaan Church. In those days, children only went to school for three months so they could help in the fields the remainder of the year. Mrs. Missouri is a member of Zion Canaan Baptist Church, and she enjoys reading the Holy Bible and listening to all types of Christian music. Her favorite Bible scripture is Psalms 100, which calls for Christians to worship and give thanks to the Lord. She encourages the young to ''obey your parents. Parents, love and respect your children, and teach your children about the Lord.''

On Tuesday, March 24, 1998, family and friends will gather in celebration of Mrs. Missouri's 100th birthday. Please join me in wishing Mrs. Corrie Bell Missouri a prosperous and happy birthday. Mrs. Missouri is truly a living example of the American spirit that our country's flag represents.

PRESERVING THE DISTRICT OF COLUMBIA'S CHARITABLE ASSETS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, all across the United States, Blue Cross and Blue Shield health insurance plans are changing their stripes through mergers, conversions, other changes in corporate status, or buy-outs. As many of my colleagues know, these changes have triggered debate in many states over the fate of charitable assets of these plans. As one observer put it, ''The Blues see green. Consumers see red.''

In California, for example, two new foundations have over $3 billion for health care, courtesy of the Blue Cross conversion. In New Jersey, an appeals court ruled last year that the Blues there are, in fact, ''charitable and benevolent.'' In Texas, the attorney general is in court to block the merger between the Texas and Illinois Blues. In North Carolina, the state legislature set up a study commission to examine the fate of the Blues plan there. In Kansas, the attorney general has filed a claim against the officers and directors of the Blues for breach of their fiduciary duty in connection with their campaign to deny the charitable status of the assets.

Each of these cases demonstrates that the tug-of-war over charitable assets is a state matter. Rarely, if ever, does Congress become involved, though perhaps the time is drawing near for a national examination of these trends.

Right in our own backyard here in the nation's capital, the Washington Blue Cross plan recently merged with the Maryland plan headquartered in Baltimore. This followed passage of HR 3025 at the end of the last session of Congress, facilitating the merger by amending the Federal charter of the DC Blues, which is the only Blue Cross plan nationwide to have been chartered by Congress rather than by a state. The merger is being challenged in two court actions brought by the Blue Cross policyholders and by a national patient advocacy foundation, who claim that the merger involves an illegal shift in control of charitable assets away from the intended beneficiaries. Lawyers for Blue Cross are citing congressional action on HR 3025 as a defense in the lawsuits.

While HR 3025 modified the DC Blues' charter to change its provisions for membership, the legislation was silent on all issues involving the plan's charitable and benevolent status and the charitable nature of assets. A review of the last minute consideration of this legislation in November 1997 that Congress took no action to diminish the charitable status of the Blues plan, nor did Congress contemplate the effect of HR 3025 on the DC Blues' obligations arising from its charitable status.

HONORING LAURA BERMAN

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to congratulate and honor a young Rhode Island student from my district who has achieved national recognition for exemplary volunteer service in her community. Laura Berman of North Kingstown has just been named one of my state's top honorees in the 1998 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state.

Ms. Berman is being recognized for creating a library awareness program for third graders in her community of North Kingstown. Laura had read about a project in the New York City school system and decided to base her program on that. Working with a fellow volunteer, the local library system, and the elementary school teachers, Laura designed a classroom presentation that would impress upon children the joys of reading and the activities offered by the public library. Laura also distributed personal library cards to every child, along with a t-shirt purchased with donations that read, 'Your library card . . . don't leave home without it!'' The program was so successful that Laura has recruited additional volunteer help and plans to offer it at two more elementary schools this year.

In addition to Ms. Berman, I am pleased to tell you that there were four Distinguished Finalists. Ryan Arruda of Wickford Middle School in North Kingstown initiated a program to collect recyclable aluminum cans to benefit the local food pantry. Mariah Northrop also of Wickford Middle School participates in 'Make a Difference Day'' to clean up her community. Janaina Stanley of North Kingstown High School started a program called Breaking Down Barriers to prevent racism, prejudice and hostility in her community. Finally, Erin Conti or Warwick Veterans Memorial High School volunteers as a 'buddy'' on a baseball team for physical and mentally challenged children.

All of these students should be very proud of themselves for having been singled out from such a large group of dedicated volunteers. I heartily applaud each and every one of them for his or her initiative in seeking to make Rhode Island a better place to live, and for the positive impact they have made on the lives of others. Each one has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Their actions show that young people can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN TRIBUTE TO DR. WILLYS FRANCIS MUELLER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize a most distinguished member of our community, Dr. Willys Francis Mueller, Jr., of Flint, Michigan. After devoting 33 years of his life to the medical profession, Dr. Mueller has decided to retire from his position as Chairman of the Department of Pathology at Hurley Medical Center in Flint. Throughout his many years of dedicated service, Dr. Mueller has worked as an honorable physician, a selfless civic volunteer and a devoted family man.

Dr. Mueller attended the University of Michigan, Ann Arbor, and graduated with a degree in pre-med. He continued his education at U of M, and received his Medical Degree in June of 1959. To complete his education, Dr. Mueller did his internship and residency, and later became certified in pathologic anatomy, and clinical and forensic pathology. In September 1966, Dr. Mueller joined the United States Army and became Captain of Medical Corps Assignments. He served as a Staff Pathologist and as a Chief of the Accident Pathology Branch in the Military Environmental Division at the Armed Forces Institute of Pathology.

As a member of various medical organizations, Dr. Mueller has made immeasurable contributions to the lives of people throughout the State. He is a member of the Michigan Association of Blood Banks, the Michigan State Medical Society and the Michigan Association of Medical Examiners, to name just a few. He has served as a Clinical and Adjunct Professor at Michigan State University, Northern Michigan University and Michigan Technical University.

Dr. Mueller's work as a physician is only to be outdone by his involvement in several civic organizations. These include the American Red Cross, The Hurley Clinic, St. John Catholic Church and Delta College. Also, he has been involved in numerous speaking engagements at local high school career days and service clubs.

Mr. Speaker, Willys Mueller's spirit of volunteerism combined with his lifetime commitment to healing makes him truly worthy of praise and recognition. It is indeed a pleasure to stand in front of this House and speak of Dr. Willy's Francis Mueller, who through his thoughts, deeds, an actions has provided the community with an invaluable resource and an indomitable spirit. The City of Flint is a better place because of Dr. Mueller's selfless service to humanity. Our community owes him a tremendous debt of gratitude. We wish him well in all his future endeavors.

MARY ANN KIRK, ''MARYLAND AMERICAN MOTHER''

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to salute Maryland's 1997 ''Maryland American Mother,'' Mary Ann Kirk. A resident of Rockville, Md., and my constituent, Mrs. Kirk was honored last year for her devotion to her wonderful family and for her tireless efforts as a community volunteer. Mrs. Kirk has been active in promoting character and citizenship education in Maryland's schools. She has long been an active volunteer with the American Heart Association and with area school tutoring programs. In all her activities, she underscores the important roles of mothers in shaping our society.

The ''Maryland American Mother of the Year'' is sponsored by American Mothers, Inc., an organization founded in 1933 to strengthen the home and family and to provide support to mothers in a sometimes troubling, always challenging, world. AMI, the official sponsor of Mothers' Day, provides outreach programs that include parenting workshops, tutoring and literacy programs, providing clothing and shelter for needy families.

Mr. Speaker, please join with me in saluting Mary Anne Kirk, who by her contributions to her own family and to her state and community, richly deserves the title ''Maryland American Mother of the Year.'' She truly makes a difference.

TRIBUTE TO DOROTHY SEELEY, SOUTHSIDE ADVANCEMENT ASSOCIATIONS' WOMAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Mrs. Dorothy Seeley, who will be honored Sunday, February 22, 1998, as the Woman of the Year by the Council of South Side Advancement Associations, Incorporated, of Milwaukee.

The Council of South Side Advancement Associations is a network comprised of delegates from south side Milwaukee veterans, scholarship, business, civic and senior citizen organizations. Its members, from many diverse ethnic and cultural backgrounds come together in a coalition to educate themselves on local matters, to provide support to each other and address issues involving the South Side community.

In this spirit, the Council will celebrate its 51st annual Lincoln Day Banquet on February 22nd and will honor my long time friend and supporter, and senior citizen advocate extraordinaire, Mrs. Dorothy Seeley.

Dorothy has a well-earned reputation around the Milwaukee area and our entire state as a real go-getter and fighter for the rights of our senior citizens. From her years at Nordberg Manufacturing Company as a crane operator, to her union steward days, right on through her appointments by Wisconsin Governor John Reynolds and Milwaukee County Executive John Doyne, Dorothy has been a friend of working men and women and retirees. To this day, as President of United Seniors of Wisconsin, Dorothy pursues the never-ending battle to protect the rights of seniors, so that their voices can be heard here at home in Milwaukee, in Madison at the State Capitol and in Washington, D.C.

In 1990, Dorothy was given the prestigious honor of being named one of Wisconsin's Ten Most Admired Senior Citizens by Security Savings at an awards ceremony during the Wisconsin State Fair.

Mr. Speaker and colleagues, I ask that you join me in congratulating Mrs. Dorothy Seeley on a job well done. Keep up the great work, Dorothy, for many years to come. May God Bless.

INTRODUCTION OF H.R. 3161—TORTURE VICTIMS RELIEF ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LANTOS. Mr. Speaker, on February 4th, I joined my distinguished colleague from New Jersey, Congressman CHRISTOPHER SMITH, in introducing H.R. 3161, the Torture Victims Relief Act. Together, the two of us introduced similar legislation during the 104th Congress.

Our important legislation attempts to deal with the detrimental consequences of the most egregious form of violation of international human rights—the widespread use of torture. Human rights experts estimate that there are over 79 countries around the world where torture is practiced on a systematic basis. As a consequence, there are currently an estimated 200,000 to 400,000 victims of foreign governmental torture in the United States, who are in dire need of qualified psychological and medical treatment in adequate facilities. The traumatic experiences of torture—which according to experts in most cases does not ultimately aim to obtain information, but simply to break and destroy the victim's personality and human identity—result in continuous nightmares, flashbacks, anxiety attacks, and deep depressions.

In 1973, Amnesty International appealed to the world medical profession to respond to the international use of torture and to develop a multi-pronged treatment program to counter the severe effects of torture. These efforts—in particular under the outstanding leadership of Dr. Inge Genefke, MD, DMSc.h.c.—resulted in the establishment of the first Rehabilitation and Research Centre for Torture Victims in Copenhagen, Denmark, in 1982. This international movement has now grown to encompass 173 centers in 76 countries. The successful work of these centers—based on four parallel pillars consisting of psychotherapy, physiotherapy, social counseling and nursing—have shown that with adequate treatment, torture victims can resume productive and fulfilling lives.

Mr. Speaker, since torture is used by the most despicable of totalitarian oppressors around the world as one of their most common techniques for suppressing freedom of speech and democratic rights, it typically targets the strongest and most outstanding defenders of these democratic values in foreign countries. The United States has courageously defended and promoted the values of freedom and democracy around the world, the very principles on which this country was founded. The victims of torture are these courageous people who, knowing full well the risk of physical and psychological harm which will inevitably come to them if they are arrested, uphold our common values in the face of their brutal oppressors.

Mr. Speaker, these heroic defenders of human rights and human liberty deserve our strongest support. The Torture Victims Relief Act (H.R. 3161) will fully implement the provisions of the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which prohibits the involuntary return of any person to a country if there is substantial evidence that a reasonable person in those circumstances would fear subjection to torture.

President Ronald Reagan signed the U.N. Convention on April 18, 1988, and the United States Senate ratified it on 21 October, 1994. With the ratification of this convention, these international norms became binding law in the United States. There is no domestic legislation, however, to implement these international legal provisions. Our legislation will rectify this oversight by providing the legal provisions necessary to implement the Convention on Torture.

Furthermore, our important bill will make important changes in the immigration procedures under which torture victims will be handled. The provisions of this bill expedite the processing for asylum applicants who make credible claims that they have been victims of torture. The legislation establishes the presumption that such applicants should not be detained while their asylum case is pending, and it designates refugees who are torture victims as refugees of special humanitarian concern with priority for resettlement at least as high as that given to any other refugee group.

In addition, the Torture Victims Relief Act provides for special training for officials who are involved in implementing immigration procedures. This training will provide information about torture and its long-term effects, and this will help these officials to consider the special physical and psychological circumstances a torture victim has to endure when they have to provide evidence in support of their asylum claim.

In order to ensure an adequate rehabilitation treatment for victims of torture, this bill authorizes $5 million for FY 1999 and $7.5 million for FY 2000 from funds authorized for the Department of Health and Human Services to support domestic torture treatment programs. In addition, the bill fully supports the international efforts I have outlined above. It authorizes $5 million for FY 1999 and $7.5 million for FY 2000 of funds authorized under the Foreign Assistance Act for international rehabilitation services, and it authorizes $3 million for FY 1999 and $3 million for FY 2000 of funds authorized under the Foreign Assistance Act to contribute to the United Nations Voluntary Fund for Torture Victims.

In a further effort to strengthen the international effort to address the scourge of torture, our legislation commits the United States to use its voice and vote in the United Nations to support the investigation and elimination of practices outlawed under the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Mr. Speaker, I urge all my colleagues to join me in support of this important legislation.

COMMENDING THE HEROISM OF CUB SCOUT WILLEM REYNAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize a brave and outstanding young American, Cub Scout Willem Reynar of Cub Scout Pack 440.

Willem Reynar is the epitome of a good Cub Scout, possessing courage and bravery beyond his years. In September 1997, Willem was able to think clearly and act quickly when he found his younger sister in a drowning situation. Willem didn't panic and in turn saved his sister's life.

I commend Willem Reynar for his courage and heroism. According to the great American author Mark Twain, ''Courage is resistance to fear, mastery of fear—not absence of fear.'' Willem Reynar was able to conquer his fear and save the life of another human being.

Willem Reynar's bravery is an example to his Pack and to us all. Accordingly, I urge my colleagues to join me in commending Cub Scout Willem Reynar, a hero who truly deserves the Boy Scout Lifesaving Award.

BOB ADAMS: AN AMERICAN HERO

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise to pay tribute to a friend, a role model and a hero in the black community. This man believes in the four values which have made America great. Those values are hard work, integrity, faith in God and persistence. In particular, Mr. Speaker, I would like to recognize a successful black businessmen who overcame dire circumstances to realize the American Dream.

Indeed, my good friend Bob Adams is the personification of the American Dream. Here is a man who was born into poverty and who understands what it feels like to go to bed with an empty belly, wake up with an empty belly, and then go to school and try to learn on an empty belly. There are millions of children in this country, Mr. Speaker, who have to endure the same horrible circumstances, but I am hopeful we can work in a bipartisan fashion in Congress to help end this suffering.

Though the odds were against him succeeding, Bob Adams never gave up. He never chose a life of stealing and drug dealing. That would have been the easy way out. Instead of saying, ''I can't make it. It's too hard to succeed,'' Bob Adams instead decided to work hard in school, keep his faith in Jesus and maintain a positive attitude. Just like that song you hear over the radio, Bob Adams told himself, ''I might get knocked down, but I'll get up again. You're never going to keep me down.''

Today, Mr. Speaker, I am proud to say that my friend Bob Adams is a successful businessman who owns a printing company and today does his part to give back to his community. He is one of the greatest examples I can think of when it comes to excellent role models in the black community.

Mr. Speaker, my fellow colleagues, when the going got tough, Bob Adams didn't say, ''I have gone this far, I can go no farther.'' Instead he told himself, ''I'll never quit and I'll never give up.'' Friends, that is the essence of the American Spirit. That is the bulldog mentality that built America into the greatest country in the world.

My friends, whenever we despair and feel like quitting, it is time for us to get up, dust ourselves off and remember that great Bible verse—''I can do all things through him who gives me strength.'' And then we should remember the example of such fine role models as Bob Adams for inspiration. Bob Adams is proof that anyone can succeed in America if they put their mind to it, and their faith in God.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BURTON of Indiana. Mr. Speaker, on February 5, 1998, I was unavoidably detained, therefore, missing roll call votes 8–10. Had I been here I would have voted Yea on roll call vote 8 (H. Res. 348) providing for the consideration of H.R. 2846; Yea on roll call vote 9 (H.R. 2846) prohibiting spending Federal education funds on national testing without explicit and specific legislation; and Yea on roll call 10 (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

TRIBUTE TO LARRY ROSENTHAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a member of my staff who has recently left my office to become the Chief of Staff at the National Indian Gaming Commission. Larry Rosenthal, who hails from my hometown of Flint, MI, began working as a legislative assistant in my office in 1987. I recognized immediately that Larry shared my belied that the role of government is to preserve, protect, defend and enhance human dignity.

As Members of Congress, we know how crucial it is to have a good staff. I have always sought to hire people who have good heads and good hearts. Larry has both attributes in great abundance. Indeed, over the years, Larry has not only become one of my closest advisors, he has also been one of my dearest friends.

During his tenure on my staff, Larry handled a variety of my most important legislative priorities. He was instrumental in the passage of the Michigan Wilderness Heritage Act, the Grand Island National Recreation Area Act, and the Michigan Wild and Scenic Rivers Act. Larry's work as the staff coordinator for the Congressional Automotive Caucus was crucial to my efforts to reinvigorate the Caucus and provide effective leadership in Congress on issues affecting the American automotive industry.

Most recently, Larry dedicated his time and efforts to the First Americans, Native Americans. He worked tirelessly to ensure recognition and federal support for tribes across the United States. Larry was committed to the fundamentals of sovereignty and respect that play such a critical role in Native American culture. His work as staff coordinator of the Congressional Native American Caucus has earned him a reputation in Washington, D.C. as one the most knowledgeable congressional staffers on these issues. He has also earned the respect and gratitude of Native Americans in Indian Country.

There is no doubt that Larry has left an indelible mark on all of those who have come in contact with my congressional office. Whether planning a softball game, a reception for Ernie Harwell, or a conference on Indian Issues, Larry brought excitement and interest to each event. It is this dedication and devotion coupled with an indomitable spirit that makes Larry Rosenthal such a unique person. I am proud to call him my friend.

Larry's departure from my office is very bittersweet. Although I know that Larry will serve the government well at the NIGC, I will certainly miss his expertise. His service to the Ninth Congressional District should serve as an example to us all. Please join me in expressing my gratitude to Larry for his many years of service on Capitol Hill. I wish him the best in all his future endeavors.

1,160-PERCENT INCREASE IN DRUG PRICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STARK. Mr. Speaker, enclosed is a copy of a letter I've received from a Midwestern doctor.

DEAR REPRESENTATIVE STARK: I am not from your district or even from California but I know your interest in problems with the pharmaceutical industry so I wanted to share this outrage I just found out to my dismay.

I called the Darby Drug Company to order a thousand tablets of the generic for Lomotil and found that what had been $27.95 in 1997 is now $325.00—honestly—more than a 10% increase. I could not believe it but was told it is true. They don't have the 1998 catalogue yet but they say that is the new price.

Help!

I have seen increases in the prices of drugs that seemed too high, but this is absurd. How can they get away with it? Certainly the cost of making it did not go up more than 10 times in less than a year. The reason given me was that now there is only one company making it—a lame excuse for taking such advantage of patients in need.

Thanks for your efforts to protect the poor consumer.

WESTINGHOUSE SCIENCE TALENT SEARCH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FORBES. Mr. Speaker, I rise today in the People's House to pay tribute to four young scholars from Ward Melville High School, in Setauket, Long Island whose talents and hard work have earned them the coveted distinction as finalists in the 1998 Westinghouse Science Talent Search contest. Continuing a remarkable legacy of scientific achievement at Ward Melville, Christopher Michael Gerson, Grace Ann Lau, Clyde Law and Thomas Peterson have been invited to Washington, DC to compete for the top honor in America's oldest and most prestigious high school scholarship competition.

Inspired by their own ingenuity and thirst for knowledge, and supported by the dedicated teaching staff at Ward Melville, Christopher, Grace, Clyde and Thomas have all created impressive research projects that met the competition's rigorous standards and earned them the recognition of the Westinghouse judges. These hard-working scholars have produced brilliant experiments in scientific research.

Christopher Gerson studied the effects of colliding continental plates by producing a laboratory model that accurately simulates geological movements. Using a sandbox with a movable wall to simulate plate motion, and precise marking and photography techniques, Chris devised a method for studying plate science using innovative quantitative studies. A sports columnist for the school magazine and a member of the school marching band, Chris hopes to study computer science and mathematics at Princeton University.

For her project, Grace An Lau researched the effects that extracts from green tea have on an enzyme involved in inflammatory tissue injuries. Her study demonstrated that green tea can significantly inhibit the enzyme Neutrophil, which is implicated in a variety of diseases, including arthritis and cystic fibrosis. A violinist in the school orchestra and a Science Olympiad participant, Grace will study biology in college and hopes to become a veterinarian or a field scientist.

Clyde Law's physics experiment examined the compressibility of nuclear matter substances by studying the flow of protons, providing important insight into nuclear and astrophysics. Clyde is a participant in Science Olympiad and was a finalist in the ThinkQuest Internet Contest. He is also active in the Asian Culture Club and tutors Chinese. He hopes to attend MIT to study engineering and computer science and plans to become a computer systems analyst.

Thomas Petersen's breakthrough project produced what is believed to be the first experimental verification that thermally induced

capillary waves will cause spontaneous holes in certain polymer thin films. Thomas has been playing the cello since he was four and was a soloist and principal cellist in the Long Island Youth Orchestra. Tom also participates in various math and science clubs, won the gold medal in Science Olympiad and plans on pursuing a career in engineering.

The achievements of Chris, Grace, Clyde and Thomas are due in no small part to the outstanding high school science program at Ward Melville High School that, for the second year in a row, produced the most Westinghouse Science Talent Search finalists in the Nation. In fact, the four were among the 11 contest finalists chosen from Long Island high schools, comprising more than one-quarter of the finalists chosen from all 50 states. The schools in my home area of Eastern Long Island produced fourteen semi-finalists in the Westinghouse Contest, including the four finalists and: Meredith Suzanne Croke of Miller Place, Jonathan Aaron Arbreit, James Joseph Cascione, Adam Brett Gottlieb, Joleen Okun, Alice Takhatajan, and Shellen Wu who are all from Setauket, Christine Anne Champey and Michael Teitelbaum of Smithtown and Robert Nalewajk from Stony Brook. All of these students deserve congratulations for their hard work and achievements.

Mr. Speaker, as America focuses on improving student achievement and preparing them for the high-tech, computer driven future of the 21st Century, the accomplishments of Christopher Michael Gerson, Grace Ann Lau, Clyde Law and Thomas Peterson show us that America's future is in trusted hands. Their classmates can take inspiration from their success and adults have seen what great things our children will achieve when we provide them the skills and support. And so, Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting Chris, Grace, Clyde and Thomas and all of the other talented students across the United States who have been named finalists in the 1998 Westinghouse Science Talent Search Contest.

TELECOMMUNICATIONS COMPETITION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BOYD. Mr. Speaker, while I was not a Member of Congress when the 1996 Telecommunications Law was passed, it's easy to see that competitive business strategies from long distance companies and FCC's ever-changing interpretation of this legislation are responsible for telephone competition being stymied.

I don't believe Congress anticipated major long distance companies concentrating on the more lucrative business customers while totally ignoring the local residential market. Congress also didn't foresee the FCC taking this law and changing it to the point where no Regional Bell Company has a chance of offering long distance service to their customers in the near future.

On multiple occasions state utility commissions have submitted favorable recommendations to the FCC, stating the 14 point checklist has been met and that Regional Bell Holding Companies should be allowed into the long distance market. Each time the FCC has rejected the recommendation.

It's time for the issue to get off the regulatory treadmill. We're long overdue for full scale telecommunications competition to begin.

IN MEMORIAM OF DOMESTIC VIOLENCE VICTIMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mrs. MORELLA. Mr. Speaker, on February 23, in Annapolis, Maryland, men, women, and children will come together to remember and mourn family, friends, and neighbors who died because of domestic violence during the past year. The memorial service reminds all in attendance of the terrible price Maryland pays when homes become places of fear and terror instead of havens of love and safety.

The Maryland Network Against Domestic Violence, which organizes the service each year, has worked diligently for more than 15 years for better and tougher laws against domestic violence, for increased funding for shelters for battered women and their children, for training judges and law enforcement personnel, and for educating the public about domestic violence and its consequences on our society.

In the last decade, we have made enormous strides on the state, local, and federal levels against domestic violence. Our state and local laws have been improved and strengthened. The Violence Against Women Act, which I sponsored, has not only changed the way we enforce domestic violence laws but also has provided needed funding to help states and local communities make a real difference in the struggle against domestic violence.

Early next month, I will introduce the second Violence Against Women Act. VAWA II, as it has been called, will continue the federal commitment to fund the National Domestic Violence Hotline, shelters and counseling programs, judicial training programs, and other services so important to our local communities. VAWA II will also address child custody, housing, legal assistance, medical training, insurance discrimination, protection for disabled women, and issues critically important to the health and well being of our families.

Mr. Speaker, let us join with the Maryland Network Against Domestic Violence to recommit ourselves to ending domestic violence in our homes and in our communities in whatever way we can: as legislators, as advocates, as volunteers, as parents, and as friends. And let us remember that as legislators, the bills we write and the votes we cast will determine to a great extent whether our children and their children will live in a world where domestic violence is no more.

TRIBUTE TO JACK BIRNBERG

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. PASCRELL. Mr. Speaker, I would like to introduce you to Mr. Jack Birnberg. Jack is a remarkable individual who has done much to improve the quality of life for the people of the Eighth Congressional District of New Jersey.

Deeply concerned with the well-being of our senior citizens, Mr. Birnberg has been actively involved with the Daughters of Miriam Center for a number of years. Most recently, he served two terms as President of the Board of Trustees of that organization. Prior to that he was the Vice-President and a member of the finance committee for six years.

Jack is also an active member of the community at large. He is a former trustee of the Barnert Hospital and serves as a trustee at the Barnert Temple. Jack has also served as the Commissioner and President of the Board of the Children's Shelter of Passaic County and as a President of the Northeast Regional Association of Small Business Investment Corporation. He is also a former member of the Executive Council and the Board of Governors of the National Association of Small Businesses Investment Corporation.

Currently, Jack is a corporate banker. He is the Chairman of the Waldorf Group, Incorporated, of Little Falls and the Tappan Zee Capital Corporation. In addition, Jack is the Chairman of the Board of Olo Deerfield Fabrics, Inc. of Cedar Grove.

Although active in the community and the corporate world, Jack is also a dedicated family man. A resident of Wyckoff, Jack is married to the former Louise Rothstein. They are the proud parents of four sons, Michael, Steven, Jeffrey, and John. They have two grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Jack Birnberg's family and friends, and the grateful residents of New Jersey as we commend Jack for his years of service to the community.

AUGLAIZE COUNTY SESQUICENTENNIAL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. OXLEY. Mr. Speaker, I rise today to offer my most sincere congratulations to the people of Auglaize County as they celebrate their county's Sesquicentennial Anniversary.

In reviewing the history of the county, it came to my attention that Dr. George Washington Holbrook was principally responsible for the county's existence. Indeed, when Dr. Holbrook arrived in Wapakoneta, Ohio, from New York in 1834, what we now know as Auglaize County was then located in Allen and Mercer counties. With the belief that the people of Wapakoneta and its neighboring communities deserved further recognition and representation, Dr. Holbrook convinced both local and state leaders of the need for a new county. Dr. Holbrook's efforts and dreams were realized on February 14, 1848, when the Ohio General

Assembly passed legislation creating Ohio's 84th county, Auglaize. For his contributions, Dr. Holbrook is known as ''the father of Auglaize County.''

To commemorate the tremendous achievements of the people of Auglaize County over the last 150 years, a variety of celebrations are scheduled throughout the year. I am especially looking forward to the Air Show at the Neil Armstrong Airport in New Knoxville and the County Fair.

I congratulate the great people of Auglaize County on this historic achievement and wish them the best of luck over the next 150 years!

TELECOMMUNICATIONS ACT OF 1996

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. WELLER. Mr. Speaker, two years ago this week the President signed into law the Telecommunications Act of 1996 aimed at removing monopoly protections and creating fair, full and open competition in the communications marketplace. One of the primary goals in passing this law was to give consumers the benefits of more choices, lower prices and greater quality in their telephone and cable services.

Unfortunately, Mr. Speaker, it hasn't happened. In lieu of competition, consumers in many areas of the country are seeing mergers of massive proportions, higher cable rates and lawsuits filed by frustrated competitors seeking to enter the long distance market. Having said that, I would point out that Ameritech, the regional communications company that serves my home state and four other Midwestern states, has done a commendable job of fostering competition in our part of the country.

Today there are more than 130 companies certified to compete in the Ameritech region, and the Company has interconnection agreements with 60 of them. Additionally, the Company's competitors are serving more than 500,000 local lines by reselling service under their brand names. Ameritech is also bringing true cable competition to the Midwest. Its cable subsidiary, Ameritech New Media, has 65 franchises with communities in Ohio, Illinois and Michigan, and is now actively competing against incumbent providers in 40 of those communities offering enhanced cable TV service to more than 100,000 homes. In those communities where Ameritech New Media competes, incumbent providers have slashed their prices, offered customers free premium and pay per view channels, added more channels to existing service and guaranteed customers better service. This is precisely what we intended when we passed the Telecommunications Act.

However, Mr. Speaker, in spite of their efforts, neither Ameritech nor any of the former Bell companies has managed to cross the regulatory threshold to enter the long distance market. I think I speak for many of my colleagues when I say that I am extremely disappointed that consumers across the country have yet to enjoy the full benefits of the Telecommunications Act. I continue to believe this is a good law, and I would urge the Federal Communications Commission to make it work. We now have a new chairman and three new commissioners at the FCC and I am impressed by their recent comments stressing the need to implement the Act. I encourage them in the strongest possible terms to implement the law and give consumers the choices they deserve.

IN RECOGNITION OF THE AMERICAN ASSOCIATION OF VARIABLE STAR OBSERVERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the outstanding contributions that amateur astronomers from around the world have made to our understanding of some of the most profound questions that have confronted mankind—the evolution of the universe. In the very brief period in which humans have had the ability to look up and ponder our place in the universe, we have transcended a time in which religious dictate required a belief that the heavens were unchanging, to one in which we accept change as the status quo.

We now know that stars change. Sometimes the change is dramatic and visible to all such as the supernova explosion in 1987. More often, the changes are subtle to the casual observer. Yet these subtle changes in star brightness due to pulsations and eruptions and eclipses behind intervening objects are crucial in understanding the nature of the universe and its ultimate fate.

Mr. Speaker, in 1911 the American Association of Variable Star Observers (AAVSO) was founded at the Harvard College Observatory. This independent research organization is dedicated to coordinating the observations of variable stars by amateur astronomers in 46 participating countries.

AAVSO receives, digitizes, and archives over 300,000 observations yearly from 300 to 350 observers. Since its founding, AAVSO has catalogued over 8.5 million observations from 4000 observers. AAVSO boasts the largest and longest running computer readable accessible variable star catalogue in existence.

This valuable data base is used to help schedule precious observing time by the large public and privately operated observatories, to carry out collaborative research in analyzing the long term behavior of variable stars, and finally by educators and students.

In 1995, NASA conducted a major study of cataclysmic variable stars by the ASTRO–2 telescope during the Space Shuttle mission STS–67. During the course of this mission, NASA depended on AAVSO for critical guidance in identifying the best variable star targets. This coordinated research program resulted in a superb data base on ten cataclysmic variable stars that has provided a wealth of scientific understanding. Since then, AAVSO has worked with NASA to coordinate observations on the Hubble Space Telescope, the Extreme Ultraviolet Explorer, the X-Ray Timing Explorer, the International Ultraviolet Explorer, and many other international space borne telescopes.

Mr. Speaker, the astronomy community has had a long tradition of active participation by amateurs since the time of Galileo. The vitality of this discipline is evident in magazine shelves worldwide that carry astronomy related publications. AAVSO itself publishes its own highly respected journal to disseminate latest results and scientific concepts.

Mr. Speaker, I want to commend AAVSO for its outstanding work and over eighty years of productive contributions to the field of astronomy.

TRIBUTE TO THE EPICUREAN CLUB OF WASHINGTON, DC, INC. AND CHEF RICHARD FISHER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. NORTON. Mr. Speaker, I am pleased to honor The Epicurean Club, which was originally an all-male group of Executive Chefs who had apprenticed in Europe or Stewards. The club's membership today is composed of men and women who are chefs, bakers and restaurant owners. I am delighted that The Epicurean Club will celebrate its 60th anniversary with a Dinner Dance on February 22, 1998. During that event Chef Richard Fisher, CEC will be honored for his skillful and untiring service as Chairman of the club's annual Christmas Party.

Twenty-five years ago, when chefs were not very well-paid or recognized, this party was an important social event. The club borrowed a ballroom and solicited donations of food and wine. Spouses who rarely went out because their husbands were always at work put on their finest and the party was always a tremendous success. The party was evolved and today serves over 500 people and has become the only Christmas party for some of the area's neediest children. Last year, the club served 200 children from the DC Department of Human Services and The Orphan Foundation of America. Each child received a gift, a gingerbread house, extra food and a visit with Santa Claus.

For over twenty-five years, Chef Fisher has worked in hotels and restaurants and was a representative for Knorr-Swiss in the Metropolitan area. He has been an active member of the club for over twenty years and is also a member of the National Capital Chefs Association. He has served as a judge at Culinary Salons and is regarded as a true food professional. He lives in Virginia with his wife Trudy and has been Chairman of the club's annual Christmas Party for twenty-five years.

Chef Fisher's work on behalf of children of the District of Columbia reflects the caring spirit of many persons who reside outside our city. His efforts serve as a model and motivation for men and women in the metropolitan region who sincerely want to lessen the impact of poverty and hunger.

Mr. Speaker, I ask that this body join me in congratulating The Epicurean Club of Washington, DC, Inc. on the occasion of their 60th Anniversary and in applauding Chef Fisher for his selfless service.

SUPPORTING H.R. 3137

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. JENKINS. Mr. Speaker, I rise today to support H.R. 3137, the Medicare Venipuncture Seniors Protection Act of 1998. This legislation sponsored by Representative BOB ADERHOLT (4th-AL) would delay implementation of the elimination of the venipuncture home health benefit included in the Balanced Budget Act of 1997. In order to determine whether or not the benefit should be restored after the delay, the bill commissions a study of venipuncture benefits. I also want to take the time to applaud the efforts of other Members of Congress who have taken a lead on this important issue. Representative NICK RAHALL (3rd-WV) took the first step to correct this error in the Balanced Budget Act when he introduced H.R. 2912, the Medicare Venipuncture Fairness Act of 1997. I cosponsored the legislation which restores the venipuncture benefit completely.

Everyone is opposed to fraud, waste, and abuse in the Medicare Program. I want to do everything we can to eliminate these items from the program so that we can offer additional medical services and prolong the life of the Medicare trust funds. However, complete elimination of the venipuncture benefit is not a solution to this problem. Unfortunately, eliminating home health visits for the sole purpose of obtaining a venipuncture was included in the Balanced Budget Act passed by this Congress and signed into law by the President last year.

This change in Medicare has affected individual States in different ways. Some of the most negatively affected are rural Southern States like Tennessee, Alabama, Georgia, North Carolina, Mississippi, Kentucky, and West Virginia. In Tennessee, State regulations prevent lab technicians from entering homes and drawing blood under Medicare part B. Further, there is no safety net on the State level which will care for these patients. If our intent is to save money in health care, it does not make sense to discontinue this benefit. Many of these individuals could be placed into nursing homes and onto the Medicaid Program. In Tennessee, one recent study has indicated that an additional 3,000 nursing beds will be needed by the year 2000. More beds will be needed if this inequity is not corrected.

Like many other Members of Congress, I supported balancing the budget and getting our financial house in order. When I ran for Congress in 1996, one of my primary goals was working to get the budget balanced. However, I believe that we have gone too far with the elimination of this benefit, and I have no intention of balancing the budget on the backs of our frail and elderly.

ALEXANDER OGORODNIKOV AND CHARITY IN MOSCOW

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SMITH of New Jersey. Mr. Speaker, recently I visited Moscow with my colleagues Mr. HALL of Ohio and Mr. WOLF of Virginia, along with the distinguished Librarian of Congress and specialist on Russia, Dr. James Billington. We were there as part of an international delegation invited to discuss with Russian officials the new Russian law on freedom of conscience and religious organizations. This trip was very fruitful and I believe will have played a role in having some of the most pernicious elements of that regrettable legislation removed or alleviated.

During our stay in Moscow, the U.S. Embassy kindly arranged a meeting for us with Alexander Ogorodnikov, a former Soviet political prisoner whom I first met in 1988. Until recently, he had operated a soup kitchen and shelter for endangered young women in Moscow. I say ''recently'' because just before our arrival, the soup kitchen was closed down by order of city officials. The shelter is still open, although it has been subjected to periodic police raids since its opening.

Mr. Ogorodnikov opened his soup kitchen on Khoroshevskoe Shosse in February 1991, the first such privately funded charitable institution in the former Soviet Union. Among the financial contributors were religious organizations in the United States, Germany, France, and the Netherlands. The soup kitchen fed pensioners, homeless persons, former incarcerees, refugees, people from other neighborhoods, basically most anyone who needed a meal. According to Mr. Ogorodnikov, an average of 450 to 550 persons visited the soup kitchen every day as of 1997.

Unfortunately, as the saying goes, no good deed goes unpunished—especially in today's Russia. Neighborhood officials and the Moscow city property authorities have been leveling (in Mr. Ogorodnikov's words) ''unjustified financial claims'' against the soup kitchen. The case has gone to court and has still not been resolved.

Nevertheless, on the night of November 13, 1997, a group of unknown persons showed up when none of the soup kitchen personnel were present and seized the premises. On the next day, when soup kitchen personnel arrived for work, they were not permitted to enter. The new occupants announced that ''repairs had been initiated.'' Mr. Ogorodnikov was not even allowed to retrieve his equipment or the foodstuffs that had been stored at the soup kitchen.

On January 15, I visited the soup kitchen, or rather what was left of it, with Mr. Ogorodnikov. Repair work on the building was being done, but it appeared as if the soup kitchen had never existed. All Mr. Ogorodnikov's kitchen equipment and his foodstuffs had disappeared. We asked for the foreman of the operation and, after a while, he showed up. I don't think he was glad to see us. The foreman informed Mr. Ogorodnikov that his equipment had been removed and stored elsewhere in the city, but he refused to say where.

Mr. Ogorodnikov was shown a back room where someone had stashed two of the icons that had been on the soup kitchen wall, and Mr. Ogorodnikov was required to sign for the icons before he could remove them for safe keeping, ''so there won't be any claims.'' Of course, no one worried about claims when the food, refrigerators, freezers, tables, and other equipment were hauled away.

The foreman did indicate that he would arrange to have the equipment delivered wherever Mr. Ogorodnikov instructed, a rather difficult condition, since Mr. Ogorodnikov has no other place to store his equipment. In the meantime, Mr. Ogorodnikov could win his case against his tormentors, and the court might order his foodstuffs and equipment returned to him. By that time, who knows what will remain?

Mr. Speaker, ironically, the United States Government has spent significant amounts of taxpayers' money to assist Russia with macroeconomic programs, small business assistance, and humanitarian aid. Yet here is a Russian man who, like many of his contemporaries, could have gone into business for his own financial gain. Instead, he has devoted himself to helping the many poor and destitute among his countrymen. In return, local officials harass him, shut down his operation, and deprive many others of the chance to have a decent meal.

It is a sad commentary on human nature, and bespeaks badly on the political leadership of a city with such great potential.

HONORING JACK B. LEVY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the friends and family of Jack B. Levy as they gather in Long Beach, New York to celebrate his 100th birthday. Jack is the quintessential example of the American success story and exudes those characteristics and traits that are part of the great American heritage. Born on February 25, 1898 in Levov, Russia as Yankel Levov, he immigrated to America at age 15. Passing through Ellis Island and by the whim of an immigrant inspector, he emerged into his new country as Jack B. Levy.

Having been taken in by his aunt and uncle, Jack took advantage of the many opportunities being offered him and on his second day in America began his first job. Jack was not one to sit idly by and undertook a series of jobs that would include cab driver, train engineer and anything else at which he could earn a living working 12 hours a day seven days a week. With a voracious appetite for reading the daily papers, a habit which he still maintains, Jack quickly learned to read and write English. He soon became a citizen and established the practice of having voted in every local and national election.

In 1924, he married Mollie Steinman and began a family that was to include his children, Lawrence, Aaron and Irene, eight grandchildren and twelve great-grandchildren. Much to the perseverance and dedication of their parents, the work ethic, the concept of community service and giving of one's self to help others became ingrained in their daily lives.

Retirement has not changed Jack as is evidenced by the County of Nassau recognizing him for his outstanding work among senior citizens. Not only has he continued to be a source of joy and enlightenment to his entire family, he has also taken his many talents and effectively applied them to the members of the Senior Center of Long Beach, New York.

Mr. Speaker, I ask my colleagues to rise and join with me in honoring Mr. Jack B. Levy.

At a time when we search for heroes and outstanding leaders to provide us with that leadership imbued with warmth, compassion and understanding, we are well-served by the extraordinary efforts of Jack Levy.

REMEMBER THE MAINE!

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the 100th anniversary of a tragic and intriguing chapter in American History. This Sunday, February 15th, marks the Centennial Anniversary of the sinking of the *U.S.S. Battleship Maine* in Havana harbor, Cuba. This still unsolved mystery surrounding the sinking of the *Maine* and the role her explosion played in the start of the Spanish-American War have given her a most prominent position in American history.

On January 24, 1898, the *U.S.S. Battleship Maine* was dispatched from Key West to Havana to protect American lives and property during the conflict between Cuban revolutionaries and the Spanish Colonial Government. A letter home from Captain Charles Sigsbee recalls that fateful night of February 15, 1898, when the evening's calm was shattered by a ''bursting, rending, crashing sound or roar of immense volume.'' At 9:40 p.m. the explosion lifted the forward section of the *Maine* followed immediately by a second, large and more violent explosion near the center of the superstructure. The entire interior of the vessel went dark as men struggled throughout the wounded ship to find a way out of the sinking and burning hull. The explosions emanated primarily from the forward section of the *Maine* where the crew was bunking and housed. 265 sailors were dead or missing following the disaster.

After an investigation by the U.S. Navy Court of Inquiry, it was determined that a mine had set off the explosions. While the court did not speculate on who had set the mine, a majority of Americans blamed it on the Spanish. The cry, ''Remember the Maine!'' echoed in the streets of the nation and the halls of Congress. Two days after the report of the court of inquiry, Navy Secretary John Davis Long ordered the peacetime white hulls of U.S. ships overpainted in dull battle gray.

The U.S. flag still flies from the salvaged mast of the *Maine* at Arlington National Cemetery over the graves of the sailors and Marines whose bodies were recovered in 1911. The remains of the first 27 members of the crew returned to the U.S. also rest at the *Maine* Memorial Plot in Key West, Florida.

The *U.S.S. Battleship Maine* and the people of Key West share an inexorable history. During her brief period of service the *Maine* would visit Key West on two memorable occasions. The destruction of the *Maine* and the tremendous loss of life shocked and deeply saddened the people of Key West. The entire community would mourn the dead sailors and offer aide and comfort to survivors of the explosion. Shortly thereafter, the city would offer a portion of its cemetery as a final resting place for the 27 dead sailors that arrived from Havana.

This weekend America will join the U.S. Battleship Maine Centennial Commission in Key West to once again remember the *Maine* on the 100th anniversary of its destruction. As it was a century ago, the history of our nation, the island of Key West and the battleship *Maine* are bound together for all time.

CELEBRATING THE 80TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 80th anniversary of the declaration of Lithuanian Independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past five years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

With free and fair elections recently completed, Lithuania has established a commitment to democracy and pluralism. I believe we can say with great confidence that Lithuania is becoming a full partner in the effort to build democracy and promote freedom around the world.

I commend the Lithuanian-American community for their persistence and hope through the many challenging decades. The 80th anniversary of Lithuanian independence was celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 8, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuania's independence.

HONORING ALBERT NEDOFF, JR., A NATIONAL LEADER IN DRUG ENFORCEMENT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Ms. STABENOW. Mr. Speaker, ''It is my honor to congratulate Albert Nedoff, Jr., who after nearly twenty-four years of service at the Drug Enforcement Administration has been appointed the Associate Director of the Chicago High Intensity Drug Trafficking Area Task Force.

''With this new position, Albert will work under the leadership of the U.S. Drug Czar, Gen. Barry McCaffrey.

''Albert is a national leader in the area of drug enforcement, who has spent more than eight years in Detroit's DEA office. During his tenure, he was instrumental in several high-profile cases, including the dismantling of the Chambers Family's control of Detroit's crack cocaine market and the case that resulted in the arrest and conviction of Toni Cato Riggs, the widow of Gulf War Veteran Anthony Riggs.

''The 1990 murder of Anthony Riggs drew national attention when he was gunned down in the streets of Detroit, just one day after returning home from the war. Four years after Anthony Riggs' murder, a task force of undercover drug agents and police officers, under the supervision of Albert Nedoff, videotaped a confession by Toni Cato Riggs regarding her involvement in her husband's murder, resulting in a first-degree murder conviction.

''I am pleased that after nearly forty years of city and federal government service, Albert Nedoff has chosen to continue serving our country in the area of law enforcement. Though he will be missed in the Michigan area, it is reassuring to know that he will still be fighting to rid our nation's streets of drugs. I wish him well in his new position and wish his family the very best in the future.''

TRIBUTE TO ALBERTO VAZQUEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Alberto Vazquez, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the City of Brownsville, Texas, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a four day international event which invites the United States and Mexico to celebrate the cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a major function which is eagerly anticipated by many South Texans as well as our winter visitors.

We are honored to recognize Mr. Alberto Vazquez as the 34th Mexican citizen chosen by the Mr. Amigo Association. Mr. Vazquez was born in Guaymas, Sonora. He filmed 34 movies with outstanding Mexican Stars such as Soler, Marga Lopez, and last year's recipient of Mr. Amigo, Angelica Maria. Mr. Vazquez has recorded 108 records, many of them receiving gold and silver status, and listings on the top spots of the international record charts. He has received numerous awards and recognitions throughout Mexico, the United States and Latin America.

Alberto Vazquez recently released his latest record ''Cosas de Alberto Vazquez,'' which includes such hits as ''Te he Prometido,'' ''Tus Ojos,'' ''Anoche me Enamore,'' and ''El Ultimo Beso.''

Mr. Alberto Vazquez is a perfect recipient of the Mr. Amigo award. For he has, over the long period of his career, taken his unique screen, television, and stage performances to numerous countries, including the United States. A true ambassador of his country and of his culture, he has been praised by numerous organizations for his unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Mr. Alberto Vazquez should be recognized for both his artistic ability and his contribution to his commitment to bicultural relations between the two nations.

Mr. Amigo, Mr. Alberto Vazquez, will receive the red-carpet treatment when he visits

Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During his stay on the border, he will make personal appearances in parades and other festival events. Official ''welcome'' receptions will be staged by organizations in Cameron County, Texas, and the cities of Brownsville, Texas, and Matamoros, Tamaulipas, Mexico.

I ask my colleagues to join me in extending congratulations to Mr. Alberto Vazquez for being honored with this special award.

THE WASHINGTON ASSOCIATION OF NEW JERSEY: 125 YEARS OF HONORING THE MEMORY OF GENERAL GEORGE WASHINGTON AND THE REVOLUTIONARY WAR IN NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to recognize and pay tribute to the Washington Association of New Jersey. As the keepers of the Ford Mansion, also known as Washington's Headquarters, and the guardians of Morristown National Historical Park, the support of the Washington Association and its members has been extraordinary. This year, the Association celebrates its 125th year of service to honoring the memory of George Washington and preserving Washington's Headquarters and the park's historical sites for future generations.

The Ford Mansion, built in Morristown between 1772–74, was the home of Colonel Jacob Ford, Jr., a landowner, iron manufacturer and ardent patriot of Morris County. As Colonel of the Eastern Battalion of New Jersey's militia forces, Jacob Ford participated in the first Battle of Springfield. However, shortly thereafter, he fell ill with pneumonia and died on January 10, 1777. Even so, Colonel Ford's widow, Theodosia, who was left with five children, offered the mansion to General George Washington to use as his headquarters during the very harsh winters of 1777 and 1779–80 in New Jersey. Unlike the areas of New Jersey nearer to New York City, Morristown had fewer loyalists and its surrounding hills provided natural defenses for a winter refuge where the next summer campaign could be planned. In addition, the Continental Army and various militias could be maneuvered quickly to either Manhattan or Philadelphia from their primitive and difficult encampment at Jockey Hollow.

In this grand home, Washington, along with his aide-de-camp Alexander Hamilton, would lay out the strategy for much of the Revolution's greatest campaigns. At a tall secretary desk, which still graces the mansion, Washington penned some of the most important letters of the Revolution. Some of the greatest heroes of the war, including the Marquis de Lafayette, General Schuyler, General Greene, General Knox, and even the infamous traitor General Benedict Arnold, walked through the Ford Mansion's front door and graced Martha Washington's wartime dining room with their conversations about victory, defeat and the battles yet to come. It has been said that under the Ford Mansion's roof have been gathered more figures known to the military history of our Revolution than any other house in America. It is no wonder that Morristown is considered the Military Capital of the Revolution.

Nearly a century later, the Washington Association of New Jersey was founded in Morristown in June of 1873, in order to save the Ford Mansion as it was offered for sale by the heirs of Colonel Ford's grandson, the Honorable Henry Ford. Four New Jersey gentlemen, former Governor Theodore F. Randolph, William Van Vleck Lidgerwood of Morristown, and George A. Halsey and General Norris Halsted of Newark, were responsible for leading this great effort. The Association was chartered by an act of the New Jersey State Legislature on March 20, 1874 as a stock-granting corporation in New Jersey.

The Association maintained the Ford Mansion in Morristown until 1933, and in the process accumulated a remarkable collection of Revolutionary War memorabilia. Through the influence of the Washington Association, Mayor Clyde Potts of Morristown and Mr. Lloyd Waddell Smith, member and sometime president of the Association, the Ford Mansion was donated to the Federal government on March 2, 1933, creating Morristown National Historic Park, the nation's first historic park. Also included in the park were Fort Nonsense in Morristown and certain parcels of land in Jockey Hollow where the troops were encamped during the horrible winter of 1779–80.

Today, the Washington Association of New Jersey supports Morristown National Historic Park by acquiring rare books and manuscripts pertaining to the Revolution or George Washington, contributing financially to the park and, by Federal statute, is the official consultant to the National Park Service in Morristown. The Association also acts as an advocate for the park when the property is threatened by any inappropriate development.

In 1998–99, the Washington Association of New Jersey will be celebrating the 125th anniversary of its foundation and incorporation. Planned activities include updating and reprinting ''A Certain Splendid House'' (the history of the Ford Mansion), publication of a scholarly catalog on ''War Comes to Morristown'', the new, permanent exhibit at Washington's Headquarters Museum, a lecture series which will bring distinguished scholars into Morristown, and the eventual expansion of Washington's Headquarters Museum so that more of the 400,000 items in the collections at Morristown can be properly exhibited.

Although the mansion is now part of a National Historic Park, the Association's work is appreciated most by the residents of Morris County. Washington's Headquarters, as it is called by most, is the Town of Morristown's common denominator. It is what the people of Morristown identify themselves with, what they remember most when they leave and the first thing they want to see when they return. It is our public treasure and the Washington Association of New Jersey is its entrusted guardian.

So, Mr. Speaker, I ask my colleagues to join me as I salute the Washington Association of New Jersey on the occasion of their 125th anniversary and for their great work in preserving our nation's first National Historic Park, the memory of our nation's greatest citizen and Morristown's most famous and dearest house.

AGRICULTURE EXPORTS AND TRADE AGREEMENT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. EWING. Mr. Speaker, I rise today to introduce a concurrent resolution regarding trade between the U.S. and the European Union. Recent news reports indicate that the Administration may be considering concluding a trade agreement with the EU that would not include agriculture. Given the difficulties that American agricultural exports face in gaining access to the EU market, it is unthinkable that any cross-sector agreement with the EU would exclude agriculture. This resolution calls on the Administration to actively pursue eliminating tariff and non-tariff barriers imposed by the EU on U.S. agricultural exports. This resolution also cautions the Administration against engaging in trade negotiations that might undermine the ability of the United States to have a level playing field for American producers.

American agriculture is more than twice as reliant on exports as the overall economy, and thus the American farmer is hurt the most by unfair barriers to market access. This is especially true with the European Union, where barriers to U.S. agriculture products remains the most vexing problem in our commercial relationship. The EU has shown relatively little progress in liberalizing trade in agriculture between our two markets. The EU has failed to comply with a WTO ruling which overturned an EU ban on hormone-treated beef from the U.S. The EU has failed to implement the bilateral agreement on veterinary equivalence standards and EU subsidies continue to distort market prices. U.S. farmers are the most efficient and productive in the world and they deserve our every effort to pry open foreign markets and tear down unfair barriers to market access.

Mr. Speaker, if U.S. agriculture exports are to continue growing at the present rate, the U.S. government needs to be more aggressive in eliminating barriers to trade around the world. I urge my colleagues to cosponsor this resolution.

PERSONAL EXPLANATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ADERHOLT. Mr. Speaker, last week on February 4th during Roll Call Vote No. 7, on H.J. Res. 107, I was unavoidably detained. Had I been present, I would have voted Yes.

I ask unanimous consent that the record reflect this.

MEL McLEAN: EXAMPLE OF THE AMERICAN DREAM

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RIGGS. Mr. Speaker, I call the attention of my colleagues to Mel McLean of Humboldt

County, California. Described as a moral, caring and generous man by residents in the community of Fortuna and the Northern California County of Humboldt, Mr. McLean is an example of the American Dream.

Mel McLean still greets visitors with a twinkle in his eye and a firm handshake, despite a stroke that limited his speech 11 years ago. That's appropriate for a man who, for many years, sealed important deals with little more than a handshake.

Though he is known locally as a philanthropist, Mel got where he is today by hard work, despite setbacks along the way. He started his career in logging more than 50 years ago with various jobs in the woods. In 1938, he and a partner contracted to run a tie mill just following his marriage in 1937 to Grace, his close friend and companion for over 50 years before her death in 1989.

The young couple struggled through the Depression, even hauling away logs discarded by the loggers. They peeled the bark off by hand and sold it for 35 cents a truckload. Beans and potatoes were their supper most nights.

In 1946, Mel and another partner became involved in the grocery business, a venture that grew to include four stores. Two years later he moved his timber business to Humboldt County and formed a partnership named Lindsey Lumber Company. They bought the East family sawmill and the logging operation at the Bar W Ranch near Bridgeville, hiring 15 men.

In 1950, a fire destroyed the mill, so they moved to McCann. The company grew to own 10 tie and stud mills, and built a planing mill at McCann. The planing mill was destroyed in the 1955 flood, but they rebuilt it and continued operations. In 1958, he and his partner bought another sawmill just north of Rio Dell. This was the beginning of Eel River Sawmills.

To keep an eye on his diverse interests, Mel became a pilot. His wife, Grace, usually accompanied him on these trips. The couple enjoyed visiting other countries, but their hearts were with the people of the Eel River Valley.

Mel McLean believes strongly in seeing that residents of the Eel River Valley have jobs. He has proved that several times by rebuilding instead of just walking away from the disaster. When fire destroyed two-thirds of the mill in 1961, he rebuilt immediately, using the sawmill employees in the reconstruction so that not one man lost his job.

The company incorporated in 1963 and built a new planing mill. It had about 90 employees, up from 33 in 1961. The following year was a good one and saw the addition of a new debarker and a new chipper plant. Then came the Christmas flood of 1964. More than 8 million board feet of logs and 5 million feet of lumber went down the river, along with most of the mill.

This gave them a choice, according to Grace McLean in a 1989 interview. ''It was either go down the road with a sack on our back, or hard work and start it over again.''

For Mel, the answer was clear. The men of the Eel River Valley deserved jobs, and he would provide them. The company reopened and had men back on the payroll in 3 to 5 months.

By 1979, the company had added mills in Redcrest and Alton. And in early 1987, the company added the Fairhaven power plant on the Samoa peninsula, utilizing waste products from the mills to produce clean energy. In 1989, the McLeans took another step in looking out for their employees when they set up an Employee Stock Ownership Plan. Under the plan, the employees will eventually own the company.

Mel McLean wants to improve the quality of life for all residents of the Eel River Valley. He has made, and continues to make, generous donations to local groups, schools and organizations. He always treats his employees fairly and the respect between him and the workers is evident whenever McLean tours the plant. He always lets each man know he is important and leaves the impression that the entire staff is his extended family.

On February the 12th, 1998, Mel McLean will be honored and named to the Republican Hall of Fame in the Humboldt as a devoted advocate of Conservative causes. The honor is well deserved for his generous and fair spirit. We wish him many years of continued and rewarding accomplishments.

HOMAGE TO VARIAN FRY, A REAL AND UNLIKELY HERO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LANTOS. Mr. Speaker, Varian Fry was one of the greatest, albeit one of the most unrecognized, American heroes of the twentieth century. As a young relief worker in Vichy France during the early years of World War II, he responded to the onslaught of Nazi persecution with a degree of bravery which stands out even when compared to the courage of other noble men and women who resisted German oppression. Fry led a small group of American liberals in creating the Emergency Rescue Committee (ERC), an organization dedicated to using every means at its disposal to help political and intellectual refugees escape from Nazi-dominated France. The ERC operated for two years, from the fall of France in 1940 until its offices were forcibly shut down in 1942, and its work saved the lives of at least 2,000 talented scholars, artists and leaders, including such cultural luminaries as Marc Chagall, Hannah Arendt and Max Ernst. Fry's actions led to the founding of the International Rescue Committee after the war.

Varian Fry's lifesaving efforts are all the more remarkable in light of fierce opposition not only from the pro-Fascist Vichy government, but also from resentful American consular officials. As a result of this antagonism, Fry's heroism went unrecognized in his lifetime. He died in obscurity over thirty years ago.

Varian Fry's contributions have been recognized by Yad Vashem, Israel's memorial to the Holocaust, where he stands as the only American honored as a ''Righteous Gentile.'' Mr. Speaker, it is long past due for the American government and the American people to pay tribute to this heroic champion of human rights. I would like to enter into the record a touching and inspiring review of Fry's autobiography, *Surrender on Demand,* written for ''The New Republic'' by Alfred Kazin. I would also like to invite my colleagues to attend *Assignment: Rescue, The Story of Varian Fry and the Emergency Rescue Committee,* a moving exhibit which will be featured at The Jewish Museum in New York through March 29, as well as *The Varian Fry Celebration,* which will be on display at the San Francisco Main Library after March 8.

[From the New Republic, Feb. 9, 1998]

A REAL AND UNLIKELY HERO—HOMAGE TO VARIAN FRY

(By Alfred Kazin)

The Armistice with Nazi Germany that France had to sign in June 1940 contained a clause, Article XIX, obliging the French Government to ''surrender upon demand all Germans named by the German government in France, as well as in French possessions, colonies, Protectorate Territories, and Mandates.'' ''Germans'' originally meant all inhabitants of the greater German Reich—Germans, Austrians, Czechs, and many Poles—but by 1940 it meant every political opponent whom the Nazis wanted to get their hands on. There were American relief organizations in France sponsored by the YMCA, the Unitarians, and the Quakers. But a group of American liberals, outraged by the Nazis' open violation of the right of asylum, formed the Emergency Rescue Committee to bring political and intellectual refugees out of France before the Gestapo and the Italian and Spanish Fascist police caught them in what their rescuer Varian Fry was to call ''the most gigantic man-trap in history.''

The volunteer (there were not many) whom the Committee chose to direct this effort from Marseille was Varian Fry, a 32-year-old Harvard-trained classicist perfectly at home in Europe. Indeed, on the surface, with his elegant name and his precise manner, he may have seemed just a little too refined. With his classmate Lincoln Kirstein, he had founded the pioneer journal of modernism *The Hound and Horn*. When I met him at *The New Republic* after the war, he liked, on our many walks, a little affectedly, to show off the little dogtricks that he had taught his French poodle Clovis, whom he had named after the ancient king of the Franks. But Varian was at heart so pure and intense a democratic conscience that he could not bear the lingering Popular Front sentimentality about Stalin on *The New Republic*; and he resigned from the magazine in 1945, just before Henry Wallace took it over.

In fact, for thirteen months in France, Varian was our own Scarlet Pimpernel. He was endlessly bold and resourceful in the always correct manner that was natural to him. And he was forced to leave France because his labors on behalf of Jews and political refugees had enraged both Vichy's pro-Fascist bureaucrats and reactionary American consular officials. Varian was one of the great civilian heroes of the war. In the face of the most maddening bureaucratic slights, delays, and hostilities presented by Vichy France, Franco's Spain, and the American consul in Marseille (he finally got the French to expel Varian), my friend organized from a room in the Hotel Splendide the ramshackle yet somehow effective organization that helped to get virtually 2,000 people to safety. Varian is the only American honored as a ''Righteous Gentile'' at Yad Vashem, Israel's memorial to the Holocaust.

Surrender on Demand, Varian's wonderful account of his noble adventure in France, his ''story of an experiment in democratic solidarity . . . of illegal work under the nose of the Gestapo,'' was first published without much effect in 1945, and it has now been brought back into print in conjunction with the splendid exhibition ''Assignment: Rescue, The Story of Varian Fry and the Emergency Rescue Committee'' at the Jewish Museum in New York. The museum has also enclosed in its press kit Varian's essay ''The Massacre of the Jews,'' which appeared in

The New Republic's issue of December 21, 1942. Unlikely as this seems now, the anguish that Varian brought to the subject did not altogether interest people at the magazine (I had just joined the staff), who were languishing for the New Deal that Roosevelt had discarded in wartime. ''That such things could be done by contemporary western Europeans, heirs of the humanist tradition, seems hardly possible'': only Varian, hardly innocent but obstinately virtuous, would have written that sentence. He ended his article by demanding ''a little thing, but at the same time a big thing''—that the United States ''offer asylum now, without delay or red tape, to those few fortunate enough to escape from the Aryan paradise.''

In Berlin on July 15, 1935, Varian had seen Hitler's troppers attack Jews in ''the first pogoam.'' On November 9, 1938, Nazi leaders had openly encouraged the burning of synagogues, the pillage of Jewish homes, and the murder of their inhabitants. ''Injecting air-bubbles into the bloodstream,'' Varian observed in his NEW REPUBLIC article in 1942, ''is cheap, clean, and efficient, producing clots, embolisms, and death within a few hours . . .''

''Even though Hitler may lose this war, he may win it anyway, at least, as far as Europe is concerned. . . . The Christian churches might also help . . . the Pope by threatening with excommunication all Catholics who in any way participate in these frightful crimes. . . . There is a report, which I have not been able to verify, that the Office of War Information has banned mention of the massacres in its shortwave broadcasts. . . . The fact that the Nazis do not commit their massacres in Western Europe, but transport their victims to the East before destroying them, is certain proof that they fear the effect on the local populations of the news of their crimes.

Despite the fact that the urgency of the situation has never been greater, immigration into the United States in the year 1942 will have been less than ten percent of what it has been in 'normal' years before Hitler, when some of the largest quotas were not filled. There have been bureaucratic delays in visa procedure which have literally condemned to death many stalwart democrats.''

This was the man who had gone to Marseille two years before with just $3,000 from patrons of the Emergency Rescue Committee, only to find himself initially frustrated by the delusions of some VIPs whom he had come to rescue. Rudolph Breitscheid, the leader of the Social Democratic bloc in the Reichstag, openly frequented a sidewalk cafe with Rudolph Hilferding, formerly German Minister to France. He boasted that Hitler would ''never dare'' to arrest him. He was wrong. He was nabbed and never heard from again. Giuseppe Modigliani, the head of the Italian Socialist Party and a Jew (and the brother of the painter), was easy to spot. He insisted on wearing in all weather a fur coat, a gift from the Garment Workers Union in New York, and he adamantly refused to shave his beard, ''I've always worn it.''

Franz Werfel and his wife Alma were at the Hotel du Louvre et de la Paix, in hiding under the name of Mrs. Werfel's former husband Gustav Mahler, who had died in 1911. Werfel looked ''exactly like his photographs: large, dumpy, and pallid, like a half-filled sack of flour. His hair was thin on top and too long on the sides. He was wearing a silk dressing gown and soft slippers and was sitting all over a small gilt chair.'' The Werfels had fled from Paris to Lourdes, where they had sought the protection of the Church. Werfel, a jew, had begun *The Song of Bernadette.* When they realized that they would never be able to leave France from Lourdes, they came to Marseille to get the American visas waiting for them at the Consulate. But there was now a general ban on exit visas.

The Werfels insisted on ordering up champagne as they went over their problem with Varian. He had just arrived and he hadn't yet found out what the possibilities were. The Werfels had heard of refugees going down to the Spanish frontier and getting over safely, but they didn't know if those lucky souls had reached Lisbon for passage to America. Most of them had probably been arrested in Spain and handed over to the Gestapo. There was also the risk of being arrested for travelling without permission. It was all very confusing. What were they to do? They finally got away, at first encumbering their saviors with twelve suitcase. But Alma made it into Spain on foot, Mahler, manuscripts in her pack.

The American Federation of Labor had succeeded in persuading the State Department to grant emergency visas to a long list of European labor leaders, and it had dispatched Frank Bohn to help them with the escape. Bohn, a hearty extrovert who talked like ''an itinerant revivalist,'' was one of the two or three Americans in France prepared to help Varian. Through Bohn he met a young German social democrat named Albert Hirschman, a political refugee who was ''very intelligent and eternally good-natured and cheerful,'' who joined his staff. ''I began to call him Beamish,'' Varian wrote, ''because of his impish eyes and perennial pout, which would turn into a broad grin in an instant.'' Staff conferences were held in the bathroom, where Varian turned on the faucets to create a deafening rush of water.

Another invaluable aide was ''vivacious and ebullient'' Lena Fishman, who had worked in the Paris office of the joint Distribution Committee, was competent in English, French, German, Russian, Polish, and Spanish, and was especially useful in calming the excited. ''Il ne faut pas exagérer,'' she used to say. (Lena had her own way of talking. When I first met her, she asked me who my publisher was. I told her, but the name obviously meant nothing to her. ''Je n'ai jamais couché avec,'' she said.)

Most of the refugees whose names had been given to Varian in New York were still missing. Nobody knew where they were or what had become of them. But refugees started coming to Varian's room at the Splendide as soon as word went out.

''Many of them had been through hell; their nerves were shattered and their courage was gone. Many had been herded into concentration camps at the outbreak of the war, then released, then interned again when the Germans began their great offensive in May. In the concentration camps they had waited fearfully while the Wehrmacht drew nearer and nearer. It was often literally at the last moment that they had had a chance to save themselves. Then they had joined the great exodus to the south, sometimes walking hundreds of miles to get away from the Nazis. . . .

Nor was it only the refugees from Germany and Austria who were worried. Luis Companys, the Catalan trade-union leader, had been picked up by the Nazis in Belgium or the occupied part of France and sent down to Spain, where he was promptly garroted. And the French police were treating foreigners with a combination of muddle and brutality which left very few of them with any desire to stay in France longer than they had to.''

In big cities such as Marseille, the large and constantly changing refugee population kept the police nervous, and occasionally stirred them to mass arrests called rafles. Fortunately for Varian, the first to come to the Splendide were young and vigorous German and Austrian Socialists who were not afraid, once Varian gave them American money, to go down to the Spanish frontier and cross over on foot. One of them gave Varian a map of the frontier, showing that they planned to cross along a cemetery wall at Cerbère. They knew where to avoid the French border control. You were not to go farther into Spain until you got the Spanish entrada stamp on your passport. The Spaniards were interested only in Spanish transit visas and, above all, in money.

Refugees who hadn't yet received American visas were taking Chinese or Siamese visas and getting Portuguese transit visas on almost any identification they possessed which seemed to promise that the holder would go on from Portugal. The first difficulty was getting into Marseille, that is, past the police control for passengers arriving by train. You could avoid the police only by going into the station restaurant through a service corridor to the Hotel Terminus. There were risks. Foreigners weren't supposed to travel in France without safe conducts issued by the military authorities. Any foreigner caught traveling without such a safe conduct was likely to be sent to a concentration camp, where his future was uncertain, and where the Gestapo could get him if he was wanted.

The Nazis were dreaded, the French were corrupt and brutal, the American consular officials were difficult and nasty. So difficult and nasty, indeed, that they became Varian's particular antagonists. In a short preface to Surrender on Demand, ex-Secretary of State Warren Christopher writes of Varian that ''regretfully, during his lifetime, his heroic actions never received the support they deserved from the United States government, particularly the State Department.'' That is putting it mildly. Varian's book is too taken up with the many people he saved (and the many more he couldn't save) to relate how Assistant Secretary of State Breckenridge Long managed to keep immigration quotas unfilled when thousands of refugees were desperate to get into America.

When a member of Varian's staff named Danny was arrested, and Vichy's Ministry of Finance intimated that Danny would be let off with a fine if the American Embassy intervened, Varian had no hope that this would happen. He was aware of the Embassy's hostility to ''aliens.'' To his surprise, he was able ''to touch something very deep in the American consul at Marseille, who helped get Danny off.'' This was astounding. Harry Bingham, son of Hiram Bingham, the former governor of Connecticut and United States senator, had been a humane, helpful figure as head of the visa section at the Marseille Consulate. But he was recalled, and his successor, Varian wrote, ''seemed to delight in making autocratic decisions and refusing as many visas as he could.''

Varian sought a visa for Largo Caballero, the Socialist prime minister of Republican Spain when Franco launched the Civil War. The Consul had never heard of him, and when he was finally informed who Caballero was, he said: ''Oh, one of those Reds.'' Varian explained that Caballero had resigned the premiership rather than continue to cooperate with the Communists. ''Well,'' the Vice-Consul said, ''it doesn't make any difference to me what his politics are. If he has any political views at all, we don't want him. We don't want any agitators in the United States. We've got too many already.'' The court at Aix had refused to grant Caballero's extradition to Spain. If he could get him an American visa, Varian thought, he might be able to smuggle him to Casablanca and there put him on a boat for America. Caballero remained a prisoner of the Nazis until the end of the war.

Both the Vichy French and the American Embassy now sought to get Varian out of

France. The Gestapo was bringing pressure on the French police to arrest him immediately. A high police official informed him that ''you have caused my good friend the Consul-General of the United States much annoyance. . . . Unless you leave France of your own free will, I shall be obliged to arrest you and place you in résidence forcée in some small town far from Marseille, where you can do no harm.'' As Varian got up to go, he asked the official, ''Tell me frankly, why are you so much opposed to me?'' ''Because you have protected Jews and anti-Nazis.''

Varian played for time. He had no assurance of a replacement, and his staff was afraid that their ''relief'' organization would collapse if he was forced out of France. And finally he was. The Embassy had refused to reissue his passport unless he agreed to leave at once. The organization sent out nearly 300 people between the time he left in August 1941 and the time it was raided and closed by the police, on June 2, 1942.

Varian returned to the States, wrote his book, and quit *The New Republic* in protest against the pro-Soviet sentiments of its editors. His last years were unhappy. His first wife died, and he was separated from his second. He moved to Connecticut, taught Latin at a local school, and died in 1967. During his thirteen months in France, Varian's organization offered assistance to 4,000 people, and between 1,200 to 1,800 of those people made it to safety. Varian's organization saved British soldiers and pilots, Marc Chagall, Jacques Lipchitz, André Breton, Max Ernst, André Masson, Hans Namuth, Hannah Arendt, Wanda Landowska, Marcel Duchamp, Randolfo Pacciardi (leader of Italian exiles fighting in the Spanish Civil War), the German poet Hans Sahl, Victor Serge, Max Ascoli, the pianist Heinz Jolles, the Catholic writer Edgar Alexander-Emmerich, the psychiatrist Dr. Bruno Strauss, the German art critic Paul Westheim, the Sicilian novelist Giuseppe Garetto, the Surrealist poet Benjamin Péret, the former liberal Prime Minister of Prussia Otto Klepper, the museum director Charles Stirling, the novelist Jean Malaquais. There were many, many more. Chagall would not leave until he was assured there were cows in America.

Varian rescued also many people who were not famous, not distinguished, not artistic. And how it burned him that there were many, many more he was unable to rescue. This man really cared.

TRIBUTE TO A GREAT LEADER, CHITIMACHA CHAIRMAN RALPH DARDEN

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TAUZIN. Mr. Speaker, we have recently lost an important leader who made a significant difference in the lives of many people in southern Louisiana. The Chitimacha Indian tribe Chairman Ralph Darden had his life cut short on January 8th by a car accident.

Chairman Darden took the small and impoverished Chitimacha Indian tribe virtually from rags to riches in the decade he led the tribe. He believed in hard work and in the tribal members gaining self-reliance and not dependency on the federal government. He helped bring about a dramatic economic development for both the Chitimacha tribe and the surrounding communities to the point that Chitimacha is the biggest employer in the parish—aside from government.

But is was not only jobs and economic growth that Chairman Darden accomplished for the Chitimacha and southern Louisiana. He was committed to seeing that every Chitimacha child got a college education if they so desired and thus he helped underwrite their college scholarship program. He had served as President of the Chitimacha tribal school board and as a board member of the United South and Eastern Tribes. And he realized that the tribe had to diversify its economic interests and invest in land purchases and other industries for long term security. Already the tribe had one of the finest restaurants in south Louisiana named for the tribe's oldest living member, Mr. Lester. Chairman Darden looked out for the long term interests of his people. And he made his tribe one of the most respected ''model'' tribes in the country.

Chitimacha Chairman Darden had earlier worked for the current Governor Mike Foster and they remained good friends.

That he was widely respected and appreciated by the tribal members and by the surrounding community members was evidenced at his funeral attended by about 1,000 people. His sons gave moving tributes to their father and a young girl sang the ''Colors of the Wind'' song from the movie Pocahontas.

I cannot improve on the tribute poem written by another notable Indian Howard Rainer ''To A Dear Friend'':

''Who was this leader among Chitimachas?
Whose visions for his people went beyond the eyes of many?
A man who shared his example that others might succeed.
A Chitimacha who gave of his time for the cause of his tribe.
A man who prayed for goodness to prevail to the prevail to the next generation.
A leader whose heart heard the woes of many, and extended his hand to go on.
Who was Ralph Darden?
A mortal who gave that others might receive,
A husband cherished by his wife,
A father admired,
A light to those who now shed their tears,
May the Great Creator God Hear my prayer,
I thank Him for my brother,
Who shared his love and friendship, a gift I shall cherish, until we meet again!''

Mr. Speaker, I knew Chairman Darden.

I want to extend my personal condolences to Chairman Darden's family and to the Chitimacha and surrounding communities, and pay my personal tribute for his many achievements. His death is a big loss for all of us.

NOTING THE PASSING OF BERNARD 'BEN' KAUFMAN AN OUTSTANDING BUSINESSMAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STOKES. Mr. Speaker, it is with great sadness that I announce the passing of Bernard ''Ben'' Kaufman, an outstanding member of the Cleveland business community. Mr. Kaufman passed away on February 4, 1998. He was a good friend and an outstanding gentleman whom I respected and admired. In his honor, I want to share with my colleagues and others throughout the nation some important information concerning the late Mr. Kaufman.

Ben Kaufman was one of the finest printers throughout the Greater Cleveland area. It was a trade that he learned at an early age and devoted his life to perfecting. He was born and reared in Cleveland. Upon his graduation with honors from South High School, and armed with his printer's union card, he began working in various print shops. His employers included the Plain Dealer, the Cleveland News, and the Cleveland Shopping News.

In 1951, Ben Kaufman became a partner in Brothers Printing. Eight years later, he became the sole owner of the business. Those of us who came to know Ben Kaufman learned that although he owned the print shop, he was one of its best workers. He often worked long hours, arriving before sunrise each morning and working late in the evening.

Throughout his career, Mr. Kaufman took pride in the fact that he retained his union membership. Individuals who ran for public office, regardless of party affiliation, utilized his print shop. In fact, I recall that it was not unusual to encounter your political opponent while visiting Brothers Printing. My brother, the late Ambassador Carl B. Stokes, and I could always depend upon Ben Kaufman for printing advice and political advice as well.

Mr. Speaker, Ben Kaufman was also an individual who cared about the community. He was affectionately known as the ''Mayor of Euclid Avenue'' for his commitment to maintaining the neighborhood. Other merchants and residents of Euclid Avenue looked forward to the American flags which would line the streets on various holidays. We also recall that he would plant trees along Euclid Avenue in order to beautify the neighborhood.

Ben Kaufman was proud of the fact that his sons, Jay and David, followed in his footsteps and continue to operate Brothers Printing. I have enjoyed a close friendship with the Kaufman family and I extend my deepest sympathy to Jay and David upon the loss of a devoted father. I also want to express my sympathy to Ben's wife of 48 years, Dotty; his daughters, Rosean and Laura; his grandchildren and other members of the family. Ben Kaufman will be remembered as an outstanding businessman, a loving husband and father, and a very special friend to all who knew him. He will never be forgotten.

TRIBUTE TO HOSPICE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BOYD. Mr. Speaker, while November was National Hospice Month, I would like to take a moment now that the busy holiday season is over to recognize and thank several of the hospices which serve the communities in my district. Hospice of North Central Florida, Bay Medical Center Home Care and Florida Hospices, Inc., which is based in Tallahassee and serves all of Florida's hospices, make invaluable contributions to North Florida's families, all year round.

Hospice care involves a team of professionals, including physicians, nurses, therapists, home care aides, counselors and volunteers who help terminally ill patients and their

families share their final days at home in peace, comfort and dignity. These hospice caregivers help patients, as well as their family members, with one of the toughest transitions in life. The hospice program, primarily based in the home, treats the person, not the disease; focuses on the family, not the individual; and emphasizes the qualify of life. Hospice care ensures that the patient's life is as fulfilling and satisfying as possible, right up to the last moment.

Last November, I was pleased to be personally invited by my friend Ron Wolf, to visit Bay Medical Center and participate in a breakfast honoring the many volunteers who give of their time to help North Florida's terminally ill patients and their families. Volunteers are the backbone of hospice care, and the multitude of volunteer positions available in hospice care serve as an opportunity for community members, old and young, to get involved in a service organization that provides critical care to those in need.

Hospice care has played an important role in my life. Two years ago, I lost my father to cancer. I do not know what my mother and my family would have done without the care that our area hospice provided. The hospice allowed my father to die at home, in dignity, surrounded by the people who loved him. I want to thank the caregivers who helped my family through a very difficult time. My family and I will never forget their commitment and compassion.

HONORING DR. KENNETH GERHART MATHIS, M.D.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary man, Dr. Kenneth Gerhart Mathis of Pasadena, TX, who passed away on Sunday, February 1, 1998. His passing is a tremendous loss for his family and all the citizens of Pasadena who knew this fine physician and civic leader.

''Dr. Ken,'' as he was known, graduated summa cum laude from Texas Christian University in 1952, the University of Texas Southwestern Medical School in 1955, and Bates School of Law, where he won the Fred Parks Award in 1977.

Dr. Mathis is best known for his radio show, KTRH's ''Ask the Doctor,'' which aired from the mid-80's to October of 1990. HIs kind and gentle manner was evident on and off the air in his counsel to his many patients. He was well-read and well-rounded and his colleagues noted his phenomenal ability to communicate with his patients. He was a popular guest speaker and often lectured nationwide on many medical and legal topics.

It was always clear that what mattered most to Dr. Ken Mathis was the well-being of his patients. In an era when the practice of medicine is rapidly changing, he reminded many of an old-fashioned country doctor. He was always available to patients who needed him and often opened his clinic on weekends. Patients could go to his clinic rather than endure the uncertainty of waiting or the trauma of the emergency room. His patients respected him for his compassion and capability and trusted him for his knowledge and expertise.

Dr. Mathis was deeply committed to his country and the City of Pasadena. He served as a qualified flight surgeon for the U.S. Air Force in France from 1957–1959 with the 50th TAC Wing F–100 Jet Fighter Bombers. His civic activities included service as a board member of the Southwest Diabetic Foundation and the American Heart Association, and he received the Paul Harris Award form the Pasadena Rotary Club. He traveled widely and spread the word about Pasadena wherever he went. His many interests included the Shriners, trains, classic cars, boats, and of course Dutch Masters cigars.

Whatever he did, Dr. Mathis' intelligence, compassion, and integrity served him and all those he encountered well. He brought a tireless energy, an unflagging drive, and a passionate caring to each of his endeavors.

Dr. Mathis was more than just a great physician; he was also a great Texan, a dedicated citizen, devoted husband, father and grandfather. We offer our sincere condolences to his wife Gay, his children and grandchildren, and his entire family. We feel their loss as our entire community mourns the passing of Dr. Kenneth Mathis.

SISTER RITA STEINHAGEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. VENTO. Mr. Speaker, I rise today to bring the plight of Sister Rita Steinhagen to the attention of my Colleagues. Sister Rita, who has been serving the poor and the impoverished in Minnesota for decades, was among 22 people found guilty January 21, 1998 in a Federal court in Georgia of trespassing at the U.S. Army's School of the Americas (SOA) at Fort Benning, Georgia. The court sentenced her to six months in prison, and fined her $3,000. (A substantial amount for someone living effectively with a vow of poverty for 47 years.)

The horrific history of the SOA today is in focus. The SOA was established in 1946 to train military officers from Latin American countries. To date, nearly 60,000 military personnel from various Latin American countries have attended the SOA. Unfortunately, upon returning to their home countries, many graduates have instigated challenges to self-determination and participated in the overthrow of democratically elected governments and have been implicated in the broad abuses of human rights. It is apparent that the SOA did not teach its students proper and ethical conduct, rather perverse lessons were learned, and historically have been used to abuse the people of Central and South America.

Recently declassified documents have revealed the profoundly anti-democratic methods used to train Latin American militaries at the SOA. The Pentagon has released seven training manuals demonstrating that as recently as 1992, the SOA was distributing materials which instructed the student trainees in execution, extortion, and torture.

Sister Rita Steinhagen recalled the murders and rape by soldiers initiated and led by the graduates of the SOA that have never been punished. It is indeed ironic that people such as Sister Rita can be sent to prison for having the audacity to repeatedly and peacefully protest the SOA while the SOA's graduates outrageous conduct remains unpunished.

Sister Rita Steinhagen is a non-threatening woman. A dedicated Sister who is respected and admired by her colleagues and friends. Upon returning from her startling court sentence in Georgia, she was greeted by friends and supporters at Minneapolis-St. Paul International Airport clapping and singing, ''When the Saints Go Marching In.''

Sister Rita's life has been illuminated by a commitment to social justice. Her experiences express no threat to society or harm to any person. Rita Steinhagen grew up in Walker, Minnesota, where like many heartland Minnesotans, she enjoyed outdoor recreation and is a passionate fishing activist to this day. At the age of 23, she became a Sister of St. Joseph of Carondelet. She quickly acquired recognition as a Sister of St. Joseph, because of her outstanding service in health and social work.

Over these 47 years, Sister Rita has worked as a medical technologist. Her career is highlighted by founding the Bridge, a shelter for runaway youth, and The Free Store. More recently, she has been working with torture victims at the Center for Victims of Torture in Minneapolis, and of course her social conscience and active protests of such institutions as the SOA.

All of her devoted life, she has stood as an advocate for peace and human rights. She has frequently toured several Latin American countries and has personally experienced the graphic vista of horror. It was during these journeys that first led her to her involvement and protests with the School of the Americas.

Over 600 arrests occurred on Sunday, November 16, 1997. Over 2000 people gathered at the main gate of Fort Benning, Georgia for a prayer vigil and memorial service marking the eighth anniversary of the massacre of six Jesuit priests and two women in El Salvador in 1989 by graduates of the U.S. Army School of Americas. Over 60 people from Minnesota were among those arrested. These arrests at the SOA are the largest number of nonviolent civil disobedience arrests at one time in the U.S. in over a decade.

Mr. Speaker, this peaceful Minnesota woman who has devoted her life to alleviating social injustice, stated to the federal court judge on the day of her sentence:

''Your Honor, I'm 70 years old today, and I've never been in prison, and I'm scared. I tell you, when decent people get put in jail for peaceful demonstration, I'm more scared of what's going on in our country than I am of going to prison.''

Mr. Speaker, Sister Rita's words clearly demonstrate the irony of this case. We as members of Congress, have a responsibility to uphold the law and ideals of social justice. We must honor and respect the men and woman who have sacrificed their lives for the well being of others and those willing to raise their voices to the contradiction within our system. Justice will not be served by the imprisonment of Sister Rita Steinhagen. The core values of our society have been ill served by the tragic consequence of the SOA operation.

Enclosed for member's review is a recent Minnesota newspaper article concerning Sister Rita and the incident.

SISTER RITA GETS 6-MONTH SENTENCE—DO-GOODER NUN AWAITS JAIL FOR PROTEST AT FORT BENNING

Doug Grow

Sometime in the next few weeks, we are supposed to believe the country will become a safer place because a 70-year-old woman, Sister Rita Steinhagen, will be whisked off our streets and hauled to a federal penitentiary to serve a six-month sentence.

Sister Rita, who has been serving the poor and downtrodden in Minneapolis for only a few decades, was among 22 people found guilty Wednesday in a federal court in Georgia of trespassing at the U.S. Army's School of the Americas at Fort Benning in Georgia. She not only was hit with the hard time, but with a $3,000 fine as well—a hefty sum when you've been living with a vow of poverty for 47 years.

Sister Rita was surprised by the sentence.

''What did you expect?'' I asked.

''I didn't expect six months,'' she said.

''When you do the crime, you're going to get the time,'' I said.

But Sister Rita says that's not true. She talked of how people, allegedly taught at the School of the Americas, have murdered and raped in Latin American countries and never served any time at all. Sister Rita and others of her ilk keep thinking that if U.S. citizens ever understand that their tax money is being spent to train despots, rapists and murderers, they will be outraged and demand policy changes.

To date, it's not working out that way. So far, what's happening is that people such as Sister Rita are being sent to prison for having the audacity to peacefully protest and the rest of us are yawning. Anyway, the reason Sister Rita and the others got hit with the prison sentences for their misdemeanor offenses in November is that they were repeat offenders at Fort Benning.

So, who is Rita the Repeater?

For starters, she really doesn't look like a threat. She has white hair, a quick smile and a delightful sense of humor. For example, when she got off the plane at Minneapolis-St. Paul International Airport Thursday night after being sentenced in Georgia, she was greeted by friends and supporters clapping and singing, ''When the Saints Go Marching In.''

Sister Rita's response to the greeting?

''I said: 'This is peculiar. I got six months in jail, and everybody's clapping.'''

There's little in her biography to suggest that she's a threat. She grew up in Walker, Minn., learning to fish. (Her single most prized possession is her fishing rod, which she uses whenever she can.) She didn't even plan to become a nun. At 23, she went to visit a friend who was becoming a nun and discovered she felt comfortable.

''Do you think I belong here?'' she asked one of the sisters.

''I certainly do,'' was the response.

And so it was done. Rita Steinhagen was on her way to becoming a Sister of St. Joseph of Carondelet. Sister Ann Walton, who is among the order's leadership team, said Sister Rita has represented the soul of the Sisters of St. Joseph.

''She is one of our finest,'' Sister Ann said. ''She's in the pattern of the women [sisters] in the French Revolution who were imprisoned for their beliefs. She's in a very long line of people who have given of themselves.''

Over the years, Sister Rita has worked as a medical technologist. In her career, she has founded a place called The Bridge, a shelter for runaway youth, and The Free Store. (The Free Store, founded by Sister Rita in 1968, still exists, though it no longer is affiliated with the Sisters of St. Joseph.) Of late, she has been working with torture victims at the Center for Victims of Torture in Minneapolis.

Through the years, she has been arrested at several Twin Cities protests but never served jail time. She also has made frequent work-related trips to Latin American countries and has been horrified at what she has seen and heard. It was the Latin American journeys that led her to the protest at the School of the Americas.

This Minnesota woman who has devoted her life to quietly doing good, didn't accept her sentence in silence.

''I told the judge: 'Your honor, I'm 70 years old today, and I've never been in prison, and I'm scared. I tell you, when decent people get put in jail for six months for peaceful demonstration, I'm more scared of what's going on in our country than I am of going to prison.'''

The response of Judge Robert Elliot?

''He didn't say anything,'' she said. ''He couldn't care less.''

Now, she's back in Minnesota waiting for the letter that will inform her where she's supposed to go to serve her sentence.

''There's no room,'' she said of the delayed sentence. ''Isn't that something. You have to wait in line to go to prison.''

This weekend, she planned to do her waiting by going ice-fishing in northern Minnesota. Rita the Repeater is going fishing because she needs the solitude—but beyond that, she'll be in prison when the spring opener rolls around.

PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation:

Mrs. MINK of Hawaii. Mr. Chairman, today I will vote against H.R. 2846, which seeks to prohibit the implementation of the national tests proposed by President Clinton.

The debate on national testing is not a new one. I remember these debates from the 60's and 70's and even more recently in the early 1990's. I opposed national testing then and I oppose it now.

My vote today does not reflect a change in my position on this issue, it is simply a statement that this bill is not needed at this time. We know there is a wide difference of opinion on national testing and it does always fall along party lines. In fact, the last major debate on national testing in the Congress was in 1991 and 1992 over a Bush Administration initiative to implement a much broader national testing system than what is being proposed by President Clinton.

When President Clinton offered his proposal for a national Reading test for the 4th grade and a national Math test in the 8th grade, we again embarked on this familiar debate.

With very passionate arguments on each side of this issue, the Congress—Members of the House and Senate—worked very hard last year to craft a compromise in the Labor-HHS-Education Appropriations bill. While not perfect, as most compromises are not, it was something that Members with very different views could agree on.

The compromise allows only the development of test, not the implementation or the distribution. It transfers the responsibility of overseeing the tests to the National Assessment Governing Board (NAGB), the same organization that conducts the well-respected NAEP (National Assessment of Education Progress) test.

The bill before us today flies in the face of that compromise. It adds no constructive element to the debate that continues on whether we should move forward on a national test and whether the Congress is ready to authorize such a measure. It seems more a political maneuver to focus on areas of disagreement, rather than to move forward on the many items of mutual agreement in an education agenda for this country.

This year the Congress must consider the reauthorization of NAGB and NAEP. It seems to me a more constructive approach would be to consider in the context of this reauthorization whether to authorize a national testing system. The compromise forged in the Labor-HHS-Education Appropriations bill will stand while the Congress works on the NAGB and NAEP legislation. Why we need to take up this legislation at this time, only a few legislative days since the passage of the Labor-HHS-Education compromise is puzzling.

Therefore, I will vote against this bill today. It is not constructive and it does nothing to further the debate on national testing in this country.

CONCERNING ATTORNEYS' FEES, COSTS, AND SANCTIONS PAYABLE BY THE WHITE HOUSE HEALTH CARE TASK FORCE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds:

Mr. STARK. Mr. Chairman, February 4, the House wasted an afternoon debating a totally meaningless ''sense of the Congress'' that the taxpayer ''should'' not have to pay about $300,000 in lawyers' fees for a group which had sued the White House over the make-up and secrecy of the long-defunct Health Care Task Force.

It was pure partisan bashing of the Clinton's health reform efforts. I repeatedly offered a unanimous consent amendment (the parliamentary rules of germaneness prevented a regular amendment) to make the Resolution real: to save the taxpayers from paying this fine. Repeatedly the Republicans rejected the offer to do what they claimed their Resolution was ''trying'' to do.

All in all, their position on this Resolution was the most transparent political nonsense that the Congress has seen in years.

The following memo from the American Law Division of the Library of Congress makes the silliness of their Resolution clear:

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 4, 1998.

To: House Committee on the Judiciary.
From: American Law Division.
Subject: Draft Joint Resolution Expressing the Sense of Congress that the Award of Attorneys' Fees in the Magaziner Case Not be Paid With Taxpayer Funds.

This memorandum is furnished in response to your request for an analysis of the above draft joint resolution, which was prompted by a recent federal district court decision. In *Association of American Physicians and Surgeons, Inc. v. Clinton*, 1997 U.S. Dist. LEXIS 20604 (D.D.C. Dec. 18, 1997), the plaintiffs sued for an injunction declaring that the President's Task Force on National Health Care Reform did ''not qualify for an exemption from the Federal Advisory Committee Act [FACA, 5 U.S.C. App. 2 §§1–15] as an advisory group composed solely of 'full-time officers or employees' of the government.'' During the litigation, Ira C. Magaziner, Senior Advisor to President Clinton, submitted a sworn declaration that all working group members were federal employees. The court found that this declaration was false, and that ''the most outrageous conduct by the government in this case is what happened when it never corrected or up-dated the Magaziner declaration.'' Eventually, however, the government took action that amounted to what the court called a ''total capitulation.''

The plaintiff then filed an application with the court for an award of attorneys' fees; i.e., it asked the court to order the government to pay its attorneys' fees. A federal court may not order the United States to pay the attorneys' fees of another party, unless a statute authorizes it to do so. FACA contains no such authorization. However, the Equal Access to Justice Act (EAJA) authorizes awards of attorneys fees against the United States in two instances. First, under 28 U.S.C. §2412(b), it authorizes federal courts to order the United States, when it acts in bad faith, to pay the attorneys' fees of the prevailing party. Second, under 28 U.S.C. §2412(d), it provides that, in any civil action (other than tort cases) brought by or against the United States, ''a court shall award to a prevailing party other than the United States fees and other expenses . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.'' Under §2412(d), but not under §2412(b), fees are capped at $125 per hour, and only individuals whose net worth did not exceed $2 million at the time the civil action was filed, and organizations whose net worth did not exceed $7 million and that had not more than 500 employees, may recover fees.

In response to the plaintiff's motion for an award of attorneys' fees, the court found that, prior to August 1994, the United States had acted in bad faith, and therefore was liable for the plaintiff's attorney's fees for that period without regard to the $125 per hour cap. As to the subsequent period, the court found that the plaintiff had prevailed, that it was an organization with a new worth below $7 million and fewer than 500 employees, and that the position of the United States, though taken in good faith, was not substantially justified. It therefore awarded fees for the subsequent period, subject to the cap. The total award, for both periods, came to $285,864.78.

The draft joint resolution expresses ''the sense of the Congress that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.'' As a sense of Congress expressed in a joint resolution, this proposal will have no legal effect if it is enacted. If its language were introduced as a bill and enacted as a public law, then its effect, provided it were upheld as constitutional, would be to preclude the United States from complying with the district court's order to pay the plaintiff its attorney's fees. This hypothetical statute, by itself, would not require anyone to pay the attorney's fees, because, as EAJA permits fee awards only against the United States, there would be no legal basis to assess the fees against anyone else.

An argument might be made, however, that this hypothetical statute would violate the Takings Clause of the Fifth Amendment, which provides: ''nor shall private property be taken for public use, without just compensation.'' The hypothetical statute arguably would deprive the plaintiff of its private property, in the form of a fee award that a court had ordered paid to it. However, *Association of American Physicians and Surgeons, Inc. v. Clinton* remains subject to appeal, and, if it were reversed on appeal, the plaintiff would lose its entitlement to a fee award. *See, Poelker v. Doe*, 432 U.S. 519, 521 n.2 (1977). Consequently this property may not be ''vested,'' and, if the hypothetical statute were to take effect prior to its vesting, then, arguably, no unconstitutional taking would occur. In *Hammon v. United States*, 786 F.2d 8, 12 (1st Cir. 1986), the court of appeals wrote: ''No person has a vested interest in any rule of law entitling him to insist that it remain unchanged for his benefit.'' [Citations omitted]. This is true after suit has been filed and continues to be true until a final, unreviewable judgment is obtained. Chief Justice Marshall first announced that principle in *The Schooner Peggy*, 5 U.S. (1 Cranch) 103, 110, 2 L. Ed. 49 (1801). The Supreme Court held in that case that a court must apply the law in force at the time of its decision, even if it is hearing the case on appeal from a judgment entered pursuant to prior law.

A caveat, however: the preceding quotation states only the majority view as to when ''property'' status attaches to a cause of action. There is also case law supporting the ''contention that one has a vested property right in a cause of action once it has somehow accrued. [Citations omitted] Those cases are conceptually difficult to reconcile with cases that hold that a plaintiff does not have a vested property right in a claim unless there is a final nonreviewable judgment.'' *Jefferson Disposal Co. v. Parish of Jefferson, LA*, 603 F. Supp. 1125, 1137 n.31 (E.D. La. 1985).

A cause of action accrues once the injury that gives rise to the cause of action has occurred. Therefore, those cases that find accrual sufficient for vesting would ipso facto find a final lower court judgment sufficient for vesting. Other cases do not make clear whether final judgments trigger property status only once they are no longer reviewable. For example, in *O'Brien v. J.I. Kislak Mortgage Corp.*, 934 F. Supp. 1348, 1362 (S.D. Fla. 1996), the district court wrote: ''Reviewing the relevant Eleventh Circuit case law, it appears clear that a mere legal claim affords no enforceable property right until a final judgment has been obtained.'' One might argue that, even if mere accrual is not sufficient to trigger property status, and a final judgment is necessary, a *nonreviewable* judgment may not be necessary. Again, however, the majority view appears to be that a nonreviewable judgment is necessary. Consequently, it appears that the stronger argument would be that a statute that overturned the award of attorneys' fees in *Association of American Physicians and Surgeons, Inc. v. Clinton*, before a final appeal had been decided or the time in which to appeal had run, would be constitutional.

The draft joint resolution, we reiterate, does not purport to overturn the award of attorneys' fees; it would merely express the sense of Congress that the government not pay the fee award, and does not express the sense of Congress that anyone else pay it.

TAXPAYER REPAYMENT ACT OF 1998

HON. ASA HUTCHINSON

OF ARKANSAS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. HUTCHINSON. Mr. Speaker, my colleague, Mr. BLUNT, and I, would like to point out that over a year and a half ago, an historic agreement was reached under which lawsuits brought by forty states against the tobacco industry would be settled, the tobacco industry and regulation thereon would be restructured, and underage smoking would be targeted for reduction and eventual elimination. Today we are introducing legislation that guarantees that the estimated $386.5 billion to be paid by the tobacco industry under this settlement will, indeed, compensate states and individuals for smoking-related health costs and reduce rates of teen smoking, rather then perpetuate the cancerous growth of big government.

The Taxpayer Repayment Act of 1998 mandates that money collected by the federal government from any tobacco settlement be used to fund only those programs specifically authorized in federal legislation implementing provisions of the national settlement. Any revenue collected beyond what is spent on those specifically-authorized programs—programs that include, but are not limited to youth anti-smoking campaigns, Medicaid reimbursement, FDA regulatory reform, public health programs, compensation to growers, and litigant reimbursement—will be used to pay down the national debt and provide tax relief to all Americans.

Mr. Speaker, the American people have been footing the bill for tobacco-related health costs for far too long. It is only fair that we ensure that this settlement will provide a guarantee that they will be reimbursed for their troubles and not burdened with bigger government. The Taxpayer Repayment Act will do this. It will help protect our nation's children from the ravages of smoking, but it will also protect American citizens against the equally insidious cancer of bigger government and heavier taxation. Mr. Speaker, this is a reasonable and equitable bill, and we would urge our colleagues to support it.

HUTCHINSON-BLUNT TAXPAYER REPAYMENT ACT—SUMMARY

The Taxpayer Repayment Act guarantees that if a global tobacco settlement is enacted into law, health care, youth smoking cessation, and other programs authorized by the implementing legislation may be fully funded. At the same time, it ensures that extra revenue is used to reimburse Americans for their expenditures on tobacco-related health care costs and not burden them with bigger government and higher taxes.

SECTION 1—RESTRICTION OF NEW PROGRAMS

Prohibits money received by the federal government from a global tobacco settlement or from any state settlement from being used to create or maintain any new federal programs unless they are specifically authorized by federal legislation implementing the settlement.

Prohibits tobacco settlement money from being used to expand currently-existing programs unless such expansion is specifically authorized in the terms of the federal legislation implementing the settlement.

SECTION 2—USE OF EXCESS REVENUES

Directs revenues in excess of those used for programs specifically authorized in the terms of legislation implementing any portion of a global tobacco settlement toward tax relief (1/3) and debt repayment (2/3).

Creates a ''Tax Cut Offset Trust Fund'' into which the 1/3 slated for tax relief will be placed for use as Congress, by law, directs.

SECTION 3—SPECIFICS OF DEBT REDUCTION

Exchanges marketable government securities for unmarketable securities currently in the Social Security and other Trust Funds, thereby repaying these trust funds and reducing the national debt.

Requires that after all Trust Fund accounts are replenished, excess revenues be used for direct payments on the national debt.

SECTION 4—PROHIBITION ON USE OF EXCESS FUNDS

Prohibits excess revenues from being counted as new budget authority, outlays, receipts, deficit or surplus, for budget estimates.

Requires that when funds are expended from any trust fund into which tobacco settlement money is placed, a corresponding amount of marketable securities in those funds be sold, and the trust fund balance reduced accordingly.

SWEENEY AND BECKER ON THE RIGHTS AND ROLE OF LABOR IN THE GLOBAL ECONOMY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. LAFALCE. Mr. Speaker, as world attention has focused on the financial crisis in East Asia, we have failed to consider the role of labor in resolving the Asian economic turmoil. The plight of Asian workers—and by extension, U.S. workers has been addressed only secondarily. Government and institutional officials lament the impact of reduced budgets, higher interest rates, and other deflationary actions on nations' workers, but opine that there is no other choice. In the long run, they argue, all workers will be better off by having a sound economy.

Mr. Speaker, this is old-fashioned thinking for a new age of globalization. Globalization means that we are all tied together. Governments, capitalists, financiers, and labor share economic problems and an economic future. We must either resolve our problems together or the problems will not be resolved. As the President of the AFL–CIO, John Sweeney, recently told participants at the World Economic Forum in Davos, Switzerland, ''If labor has no role, democracy has no future.'' Labor must be part of the solution.

If we do not craft a global economy that allows all participants to benefit from growth, that ensures workers a voice in the economic architecture of the global economy, and that gives as much importance to the rights of labor as to the rights of capital, then globalization will not work. We will continue to fight economic crisis after economic crisis. And in the end, it will not be the financial fires that burn us—it will be the social and political flames that engulf us.

There are steps to be taken. First, the United States must speak out forcefully and at every opportunity for the rights of workers. Internationally recognized labor rights are not onerous to observe. They are the core, basic human rights that the United States should promote and defend as the world's leading democracy.

Second, the United States must actively commit to the Conventions of the International Labor Organization (ILO) by ratifying its core Conventions. There are now 181 Conventions. The United States has ratified 12, and only one—Convention 105 on forced labor—is considered a core Convention. Other core Conventions relate to rights of association, the right to organize and bargain collectively, minimum wage, and child labor. The U.S. should make ratification of all the core Conventions a top priority. The White House now has Convention 111 under consideration that would prohibit discrimination in employment based on race, gender, religion, or national origin. The White House should send this Convention to the Senate for ratification as quickly as possible.

Third, the United States should urge the International Monetary Fund to incorporate labor considerations and standards into its discussions and stabilization programs with member countries. A thriving, prosperous community of workers will translate to a thriving prosperous economy. If workers are left to bear the burdens of economic stabilization inequitably, then countries, companies, and investors will not achieve their stabilization objectives. Mr. Speaker, President John J. Sweeney of the AFL–CIO and President George Becker of the United Steelworkers of America made this case with eloquence and have advanced specific proposals. I wish to submit to the RECORD Mr. Sweeney's speech in Davos, Switzerland on January 31, 1998 and Mr. Becker's testimony before the Committee on Banking and Financial Services on February 3, 1998.

COMMENTS BY JOHN J. SWEENEY

It is a privilege and a pleasure to address the World Economic Forum, and to join the distinguished members of this panel.

Does labor have a role in defining the future? In the United States, ask the opponents of the minimum wage. Or the management of United Parcel Service. Or the proponents of fast track trade accords that ignore labor rights and environmental protections.

Let us be very clear. If labor has no role, democracy has no future. Social Justice does not ''compromise the efficiency of the model.'' It is essential to its survival. If this global economy cannot be made to work for working people, it will rap a reaction that may make the Twentieth Century seem tranquil by comparison.

We meet at an historic turning—one that everyone in these meetings must see. The long effort to build the global market has succeeded. Capital and currencies have been de-regulated. Great corporations have built global systems of production, distribution, marketing. Barriers have been dismantled. Technology's miracles are turning our world into one neighborhood.

But the turnoil affliction the Asian economics sounds a dramatic alarm. The question now is not how to create the global market, but how to put sensible boundaries on the market that already exists. How to make the market work for the majority and not simply for the few. In this new effort, labor and other democratic citizen movements will and must play a central role.

Look around the world. Japan mired in recession, Asia in crisis that China still faces. Russia plagued by a kind of primitive, gangster capitalism, Europe stagnant. Africa largely written off by global investors, Latin America adrift.

The US is hailed as the great ''model.'' Our prosperity is unmatched; the dollar is strong; our budget balanced. Unemployment and inflation are down and profits are up. But, most working people in the United States today labor longer and harder simply to hold their own. One in four children is born to poverty. One in five workers goes without health insurance. The blessings of prosperity have been largely captured by the few. Inequality is at level so obscene that New York investment houses this year warned executives not to talk about the size of their bonuses.

And now, the Asian nations are forced to export their deflation to the U.S. Our annual trade deficit will soar towards $300 billion. Over one million U.S. workers are projected to lose their jobs. Wages, only now beginning to recover, will once again be depressed. And this is the ''model'' in the best of times.

The current collapse calls into question not simply Asian practices but the global system itself. As Korean President Kim Dae Jung has said, authoritarian systems in Asian lived a lie. But their crony capitalism was bankrolled by the reckless high rollers of the global casino, including Japanese, European and American banks and investment houses.

The response to the crisis reveals the limit of the current arrangement. Conservatives say let the market solve the problem. But since the Great Depression no sensible leadership would take that gamble. The IMF is called in to stop the hemorrhaging. It bails out the speculators and enforces austerity on the people. Its prescription reinforces the very affliction it seeks to cure.

Treasury Secretary Robert Rubin has wisely warned about the ''moral hazard'' of bailing out profligate speculators and banks.

But too little has been said about the ''immoral hazard'' of forcing working people across the world to pay the price—in layoffs, declining wages and increasing insecurity.

I have just returned from Mexico, which has been presented as a ''successes'' for Asians to follow. There, speculators and bond holders had their losses covered. But some two million workers lost their jobs. The middle class has been crushed. Wages lost over half their value. Environmental poisoning is worse than ever. Political violence is spreading. Crime is spiraling out of control. Few nations can weather this form of success.

This global system broadcasts its stark contrasts—of untold wealth for the few and growing insecurity for the many, of laws that protect property and expose people, of liberated capital and repressed workers. The inequities are indefensible ethically, but they are also unsustainable economically—as U.S. Federal Reserve Chair Alan Greenspan suggests with his warnings about deflation.

I suggest to you that we must usher in a new era of reform. One that seeks not more

de-regulation, but greater accountability. Not further unleashing of speculative capital, but channeling of real investment. Not greater license for corporations, but empowerment of workers and citizens.

Labor, environmental, and democratic citizen movements are already struggling to define this new internationalism in practice and in policy. At the AFO–CIO, we are building stronger working relations with unions across the world. We fight to defend labor rights at home and abroad. We are uniting with other citizen movements to struggle for basic environmental, consumer and civil rights. We will demand coordinated efforts to stimulate growth, to regulate currency and capital speculation, to extend labor and democratic rights as part of the response to the Asian collapse.

At the beginning of this century, the industrial revolution created new promise and glaring inequities. It took many decades—and revolutions, wars and a Great Depression—to elaborate the protections that saved that system from itself. Now at the beginning of the 21st century, the global economy poses the same challenge. Let us hope we need not relive the horrors of the past to reach its promise for the future.

TESTIMONY OF GEORGE BECKER

Mr. Chairman and Members of the Committee: My name is George Becker, and I am president of the United Steelworkers of America and chairman of the Economic Policy Committee of the Executive council of the AFL–CIO. I appreciate the opportunity to be here today on behalf of the thirteen million working men and women of the AFL–CIO. We in the labor movement are well aware that the financial crisis now roaring through east Asia will have profound consequences for working people all over the world. We stand in solidarity with the working people of Asia to urge the International Monetary Fund (IMF) and the U.S. Congress to put the interests of workers and communities at the top of their priority list as they take steps to address this crisis—not at the bottom, after the bankers, financiers, and multinational businesses have been taken care of.

Deep currency devaluations, in conjunction with austerity programs, will cut wages and purchasing power in South Korea, Indonesia, and Thailand. The United States will be pressured to act as importer-of-last-resort, absorbing cheap Asian goods while at the same time Asian markets for our exports dwindle.

In the aftermath of the crisis, the U.S. trade deficit is projected to grow by about $100 billion in 1998, resulting in a loss of approximately 1 million jobs (or potential jobs), most of them in the better-paying manufacturing sector. Job losses will be heavily concentrated in industries such as steel, electronics, apparel, and automobiles, in which east Asia is a large producer. Buyers in these key industries are enormously price sensitive. Export-intensive industries such as aircraft and capital goods will also suffer. Boeing is already reporting that Garuda Airlines of Indonesia has delayed taking delivery of six jets. If the crisis worsens, China will certainly reduce others.

Without fundamental changes in the structure of international financial markets and the institutions that regulate these markets, we can expect continued volatility and future crises of growing severity. The present moment of crisis is the time to press for necessary changes in the international financial system, particularly in the conditions imposed by the IMF in exchange for the ''bailouts'' it gives to countries that have exhausted all other sources of credit. The United States should condition further contributions to the IMF on fundamental changes in the IMF's program.

The clout and leverage exercised by the IMF must serve a broad set of social and economic goals. Currently, the IMF defines its mission narrowly, as protecting the interests of international capital. The IMF requires debtor governments to raise interest rates, cut public spending, deregulate financial markets, and weaken labor laws to facilitate massive layoffs and deep wage cuts. These terms may solve some short-term credibility problems with foreign investors, but will necessarily exacerbate the tensions, inequality, and instability of the global economy. Such policies are short-sighted and must be fundamentally altered.

The United States, which is the single largest contributor to the IMF, must use every means at its disposal, both formal and informal, to change the way the IMF operates. The AFL–CIO will support members of congress in efforts to assure that IMF programs reflect the following principles:

1. Commitment to and vigorous enforcement of international labor and human rights. Countries that receive IMF funds must commit themselves, in an enforceable way, to respect for internationally recognized worker rights. If necessary, this would involve modification of laws and practice to comply with ILO standards and human rights. These commitments must ensure that governments will protect workers' rights, even during times of crisis. Strong and independent labor unions play a crucial and irreplaceable role in assuring that the benefits of economic expansion are equitably distributed.

Some Administration spokespeople have argued that it is impossible to introduce worker rights conditionality in the context of emergency bailouts, given the short timeframe and the many other demands being put forth. We disagree. In any case, however, time pressures do not prevent the IMF from taking such action with respect to the seventy or so countries not in immediate crisis that are also receiving IMF funding. We realize that implementing such provisions cannot be accomplished unilaterally by the United States, but representatives of the U.S. government need to declare publicly that this is a policy we are seeking to achieve. This need to be consistently reinforced by all relevant U.S. government agencies.

The Sanders-Frank Amendment, enacted by Congress in 1994, requires that the U.S. Executive Directors to the international financial institutions (including the IMF and World Bank, among others) use the ''voice and vote of the United States'' to urge these institutions to encourage borrowing countries to guarantee internationally recognized worker rights. Our experience to date with this law has been disappointing. Nowhere in the IMF program for Indonesia, for example, are worker rights given even a cursory mention. Yet, in principle, with a contribution of 18 percent of the IMF's quotas, the United States could, if it so chose, effectively veto any loan package (IMF rules require 85 percent agreement on most decisions).

In addition to using our voice and vote at the IMF to this end, the U.S. government can and should act to garner support for such a move from our trading partners, especially in Europe. It would be useful to consult with the new governments of France and Britain, in particular, to develop a joint strategy, that would be more effective than independent action on the part of the United States.

We encourage the U.S. government to continue its efforts to bring the ILO into a more central role in the development of structural adjustment packages. Incorporating labor standards and social safety nets in the IMF program will produce an adjustment program that is more equitable, more successful and more sustainable, as has been shown in the case of the Czech Republic. A more balanced program will ensure that IMF demands for labor market flexibility (often functionally equivalent to weakening labor unions) are consistent with core labor rights.

Finally, the imprisonment of Muchtar Pakpahan in Indonesia continues to serve as an egregious and glaring example of the IMF's and the U.S. government's indifference toward worker rights. If it is possible for the IMF to recommend dismantling Korean labor law as a condition of emergency loans, then surely it is possible for the IMF to use its extraordinary leverage to force the Indonesian government to free this courageous and suffering man. Mr. Pakpahan's only crime is to have worked toward building independent labor unions. His health continues to be precarious, and his medical care continues to be extremely inadequate. U.S. government officials who have visited Indonesia recently have failed to make any public statements advocating the release of Mr. Pakpahan. Whatever private communications that may have taken place, if any, have failed to yield results. The release of Muchtar Pakpahan would be a symbolic, but important, step toward recognition of how integral the improvement of labor rights is to the current situation. It would also be a positive statement to Indonesian workers that welcome changes are occurring.

2. Domestic economic growth and development, not austerity and export-led growth. The model that led to this crisis glorifies export expansion as the preferred development path. This model leads to destructive, low-road international competition and worker impoverishment and is ultimately unsustainable, as the current crisis demonstrates. The United States has neither the capacity nor the will to absorb unlimited exports; thus, the rescue plan for east Asia must not rely exclusively on this premise. The U.S., Europe, and Japan must work together to stimulate domestic demand in the developing economies and avert a dangerous tendency toward global deflation.

3. Reduction in the volume of destabilizing capital flows. Over the long run, it is essential that policies to regulate short-term borrowing and to dampen speculative flows of capital be implemented. There are three structural dimensions to the crisis. They concern the interaction of exchange rates, foreign portfolio investment, and foreign currency denominated lending. All three dimensions need to be addressed.

First, the existing system is unstable and vulnerable to speculative exchange rate movements. A small ''Tobin'' transactions tax on foreign exchange dealings would discourage speculatively induced collapses. It would be sufficiently large to penalize speculative trading, but not so large as to deter long-term investors.

Second, foreign portfolio investment is extremely sensitive to exchange rate movements. The natural mechanism to slow such flows are ''speed bumps,'' whereby investors commit to a minimum stay when they bring money in. Speed bumps stop sudden outflows because investors cannot withdraw their money at will. This has the beneficial effect of forcing investors to consider risk carefully before committing money.

The third element of the crisis concerns foreign currency denominated loans. Many countries cannot borrow in their own currency, and are therefore exposed to increases in debt burdens resulting from foreign exchange fluctuations. Since it is costly to ''hedge,'' or pay a small fee to ensure against currency loss, borrowers often choose not to

do so. Monetary authorities should require lenders to hedge their foreign country loans. This is equivalent, in a rough sense, to requiring international deposit insurance. This will cause the cost of credit to rise. However, the risk is there, and it needs to be priced in. Credit should not be subsidized through the provision of bail-outs paid for by taxpayers.

4. Transparency and broader participation in determining IMF policy. The IMF must consult regularly with labor unions and other broad-based organizations, not just with business and financial institutions, in the development of structural adjustment programs and emergency loan packages. Program documents should be made publicly available. By recognizing that workers must be included in developing a response to economic crisis, the tripartite commission (including representatives of labor, business, and government) established in South Korea is a promising step.

5. Ensure that speculators pay their fair share. The banks, corporations, and individuals who profited from risky investments during good times must not be shielded from losses during downturns. Banks must reschedule their debts with longer maturities and at appropriate terms, ensuring that financial losses fall on those who made poor decisions. This must be an explicit and widely understood condition for future IMF funding, as well. Asian and American workers and taxpayers must not be asked to foot the bill for a party to which they were not invited.

In his testimony before this committee on January 30, Secretary of the Treasury Robert Rubin argued that forcing investors and creditors to take losses involuntarily would ''risk serious adverse consequences.'' He cited three reasons, none of which is entirely convincing. He argued that forcing losses could cause banks to pull money out of the country involved. Yet, banks are already pulling what money they can out of these countries. He raised the concern that such actions would reduce the nation's ability to access new sources of private capital. This was not, however, the experience of the 1980s, when banks did return to markets (such as Brazil) where they had been forced to accept reduced payments on their loans—after stability had returned. Third, Secretary Rubin argued, the ''most troubling'' issue was that this could cause banks to ''pull back'' from other emerging markets. But is not a central cause of this problem that banks have loaned excessively and imprudently in these emerging markets? It should be considered an advantage if a policy change causes banks to act more cautiously in the future.

Even if we move toward reform of the international financial system, concrete steps must be taken to stop the destabilizing flood of cheapened imports which have already been unleashed by this crisis. Strategic intervention by the United States and Japan could help the embattled currencies of Indonesia, Thailand, and South Korea stablize and regain some of their lost value. In the United States, steel, autos, electronics, apparel, and other threatened industries face an immediate threat which requires specific trade actions to maintain import shares consistent with 1997 levels in order to protect the jobs of these workers.

ASIAN FINANCIAL CRISIS

The financial crisis now roaring through east Asia will have profound consequences for working people all over the world. Deep currency devaluations, in conjunction with austerity programs, will cut wages and purchasing power in South Korea, Indonesia, and Thailand. The United States will be pressured to act as importer-of-last-resort, absorbing cheap Asian goods while at the same time Asian markets for our exports dwindle.

In the aftermath of the crisis, the U.S. trade deficit is projected to grow by about $100 billion in 1998, resulting in a loss of approximately 1 million jobs (or potential jobs), most of them in the better-paying manufacturing sector.

Without fundamental changes in the structure of international financial markets and the institutions that regulate these markets, we can expect continued volatility and future crises of growing severity. The present moment of crisis is the time to press for necessary changes in the international financial system, particularly in the conditions imposed by the International Monetary Fund (IMF) in exchange for the ''bailouts'' it gives to countries that have exhausted all other sources of credit. The United States should condition further contributions to the IMF on fundamental changes in the IMF's program.

The clout and leverage exercised by the IMF must serve a broader set of social and economic goals. Currently, the IMF defines its mission narrowly, as protecting the interests of international capital. The IMF requires debtor governments to raise interest rates, cut public spending, deregulate financial markets, and weaken labor laws to facilitate massive layoffs and deep wage cuts. These terms may solve some short-term credibility problems with foreign investors, but will necessarily exacerbate the tensions, inequality, and instability of the global economy. Such policies are short-sighted and must be fundamentally altered.

The United States, which is the single largest contributor to the IMF, must use every means at its disposal, both formal and informal, to change the way the IMF operates. The AFL–CIO will support members of Congress in efforts to assure that IMF programs reflect the following principles:

1. Commitment to and vigorous enforcement of international labor and human rights. Countries that receive IMF funds must commit themselves, in an enforceable way, to respect for internationally recognized worker rights. If necessary, this would involve modification of laws and practice to comply with ILO standards and human rights. These commitments must ensure that governments will protect workers' rights, even during times of crisis. Strong and independent labor unions play a crucial and irreplaceable role in assuring that the benefits of economic expansion are equitably distributed.

2. Domestic economic growth and development, not austerity and export-led growth. The model that led to this crisis glorifies export expansion as the preferred development path. This model leads to destructive, low-road international competition and worker impoverishment and must be reversed. The United States, Europe, and Japan must work together to stimulate domestic demand in the developing economies and avert a dangerous tendency toward global deflation.

3. Political and economic democracy. Without a strong and vibrant civil society, there is no counterweight to crony capitalism and no accountability for governments.

4. Reduction in the volume of destabilizing capital flows. Policies to regulate short-term borrowing and to dampen speculative flows of capital must be implemented.

5. Stabilization of exchange rates at levels closer to their pre-crisis values. The excessive devaluations caused by the loss of confidence in the East Asian currencies should be reversed. This is essential to blunt the negative impact of the crisis on American workers.

6. Transparency and broader participation in determining IMF policy. The IMF must consult regularly with labor unions and other broad-based organizations, not just with business and financial institutions, in the development of structural adjustment programs and emergency loan packages. Program documents should be made publicly available. By recognizing that workers must be included in developing a response to economic crisis, the tripartite commission (including representatives of labor, business, and government) established in South Korea is a promising step.

7. Ensure that speculators pay their fair share. The banks, corporations, and individuals who profited from risky investments during good times must not be shielded from losses during downturns. As banks reschedule their debts, financial losses must fall on those who made poor decisions. Asian and American workers and taxpayers must not be asked to foot the bill for a party to which they were not even invited.

Even if we move toward reform of the international financial system, concrete steps must be taken to stop the destabilizing flood of cheapened imports which have already been unleashed by this crisis. Steel, autos, electronics, apparel, and other threatened industries face an immediate threat which requires specific actions to maintain import shares consistent with 1997 levels in order to protect the jobs of these workers.

IN HONOR OF THE NEW YORK STATE BLACK AND PUERTO RICAN LEGISLATIVE CAUCUS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. SCHUMER. Mr. Speaker, I stand with you today to pay homage to The New York State Black and Puerto Rican Legislative Caucus and the New York State Association of Black and Puerto Rican Legislators, Inc. as it hosts its 27th Annual Legislative Conference.

The Association, established in 1989, has been the successful non-profit arm of the Caucus. Charged with a philanthropic mission, it functions as an important partner in serving African-American and Latino constituents through scholarship programs and other community projects. I wish to commend them especially for their work in organizing this 1998 Conference.

The Caucus, since its inception in 1966, has successfully led the charge to ensure equal access, protection and representation of the interests of Black and Hispanic constituencies in New York State. To use its own words: ''The Caucus has made it a policy never to wait on others to confront controversial matters but has willingly placed itself forward to be the first to rise to the occasion.'' And they have been true to their word. In Albany they have become formidable advocates for justice, tolerance and fairness in state government.

My years in the New York State Assembly allowed me the opportunity to work with this great body. For me it was an honor to have served beside such fine Caucus members as Al Vann, Denny Farrell and Arthur Eve to name a few. Today, it continues to be an honor to work with such impressive former Caucus members as Representatives RANGEL, OWENS, SERRANO and the newly elected Congressman from Queens, GREGORY MEEKS—all now serving in Washington. I admire the leadership and intensity current and former Caucus members continue to bring to the debate

of social and economic justice in America. I thank you all for keeping the focus where it should be, on the hardworking communities of New York.

I salute the Caucus today upon the opening of its Annual Conference with the presentation of this CONGRESSIONAL RECORD statement for all that this fine body has attempted to do and all that it has done on behalf of New Yorkers. To the Caucus members, I with you many more years of success and I thank you for your fine service and dedication to the state of New York.

CHINA IS AWARE OF THE NEED TO CONSERVE WILDLIFE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. ROHRABACHER. Mr. Speaker, I am pleased to report that since the introduction of the American Champion ''Super Scout'' spotter aircraft in antipoaching operations in Kruger National Park, South Africa, in September, 1996 by the non-profit United States-based Wilderness Conservancy, not one rhinoceros or elephant has been killed by poachers there. That is a success story that was made possible by a grant to the Wilderness Conservancy from the Forestry Department of the government of the Republic of China on Taiwan.

In the past, some conservation groups have criticized the Republic of China's government for what they believed was an insufficient effort to stop the illicit importation of ivory, rhino horn and other wild animal parts into Taiwan. In recent years, however, the ROC government has adopted ever-stronger laws to curb that illicit traffic, has strictly enforced them and has imposed stiff penalties on violators.

Beliefs in folk medicine techniques that employed wild animal parts took root over many centuries, and it has not been an easy task for the ROC government to change those beliefs (held especially by older persons). Nevertheless, the ROC has undertaken a concerted effort to end the illicit trade in animal parts in light of both human population growth and the drastic reduction of the wildlife populations upon which the traditional remedies were based. Today, the government of the Republic of China is engaged in a comprehensive environmental education program in its schools to make all of its young people aware of the need to conserve wildlife.

The ROC has done more. They have made an additional grant to the Wilderness Conservancy for the purchase of another aircraft, a refurbished Cessna 206. It will undertake a multi-purpose role in southern Africa this year. It will support the spotter aircraft by flying antipoaching teams to airstrips ahead of fleeing poachers, in order to intercept them before they can reach safe havens. The new aircraft also will resupply game-scout teams deep in the bush, thus permitting longer patrols over larger areas. It will carry scientists of the Wildlife Breeding Research Center and their portable cryogenic laboratory into the field to facilitate Assisted Reproduction Technology (embryo transfer and in-vitro fertilization) and the creation of a Genome Resource Bank (the collection, processing, storage and use of gametes and other biological material from rare and endangered wildlife species). Finally, the aircraft will fill a humanitarian role by transporting volunteer doctors, dentists and nurses to remote villages to administer to those in need.

In addition to the Republic of China's grant to purchase the aircraft, the Wilderness Conservancy has received a grant from the U.S. Fish and Wildlife Service, under the African Elephant Conservation Act of 1988, to provide hand-held aircraft radios, hand-held Garmin GPS units and portable repeater stations to assist the anti-poaching effort. These will be in place this year and will make radio communication between pilots and ground teams possible, greatly enhancing the poacher-interception effort.

Saving the rhinoceros and elephant from extinction is dangerous work and requires great dedication by those who do it. These generous grants from the U.S. Fish and Wildlife Service and the Republic of China will help greatly toward the goal of ending the poaching of large wild animals. In the process, there is a unique four-way cooperative effort between the people of Taiwan, a conservation-minded American organization (with expert knowledge of aviation and anti-poaching), the U.S. Fish and Wildlife Service and the men and women on the anti-poaching front lines in South Africa.

IN OPPOSITION TO H.R. 1428, THE VOTER ELIGIBILITY VERIFICATION ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 1428, the voter eligibility verification act. This bill is unnecessary. This measure is based on the unsubstantiated premise that registration and voting by noncitizens in this country is a major problem that cannot be successfully addressed under current federal and state laws.

Under current law, the INS is already required to cooperate with election officials in investigations of voter registration and vote fraud.

This bill undermines the voting rights act of 1965 by placing the final determination of voter eligibility back into the hands of state and local election officials bypassing the protection of the voting rights act.

This bill also weakens the protections of the privacy act by exposing citizens' social security numbers.

This bill will not work. There are no federal lists of citizens, particularly of citizens who are born in this country. Two federal agencies, the Social Security Administration and the Justice Department argued against this proposal last year before the Judiciary Subcommittee on immigration and claims. The Social Security Administration stated that ''it is unable to confirm citizenship.'' The Justice Department stated that the INS ''cannot systematically use its automated databases to confirm whether an individual is a citizen.''

This bill will discourage, not encourage voter participation. Very few citizens can produce their birth certificates in a few hours or days and replacement takes weeks and costs a fee. H.R. 1428 would subject citizens, especially first-time voters, or established voters who move, to inconvenience which will easily deter participation.

We need to encourage, foster increased voter participation. Members of this distinguished House know the importance of each vote. We have, since the civil rights struggles began, worked to eliminate barriers to voting, not to erect new ones to meet phantom problems. I urge my colleagues to join me and defeat this bill.

INDIAN GENOCIDE BETRAYS GANDHI'S PRINCIPLE OF NONVIOLENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TOWNS. Mr. Speaker, will you please insert the following remarks as part of the CONGRESSIONAL RECORD'S extension of remarks section.

INDIAN GENOCIDE BETRAYS GANDHI'S PRINCIPLE OF NONVIOLENCE

Mr. TOWNS. Mr. Speaker, recently 22 of my colleagues and I wrote a letter to the Chief Minister of Punjab, Parkash Singh Badal, urging him to deliver on his campaign promise that he would appoint an independent judicial commission of inquiry to investigate the atrocities and genocide in Punjab. If South Africa can have its Truth Commission, why can't the truth about Indian genocide be brought to light?

This letter is not the product of a small ideological coterie. the signers come from both parties and they range across the political spectrum. What we have in common is a love of freedom and a belief that basic human rights must be respected, especially in countries that call themselves democratic.

The Indian government wraps itself in the mantle of Mohandas Gandhi, the spiritual leader of its independence movement. It has spent a lot of money to erect statues of Gandhi throughout the United States and around the world. Yet the genocide against the Sikhs of Khalistan, the Christians of Nagaland, the Dalits, the Muslims of Kashmir, the tribal people of Manipur, and others continues. Since Mr. Badal's government took power last year, at least 75 atrocities have been reported in the newspapers or otherwise documented.

In a democracy, especially one so overt in its dedication to the nonviolent principles of Gandhi, such genocide and ethnic cleansing should not be occurring. At the very least, the government should be investigating the genocide and bringing those responsible to justice. Instead, the Badal government in Punjab boasts that it has not taken action to punish any police officer. The central government in New Delhi is no better. Apparently, building statues to nonviolence is much easier than practicing it. No statue ever saved the life of a victim of state terrorism or police tyranny. What good did those Gandhi statutes do Jaswant Singh Khalra, the human-rights activists the police kidnapped over two years ago?

It is time to make India start living up to the principles it espouses. A judicial commission to investigate the genocide is the first step that must be taken. This would show the world that India is finally beginning to get serious about respecting the

human rights of all people, not just upper-caste Brahmin aristocrats. Letting Amnesty International and other human-rights monitors into the country would also signal India's commitment to finding and punishing those who violate human rights. If India will not take even these minimal steps, then we must take strong action. It is time to impose tough economic sanctions on the Indian regime, cut off aid to that theocratic satrapy, and publicly support the freedom movements in the many captive nations of South Asia. By these steps we can help give the gift of freedom to all the people of the subcontinent. That is much more valuable than any statue.

On behalf of my colleagues, I would like to enter our letter to Chief Minister Badal into the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1998.

The Honorable PARKASH SINGH BADAL,
Chief Minister of Punjab, Chandigarh, Punjab, India.

DEAR CHIEF MINISTER BADAL: On January 5, four human-rights activists led by Colonel Partap Singh, President of the Khalsa Raj Party, and co-signed by Justice Ajit Singh Bains (Punjab Human Rights Organization), Inderjeet Singh Jaijee and Major General Narinder Singh (Movement Against State Repression) wrote a joint letter requesting that you fulfill your campaign promise to appoint an independent commission to investigate atrocities which have occurred in Punjab over the last 14 years.

The Central Bureau of Investigation, the Supreme Court of India and the United Nations Commission on Human Rights have found that the Punjab police have engaged in a deliberate policy of abduction, torture and illegal cremation of Sikh youth on a massive scale. All have urged your Government and the Government of India to facilitate a fully empowered and impartial inquiry into these and other custodial deaths.

We are also concerned that the police continue to engage in acts of murder, rape and torture of Sikh youth. Over 75 cases have been documented thus far. It is imperative that your Government fulfills its pledge to appoint an independent judicial inquiry to determine just who was killed and who was responsible. It will send a signal to those elements in the security forces that your Government will no longer tolerate security elements that engage in lawless and brutal conduct.

Just as we are witnessing in South Africa's Truth Commission, it is time for the truth to come out in Punjab, for better or for worse.

Sincerely,

Edolphus Towns, Dan Burton, Cynthia A. McKinney, Dana Rohrabacher, Richard Pombo, Donald M. Payne, Collin C. Peterson, William J. Jefferson, Jerry Solomon, Phil Crane, George Miller, Gary Condit, Roscoe Bartlett, Tom Coburn, John N. Hostettler, Sheila Jackson-Lee, J.C. Watts, John T. Doolittle, Sam Farr, Esteban E. Torres, Bernard Sanders, Wally Herger, Randy ''Duke'' Cunningham.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 12, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

Veterans' Affairs
To hold hearings on the nomination of Togo D. West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.
SH–216

Joint Economic
To hold hearings to examine the budget request for fiscal year 1999 for the International Monetary Fund (IMF).
311 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Agricultural Research Service, Cooperative State Research, Education and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice.
SD–192

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of 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.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD–226

FEBRUARY 25

9:30 a.m.
Rules and Administration
To hold oversight hearings on the strategic plan implementation including budget requests for the operations of the Office of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Capitol.
SR–301

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1999 for Indian programs.
SR–485

9:45 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the use of speciality forest products from the National Forests.
SD–366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1999 for the intelligence community.
S–407, Capitol

Judiciary
To hold hearings to examine incidences of high tech worker shortage and immigration policy.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Secretary of the Senate, the Capitol Police Board, and the Congressional Budget Office.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department, focusing on law enforcement programs.
SD–192

Rules and Administration
To hold hearings on S. 1578, to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site, and to hold oversight hearings on the budget requests for the operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs' tribal priority allocations.
SR–485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of State.
S–146, Capitol

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the Antitrust Division of the Department of Justice, focusing on international and criminal enforcement.
SD–226

2:30 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MARCH 3

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Army and Defense programs.
SD–124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on defense programs.
SD–116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Rural Utilities Service, Rural Housing Service, Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Federal Bureau of Investigations, the Drug Enforcement Administration, and the Immigration and Naturalization Service, all of the Department of Justice.
S–146, Capitol

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed legislation making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.
SD–192

MARCH 4

9:30 a.m.
Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget, and to mark up the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use; to be followed by a hearing on s. 1280, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Air Force programs.
SD–192

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Commerce.
S–146, Capitol

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on the implementation of the Telecommunications Act of 1996, focusing on section 271.
SD–226

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corporation for National and Community Service, and the Federal Emergency Management Agency.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Education.
SD–562

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Internal Revenue Service, Treasury Department.
SD–192

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Small Business Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings to examine barriers to airline competition.
SD–124

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 10

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD–192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on sovereign immunity issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

MARCH 12

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

MARCH 17

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building
Indian Affairs
To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building
Indian Affairs
To hold hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.
SD–138
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD–138
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD–192

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD–124

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable/video markets.
SD–226

APRIL 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

FEBRUARY 13

10:00 a.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine the ramifications of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime.
SD–22

Wednesday, February 11, 1998.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S599–S678

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 1622–1634 and S. Con. Res. 74 and 75. **Page S664**

Measures Reported: Reports were made as follows:

Special Report entitled ''History, Jurisdiction, and A Summary of Activities of the Committee on Energy and Natural Resources During the 104th Congress''. (S. Rept. No. 105–160) **Page S664**

Human Cloning Prohibition Act: Senate resumed consideration of the motion to proceed to consideration of S. 1601, to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning. **Pages S599–S607**

During consideration of this measure today, Senate took the following action:

By 42 yeas to 54 nays (Vote No. 10), three-fifths of those Senator duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to close further debate on the motion to proceed to consideration of the bill. **Pages S607–08**

Reading of Washington's Farewell Address: A unanimous-consent agreement was reached providing that, notwithstanding the Resolution of the Senate of January 24, 1901, on Monday, February 23, 1998, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place and the Chair be authorized to appoint a Senator to perform this task. **Page S661**

Subsequently, the Chair, on behalf of the Vice President, appointed Senator Landrieu to read the address. **Page S662**

Removal of Injunction of Secrecy: The injunction of secrecy was removed for the following treaty:

Protocols to the North Atlantic Treaty of 1949 on accession of Poland, Hungary, and Czech Republic (Treaty Doc. 105–36)

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Pages S662–63**

Nomination Considered: Senate resumed consideration of the nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S608, S622, S628–35**

Nominations Confirmed: Senate confirmed the following nominations:

By 67 yeas to 28 nays (Vote No. 11 EX), Margaret M. Morrow, of California, to be United States District Judge for the Central District of California. **Pages S640–60, S678**

Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture.

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy. **Pages S675, S678**

Nominations Received: Senate received the following nominations:

Deborah K. Kilmer, of Idaho, to be an Assistant Secretary of Commerce.

Richard H. Deane, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Randall Dean Anderson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

Daniel C. Byrne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Brian Scott Roy, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Chester J. Straub, of New York, to be United States Circuit Judge for the Second Circuit.

William James Ivey, of Tennessee, to be Chairperson of the National Endowment for the Arts for a term of four years.

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of two years. **Pages S677–78**

Petitions: **Pages S663–64**

Executive Reports of Committees: **Page S664**

Record Votes: Two record votes were taken today. (Total—11) Pages S608, S660

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:50 p.m., until 9:30 a.m., on Thursday, February 12, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S676.)

Committee Meetings

(Committees not listed did not meet)

BANKRUPTCY REFORM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Regulatory Relief concluded hearings on proposals to reform current bankruptcy law and provide for consumer bankruptcy protection, including related provisions of S. 1301, H.R. 3150, H.R. 3146, and H.R. 2500, after receiving testimony from Robert Ginsburg, United States Bankruptcy Judge for the Northern District of Illinois, on behalf of the National Bankruptcy Review Commission; James E. Smith, Union State Bank and Trust, Clinton, Missouri, on behalf of the American Bankers Association; Robert R. Davis, America's Community Bankers, Washington, D.C.; Dorinda Simpson, American Partners Federal Credit Union, Reidsville, North Carolina, on behalf of the Credit Union National Association; Bruce L. Hammonds, MBNA Corporation, Wilmington, Delaware; Oakley Orser, Belk Stores Services, Inc., Charlotte, North Carolina, on behalf of the National Retail Federation; Mark Lauritano, Wharton Economics Forecasting Associates Group, Philadelphia, Pennsylvania; Lawrence M. Ausubel, University of Maryland, College Park; William E. Brewer, Jr., Raleigh, North Carolina, on behalf of the National Association of Consumer Bankruptcy Attorneys; and Gary Klein, National Consumer Law Center, Boston, Massachusetts.

EDUCATION REFORM

Committee on the Budget: Committee concluded hearings to examine the Federal role in education reform, focusing on broad education reform strategies, including charter schools, vouchers and private management and specific reforms to the current federal education establishment, after receiving testimony from Susan S. Westin, Associate Director, Advanced Studies and Evaluation Methodology, General Government Division, General Accounting Office; Chester E. Finn, Jr., Hudson Institute, Washington, D.C., former Assistant Secretary of Education; Chris Whittle, Edison Project, New York, New York; Eugene W. Hickok, Pennsylvania Department of Education, Harrisburg, on behalf of the Education Leaders Council; David L. Brennan, HOPE Academies, Cleveland, Ohio; and Henry R. Marockie, West Virginia Department of Education, Charleston, on behalf of the Council of Chief State School Officers.

NOMINATIONS

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Donald J. Barry, of Wisconsin, to be Assistant Secretary of the Interior for Fish and Wildlife, and Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation.

NATIONAL DISCOVERY TRAILS/HISTORIC LIGHTHOUSE PRESERVATION

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1069, to provide for the establishment of the American Discovery Trail as a component of the National Trails System, and S. 1403, to provide for the establishment of a national historic lighthouse preservation program, after receiving testimony from Katherine H. Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior; Gloria Manning, Associate Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Rear Adm. John T. Tozzi, USCG, Assistant Commandant, Coast Guard Systems, United States Coast Guard, Department of Transportation; Gordon S. Creed, Deputy Assistant Commissioner, Office of Property Disposal, Public Buildings Service, General Services Administration; Reese F. Lukei, Jr., American Discovery Trail Society, Virginia Beach, Virginia; David Lillard, American Hiking Society, Silver Spring, Maryland; John Viehman, Anyplace Wild Television, Camden, Maine; and Richard L. Moehl, Great Lakes Lighthouse Keepers Association, Dearborn, Michigan.

IRS REFORM

Committee on Finance: Committee resumed hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on proposals to reform the innocent spouse tax rules, receiving testimony from Richard Beck, New York Law School, Elizabeth Cockrell, and Svetlana Pejanovic, all of New York, New York; David Keating, National Taxpayers Union, Alexandria, Virginia; Marjorie

O'Connell, O'Connell & Associates, Washington, D.C.; Karen Andreasen, Tampa, Florida; and Josephine Berman, South Orange, New Jersey.

Hearings were recessed subject to call.

KYOTO PROTOCOL—GLOBAL WARMING

Committee on Foreign Relations: Committee held hearings to examine the results of the recent Kyoto Conference and implications of the proposed Kyoto Protocol on global warming, focusing on the President's climate change technology initiative to reduce greenhouse gas emissions, receiving testimony from Stuart E. Eizenstat, Under Secretary of State for Economic, Business and Agricultural Affairs.

Hearings were recessed subject to call.

AUTHORIZATION—AGENCY FOR HEALTH CARE POLICY AND RESEARCH

Committee on Labor and Human Services: Subcommittee on Public Health and Safety concluded hearings on proposed legislation authorizing funds for the Agency for Health Care Policy and Research, focusing on the current activities and recent products relating to the need for health care quality improvement, after receiving testimony from John M. Eisenberg, Administrator, Agency for Health Care Policy and Research, Department of Health and Human Services; David Edwards, Eastman Kodak Company, Rochester, New York; Cary Sennett, National Committee for Quality Assurance, and Stuart Butler, Heritage Foundation, both of Washington, D.C.; Barry Greene, Medical Group Management Association, Denver, Colorado; Paul D. Clayton, Columbia University, New York, New York, on behalf of the American Medical Informatics Association; and William M. Tierney, Indiana University School of Medicine, Indianapolis.

CLASSIFIED DISCLOSURES

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported an original bill to encourage the disclosure to Congress of certain classified and related information.

Prior to this action, committee concluded hearings to examine the constitutionality of certain classified disclosures to Congress as contained in Public Law 105–107, Intelligence Authorization Act for Fiscal Year 1998, after receiving testimony from Louis Fisher, Senior Specialist, Congressional Research Service, Library of Congress; and Randolph Moss, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 3175–3202; 2 private bills, H.R.3203–3204; and 14 resolutions, H.J. Res. 109–110, H. Con. Res. 211–217, and H. Res. 354, 356–359, were introduced. **Pages H445–46**

Reports Filed: One report was filed today as follows:

Consideration of H. Res. 355, Dismissing the Election Contest Against Loretta Sanchez (H. Rept. 105–416). **Page H445**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Upton to act as Speaker pro tempore for today. **Page H387**

Census Monitoring Board: The Chair announced the Speaker's appointment of Mr. J. Kenneth Blackwell of Ohio and Mr. David W. Murray of Virginia on the part of the House to the Census Monitoring Board. **Page H387**

Commission on Maintaining United States Nuclear Weapons Expertise: The Chair announced the Speaker's appointment of Mr. Robert B. Barker of California and Mr. Roland F. Herbst of California on the part of the House to the Commission on Maintaining United States Nuclear Weapons Expertise. **Page H387**

National Council on the Arts: The Chair announced the Speaker's appointment of Representatives Doolittle and Ballenger to the National Council on the Arts. **Page H387**

Advisory Committee on Student Financial Assistance: The Chair announced the Speaker's appointment of Mr. Henry Givens of Missouri on the part of the House to the Advisory Committee on Student Financial Assistance for a three-year term. **Page H387**

Presidential Message—Economic Report of the President: Read a message from the President wherein he transmitted his Economic Report—referred to the Joint Economic Committee and ordered printed (H. Doc. 105–176). **Pages H390–91**

Recess: The House recessed at 3:28 p.m. and reconvened at 4:04 p.m. **Page H391**

Consideration of Suspensions: The House agreed to H. Res. 352, the rule providing for consideration of motions to suspend the rules by a yea and nay vote of 217 yeas to 191 nays, Roll No. 12.

Pages H391–95

Recess: The House recessed at 4:32 p.m. and reconvened at 5:01 p.m. **Page H394**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Daycare Fairness for Stay-at-Home Parents: H. Con. Res. 202, amended, expressing the sense of the Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children (passed by a yea and nay vote of 409 yeas with none voting ''nay'' and 3 voting ''present'', Roll No. 13; and agreed to amend the title); and **Pages H395–H402**

National Sea Grant College Program: S. 927, amended, to reauthorize the Sea Grant Program.

Pages H403–08

Committee Election: The House agreed to H. Res. 354, electing Representative Rogan to the Committee on the Judiciary and Representative Granger to the Committee on National Security. **Page H408**

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H394–95 and H402. There were no quorum calls.

Adjournment: Met at 3:00 p.m. and adjourned at 10:09 p.m.

Committee Meetings

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Secretary of the Treasury. Testimony was heard from Robert E. Rubin, Secretary of the Treasury.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the National Transportation Safety Board. Testimony was heard from James E. Hall, Chairman, National Transportation Safety Board.

OVERSIGHT—DC AUDIT REPORT/CFO

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held an oversight hearing on the Fiscal Year 1997 District of Columbia Audit Report and the Chief Financial Officer. Testimony was heard from G. Edward DeSeve, Acting Deputy Director, OMB; the following officials of the District of Columbia: Marion Barry, Mayor; Linda Cropp, Chair, City Council and Anthony Williams, Chief Financial Officer; Andrew Brimmer, Chairman, D.C. Financial and Responsibility and Management Assistance Authority; and a public witness.

QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 2982, Quality Child Care for Federal Employees Act. Testimony was heard from Susan Clampett, Associate Administrator, Management and Workplace Programs, GSA.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 12, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, 10 a.m., SH–216.

Committee on the Budget, to hold hearings on unfunded private sector mandates, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation, to hold hearings on the nomination of Winter D. Horton Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, 9:30 a.m., SR–253.

Full Committee, to hold hearings on S. 1422, to promote competition in the market for delivery of multichannel video programming, 10 a.m., SR–253.

Subcommittee on Aviation, to hold hearings on financing the Airport Improvement Program, 2 p.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S. 477, to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S. 691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R. 901, to preserve the sovereignty of the U.S. over public lands, and H.R. 1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments, 2 p.m., SD–366.

Committee on Foreign Relations, to hold hearings to examine the International Monetary Fund's role in the Asian financial crisis, 2 p.m., SD–419.

Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine adoption and foster care reform measures in the District of Columbia, 9 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources, to hold hearings on proposed legislation authorizing funds for the Education of the Deaf Act of 1986, 10 a.m., SD–430.

Committee on Small Business, to hold hearings on proposals to reform the Internal Revenue Service, 9:30 a.m., SR–428A.

Committee on Indian Affairs, to hold hearings on the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors and to redress the adverse health effects of tobacco use, 9:30 a.m., SR–485.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E155–58 in today's Record.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on the Secretary of Agriculture, 10:30 a.m., 2362A Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on the Secretary of Labor, 10 a.m., 2358 Rayburn.

Subcommittee on Legislative, on the Joint Committee on Printing and on Congressional and public witnesses, 9 a.m., H–144 Capitol.

Subcommittee on Military Construction, on Overview, 11 a.m., B–300 Rayburn.

Subcommittee on National Security, on Medical Programs, 10 a.m., 2359 Rayburn.

Subcommittee on Transportation, on the Office of Inspector General, 10 a.m., and the GAO, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Chemical Safety and Hazard Investigation Board, 9 a.m., on DOD-Civil, Cemeterial Expenses, Army, 10 a.m., and on the Council on Environmental Quality, 11 a.m., H–143 Capitol.

Committee on Banking and Financial Services, to consider pending Committee business; and to hold a hearing on the restitution of art objects seized by the Nazi from Holocaust victims and on insurance claims of certain Holocaust victims and their heirs, 9:30 a.m., and 1:30 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, hearing on Cloning: Legal, Medical, Ethical, and Social Issues, 11 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Department of Energy's funding of Molten Metal Technology, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, to consider Contract Agreements with those providing services to the Committee in relation to the oversight investigation of the International Brotherhood of Teamsters election, 11:15 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to continue hearings on Patient Access to Alternative Treatments: Beyond the FDA, 1 p.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, to continue hearings on H.R. 2982, Quality Child Care for Federal Employees, 9:30 a.m., hearing and markup of H.R. 2883, Government Performance and Results Act Technical Amendments of 1997; and to mark up H.R. 2982, 10 a.m., 2154 Rayburn.

Subcommittee on Human Resources, oversight hearing on Pension Security: DOL Erisa Enforcement and the Limited Scope Audit Exemption, 9:30 a.m., 2203 Rayburn.

Committee on International Relations, hearing on the Administration's Fiscal Year 1999 International Affairs Budget request, 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, to mark up H. Res. 350, Congratulating the people of Sri Lanka on the Occasion of the fiftieth anniversary of their nation's independence; to be followed by a hearing on U.S. Interests in the Central Asian Republics, 2 p.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, to mark up the following measures: H.R. 2678, International Child Labor Elimination Act of 1997; and S. Con. Res. 37, expressing the sense of Congress that Little League Baseball Inc. was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to non-governmental international organizations, 1 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the following bills: H.R. 2604, Religious Liberty and Charitable Donation Protection Act of 1997; and H.R. 2611, Religious Fairness in Bankruptcy Act of 1997, 10 a.m., 2237 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on the following bills: H.R. 2652, Collections of Information Antipiracy Act; and H.R. 3163, Trade Dress Protection Act; and to hold an oversight hearing regarding Internet domain name trademark protection, 10 a.m., 2226 Rayburn.

Committee on National Security, hearing on Threats to United States National Security, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 2807, Rhino and Tiger Product Labeling Act; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; and H.R. 3164, Hydrographic Services Improvement Act of 1998, 2 p.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Tucson Rod and Gun Club, Arizona, 10 a.m., 1324 Longworth

Committee on Science, to continue hearings on the Road from Kyoto Part 2: Kyoto and the Administration's Fiscal Year 1999 Budget request, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Aeronautics and Space Transportation Technology, 1 p.m., 2318 Rayburn.

Committee on Small Business, hearing to examine Federal Agency compliance with section 610 of the Regulatory Flexibility Act, 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, hearing on the Department of Veterans Affairs budget request for FY 1999, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on ways to reduce the Federal tax burden on the American public, 10 a.m., 1100 Longworth.

Subcommittee on Trade, hearing on U.S. efforts to reduce barriers to trade in agriculture, 2 p.m., B–318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 12

Senate Chamber

Program for Thursday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 2 p.m.), Senate may consider any cleared legislative or executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 12

House Chamber

Program for Thursday: Consideration of H. Res. 355, Regarding the Contested Election in the 46th Congressional District of California; and

Consideration of 1 suspension: H.R. 1428, Voter Eligibility Verification Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.