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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 27, 1998.

I hereby designate the Honorable JO ANN EMERSON 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:

We respond to Your love, gracious God, with words of gratitude, thoughts of praise, an attitude of thanksgiving, and hearts full of appreciation for Your marvelous gifts to us and to all people. Above all else we have been blessed with the gift of life and with that gift the great opportunities to appreciate our families, our friends and our colleagues. You have given us a moment to live in this turbulent world with times of majestic nobility and times of despair. Help us, O God, so to live our lives that we will not be satisfied with the darkness but delight in Your light and in Your will. In Your name we pray. 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 Missouri (Mr. BLUNT) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUNT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes from each side.

SPRINGTIME BRINGS BLOSSOMS AND TAX TIME

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

Mr. GIBBONS. Madam Speaker, just look outside. The cherry blossoms are blooming, the weather is warm here, it is officially spring in our Nation's Capital. It is a glorious time. Or is it?

Let me give the American worker's vision of spring. Madam Speaker, can you say ''tax time,'' ''budding IRS audits,'' and ''blossoming tax forms''?

In a recent survey, when given the choice between being audited by the IRS or having root canal surgery, more Americans chose root canal surgery. More and more American working men and women are fed up with being bullied by the IRS, a bureaucratic behemoth that tramples the rights of the taxpayers, the very customers the IRS is charged to serve.

Americans are completely fed up with paying thousands of dollars and spending countless hours on their tax returns only to incur abuse from the customer-unfriendly and arrogant IRS. Today, it is actually an anomaly to find anyone left in this country who can do his or her taxes.

Madam Speaker, our current Tax Code must be abolished and replaced with one that is fair, simple, and honest.

''SHAM'' CAMPAIGN FINANCE REFORM BILL PULLED FROM CONSIDERATION

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

Mr. PALLONE. Madam Speaker, the Republican leadership had planned to bring up its sham campaign finance reform legislation today, but we learned this morning that they had pulled the bill.

Today's New York Times editorial describes the reasons for Speaker GINGRICH's retreat. It says, ''In a brazen repudiation of his own promises, NEWT GINGRICH has yanked campaign finance reform from the House agenda. The Speaker's action yesterday came after a frantic but fruitless effort by his aides to round up the votes to block genuine reform legislation on the House floor. Mr. GINGRICH's allies are now reportedly plotting to reschedule consideration of reform bills next month, but only under rules requiring a two-thirds vote for approval. These desperation tactics are an abuse of power reminiscent of conduct Mr. GINGRICH himself deplored for years.''

Madam Speaker, the gentleman from Georgia (Mr. GINGRICH) tried to foist a sham bill on the Members of this House with an antiunion provision, unacceptable to the Democrats, tied to a procedural rule designed to prevent a vote on genuine reform. The Speaker's tactics clearly backfired, and I am glad that they did.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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CHRISTOPHER SIMMONS TO RECEIVE SCOUT'S MEDAL OF HONOR

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

Mr. SHIMKUS. Madam Speaker, I come to the House floor to praise the heroic action of 8-year-old Christopher Simmons of Mount Vernon, Illinois. On April 6 of last year, Christopher and his younger brother Michael were helping their neighbor with some yard work when out of nowhere, a 95-pound dog attacked young Michael. Instantly, Christopher's quick intuitions led him to save his younger brother's life from the vicious jaws of the male boxer. Had it not been for Christopher's selfless and chivalrous behavior, this life-threatening situation could have resulted in tragedy.

Madam Speaker, I am honored to announce today that Christopher will be presented the distinguished Scout's Medal of Honor. His heroism is worthy of much praise and serves as a model to the American people.

NOW IS THE TIME FOR CAMPAIGN FINANCE REFORM

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

Mrs. CAPPS. Madam Speaker, I was hoping that we could deal with campaign finance reform this week. I come fresh from the campaign trail. Mine was a hard-fought race, too close to call even on the last day. That was just 3 weeks ago, and today I feel like a foot soldier come back from the frontlines to find that the generals do not seem to understand the battlefield.

Madam Speaker, in my race, so-called issue advocacy dominated the landscape. My opponent and I did not agree on much, but we were both dismayed at special interest outside groups with unlimited funds which interfered with our ability to communicate with voters on matters of concern to them.

These folks will be back this fall in every contested race, and they have said that eventually candidates will be incidental in congressional races. Madam Speaker, they are talking about me and all of my colleagues. We have the responsibility in this place to return the power of the elections to the citizens of our district. We must pass bilateral, bipartisan campaign finance reform such as the Shays-Meehan bill. Our credibility depends on it. We must do it now.

PRESIDENT OWES THE AMERICAN PEOPLE THE TRUTH

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

Mr. PITTS. Madam Speaker, this whole presidential scandal is a sad, unfortunate situation, but it will not end until Bill Clinton comes forward and tells the American people the truth.

We have heard enough from the presidential political hit men and spin doctors. It is time for Mr. Clinton to come forward so that we can put this behind us and move forward.

Madam Speaker, the presidency belongs to the American people, not to one individual. Being President is more than a privilege, it is a profound responsibility, a sacred duty. The individual who sits in the White House is less important than the honor and integrity of the institution itself.

Mr. Clinton owes it to the American people, to the proud tradition of the presidency, and to the country to come forward and tell the truth so that we can return to the Nation's business. The truth.

ECONOMISTS' CLAIMS OF JOB AVAILABILITY BOGGLES THE MIND

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

Mr. TRAFICANT. Madam Speaker, economists say there are jobs everywhere. Check this out: messenger singer, press clipping cut-and-paster, sandwich signboard carrier, drive-in theater specialist, dust collector, pretzel twister, pantyhose crotch specialist.

Madam Speaker, I suggest there be a new job title called ''sleeper specialist,'' because it is evident even when these economists are working, they are sleeping on the job.

Madam Speaker, I would like to just yield back all the boxer shorts sorters and the brassiere cup molders.

Beam me up.

Madam Speaker, if these are jobs, I am a fashion leader.

UNFORTUNATE PASSAGE OF FOREIGN AFFAIRS CONFERENCE REPORT

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

Mr. PAUL. Madam Speaker, yesterday the foreign affairs conference report was unfortunately passed without a recorded vote. For weeks, arms had been twisted because the votes were not available to pass it. This surprised some and pleased many who preferred not to be recorded on this crucial issue.

But, unfortunately, the process only adds to the cynicism that many Americans hold for the U.S. Congress. Nearly a billion dollars were appropriated for the controversial back dues to the United Nations, which for many of us was not owed.

It was argued by many right-to-life advocates that the bill was worth passing because the antiabortion language was stronger than ever and would now be codified. Unfortunately, the antiabortion language was weaker than ever with a convenient, huge loophole for the President to continue funding countries and groups that perform and promote abortion, language now to be codified.

Events surrounding the passage of the foreign affairs conference report occurring yesterday should not make any of us proud.

WHAT HAPPENED TO $250 MILLION?

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

Mr. MILLER of California. Madam Speaker, yesterday the Republican majority brought together three committees, the Committee on the Budget, the Committee on Appropriations, and the Committee on Resources, to hear the General Accounting Office and the Inspector General tell us that the Forest Service had lost and could not find $250 million.

Later today, the Republican majority will ask this Congress to give the Forest Service another $250 million to go back to the old, discredited policies that gave us this kind of devastation of our national forests: clear-cuts and ravages of riparian watersheds that will not be corrected, will not be brought back for decades and decades after they cut the logs.

Madam Speaker, we must stop the Smith forest bill because it is not about forest health, it is about a waste of the taxpayers' money and it is about devastation of our national environment, of our national forests. We should not give $250 million more to an agency that cannot account and cannot find and cannot tell us how they spent the $250 million we gave them last year.

CONGRESS SHOULD SPEND HIGHWAY TRUST FUNDS ON TRANSPORTATION NEEDS

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

Mr. BLUNT. Madam Speaker, next week we have a chance to give taxpayers some tax relief simply by spending their tax dollars the way they were supposed to be spent.

We are going to be dealing in the House with a highway bill that has the potential to take the highway trust fund off budget so that it can never again be used to mask the size of the deficit. In other words, this highway bill enable us to spend highway money to really help the infrastructure and the transportation needs of America.

If we are going to maintain a highway trust fund and collect tax revenues for it, then we should spend that money for transportation needs. If we can't do that, or won't do that, then we should eliminate the gas tax and the trust fund altogether.

Many of our colleagues think we ought to continue to ''borrow'' from the highway trust fund to make the budget look better than it really is. We have a chance to say no to that kind of ''sleight of hand'' next week. Spending money for the purpose we tell taxpayers we're collecting it for is one of the kinds of tax relief that taxpayers will appreciate. One of our priorities should be ''truth in taxing.''

IN RECOGNITION OF STUDENT MEMBERS OF THE ''KICK BUTTS CONNECTICUT'' CAMPAIGN TO END YOUTH SMOKING

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

Ms. DELAURO. Madam Speaker, I rise today to pay tribute to a great bunch of kids who are sitting in the gallery this morning with their parents and their advisers. These students are all members of the ''Kick Butts Connecticut'' campaign, which I started 2 years ago to help combat smoking in my home State. They are true heroes, acting as antismoking peer counselors for school children.

Madam Speaker, I do not have time in 1 minute to talk about all their many accomplishments, but I would like to acknowledge them each by name: Rhiann Hinckley from Memorial Middle School in Middlefield; Emily Parmenter also from Memorial Middle School in Middlefield; Josh Zelem from Amity Junior High School in Bethany; Lindsey Norman from Amity Junior High School in Orange; and Chika Anekwe from Wooster Middle School in Stratford. Two additional students who made the trip down to Washington but have already returned to Connecticut: Dan Lerman from Amity Junior High in Bethany and Shannon Mason from Hamden Country Day School in Hamden, Connecticut.

Madam Speaker, I salute these young people for their creative efforts, for their hard work, and for their dedication in the fight to reduce youth smoking. Every single day they are saving children's lives and we are all very grateful and we are all very proud.

FOREST RECOVERY AND PROTECTION ACT OF 1998

The SPEAKER pro tempore. Pursuant to House resolution 394 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2515.

□ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2515) to address declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, with Mr. COLLINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Forest Recovery and Protection Act of 1998 is the result of some 14 months of listening and learning and fact-gathering. It is the result of seven hearings in which we heard from a broad array of people across this Nation, including scientists, academics, State foresters, professional associates, environmental groups, wildlife organizations, citizens, community leaders, elected officials, organized labor, the forest products industry and the administration.

Beyond the hearing process, the committee has worked exhaustively with minority Members, northeastern Republicans, hopefully all Members of this body to refine the bill to broaden support for what we believe is a very necessary and a very reasonable initiative. We extended a hand and we worked with those who have expressed concerns with the bill and we were willing to work in good faith to find solutions.

I am delighted to stand here today and to tell my colleagues that because we have collaborated with these concerned parties we have a stronger bill and one that truly represents, we believe, diverse interests. Here are just a few of the groups, by the way, that support this bill: the AFL-CIO, the United Brotherhood of Carpenters and Joiners of America, the National Association of Counties, the Society of American Foresters, the National Association of State Foresters, the National Association of Professional Forestry Schools.

But despite our best efforts to include all interests in crafting this legislation, there are those of course who have elected to remain outside the process rather than coming to the table to seek solutions. Unfortunately, because they have not been engaged, there are some misunderstandings about this bill, which I would like to clear up.

There are a number of people who are talking about this bill, about what it is not. I would like to explain to them about what the bill does. It is a five-year pilot project providing a timely and organized and scientific strategy to address the chronic conditions of our national forests. The bill establishes an independent scientific panel through the National Academy of Sciences to recommend to the Secretary of Agriculture the standards and criteria that should be used to identify which national forests are in the worst shape and where restoration efforts are needed most.

The public then provides input on the standards and criteria which the Secretary publishes. Based upon the standards and criteria, the Secretary then determines which forests have the greatest restoration needs and allocates amounts to those forests. On-the-ground forest managers then begin planning projects to restore degraded and deteriorating forest resources.

I have been hearing information to the contrary, so I want to make this clear to everyone in this assembly. These projects must comply with all applicable environmental laws. This legislation does not in any way limit public participation under existing laws and regulations. More than that, a full, open, public process must be conducted by all recovery projects. All project planning, including analysis of environmental impacts, must comply with NEPA, the National Environmental Policy Act. Recovery projects must be consistent with land and resource management plans, plans that have been analyzed by NEPA and have been deemed consistent with environmental laws and regulations. There is no short-circuiting, circumventing or limiting of laws. Public process or judicial review anywhere in this bill are always protected.

So those who oppose 2515, the original bill, must oppose current environmental laws and regulations. Those who oppose this bill must oppose restoring fish habitat. They must oppose reducing the threat of epidemic levels of insects and disease. They must oppose replanting trees and stabilizing slopes after catastrophic events, and they must oppose reducing the risk of wildfire.

Those who oppose this bill say the forest health crisis is a myth, that forest health is an excuse to log our national forests. Of course, not every acre in the National Forest is degraded or deteriorating, but over the last decade an enormous body of scientific literature has been generated about our degraded, deteriorating forest resources. Scientists agree that our forests are ''outside the historic range of variability,'' and that active management is necessary in some areas to begin to return forests to their historic conditions.

The Chief of the Forest Service has said that there are some 40 million acres of National Forest at unacceptable risk of destruction by catastrophic fire, and listed these sources: the Integrated Scientific Assessment for Ecosystem Management in the Interior Columbia Basin says, ''We found that forests and ecosystems have become more susceptible to severe fire and outbreaks of insects and disease''; the Southern

Appalachian Assessment states, ''Several tree species in the Southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests'' and ''lack of active management in other stands has led to development of dense understories, and to the senescence of overstory trees of some species''; the Sierra Nevada Ecosystem Project states, ''Fire protection for the last half century has provided for the development of continuous dense forest stands which are in need of thinning to accelerate growth, reduce fire hazard, provide for more mid-successional forest habitat and yield of usable wood.''

Well, there is no question about it in my mind and all others that this is an essential bill. ''Active management'' is a term that is frequently distorted. Active management could be creating instream structure for fish habitat. It could be planting native grasses to stabilize the stream bed; it could be planting trees near a stream to provide shade to reduce stream temperatures; and yes, it could also be cutting trees to prevent the spread of insects and disease or reduce the risk of catastrophic wildfire.

It seems to me, Mr. Chairman, that the Forest Service is in some state of catatonic immobilization in that the direction; and the goals of the Forest Service are somehow hidden, and direction is essential, which certainly this legislation does. The Forest Service, I believe, needs emergency care here to help them direct resources in this Nation to protect this very valuable resource.

On-the-ground managers are confused and frustrated with their missions. While environmental laws, no question about it, have shut down logging, particularly in the Pacific Northwest, please give us an opportunity to nurture and care for this resource. To let it burn is huge waste; to let it burn means we lost all the environmental issues that we all deem important; we lost stream bank protection, we lost the resource, we lost wildlife, we lost all of those important issues to all of us in the West for some 250 years.

Will this legislation answer all the questions? Of course not. This is a moderate, meager, bipartisan effort to answer some of the problems and some of the forests that are in the worst condition in this Nation. We think that this will give the Forest Service the direction necessary and again, I reiterate, abide by every environmental law in this land.

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

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

Mr. Chairman, I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. H.R. 2515 creates a 5-year national program that requires the Secretary of Agriculture to identify, prioritize, and conduct recovery projects. This program includes public notice and comment before any money is allocated to the local forests for recovery projects. Once they reach the local level, all projects will go through the appropriate environmental review before any work is performed on the ground.

□ 1030

In the past, forest fires burned timber stands on a regular basis, purging the forest floor of the sickly trees and other undergrowth that fuel catastrophic wildfires and hinder the development of mature disease resistant trees. Throughout the 20th century, Federal agencies have worked to extinguish virtually every fire. This is for good reason, as uncontrolled fires threaten lives and property.

However, allowing forest overgrowth to accumulate contributes to the current tinderbox conditions and reduces habitat for deer and other wildlife. Not fighting fires, however, is not the cure-all some assume. With so much accumulated fuel, prescribed burning, intentionally setting fires or allowing naturally occurring ones to burn is a real risk. All too often fires intended to rehabilitate a forest grow outside their boundaries, destroying millions of acres of healthy green trees as well as wildlife, watersheds and other critical parts of the ecological system.

In short, fires reduce the number of uses our forest lands with support. Current moves toward hands-off policies which are applauded by extremists posing as environmentalists fail on several levels, including preventing catastrophic natural events like uncontrolled wildfire and insect infestations. Policies based on neglect also prevent us from protecting a full range of threatened and endangered species and reducing atmospheric carbon dioxide emissions caused by fires. By abandoning active forest management, including timber harvesting in our national forests, we are condemning them to a cycle of unnaturally overcrowded, unhealthy tree stands which serve as poor habitat for native species and deprive Americans of quality wood products and a vibrant rural economy.

Proper management of our forests is as important to Members from southeastern districts as it is to those from the Pacific northwest. My district, the Sixth District of Virginia, is home to large portions of the George Washington and Thomas Jefferson National Forests. Teams of natural resource specialists, including the Forest Service, EPA, the Appalachian Regional Commission, and the Fish and Wildlife Service, assessed the health of forest lands, including the George Washington and Thomas Jefferson National Forests, in the Southern Appalachian Assessment. These experts noted the following. Several tree species in the southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests. Lack of active management in other stands has led to the development of dense understories and to the senescence of overstory trees of some species. That is the Southern Appalachian Assessment.

By not managing our forests, we are in fact mismanaging them. I urge all Members to support H.R. 2515, the Forest Recovery and Protection Act. This bill abides by all applicable environmental laws and forest plans, creates a 5-year program to address forest health, creates a scientific advisory panel to help administer the national program, requires audits of the program and ensures that foresters have the access to the best and most current data. Most importantly, it enables the Secretary immediately to conduct forest health projects in those areas where there is sufficient science to move quickly. I strongly urge passage of this legislation.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. I thank the gentleman for yielding me this time. Mr. Chairman, I would like to talk today about this bill, the so-called Forest Recovery and Protection Act. We are going to hear a great deal about forest health today, so I want my colleagues to know that one of the reasons our forests are so unhealthy is because of clear-cutting. This bill is a straightforward attack on natural resources. It is an attack under the guise of forest health.

I would like my colleagues to think back to those days in the last Congress when we passed the salvage logging rider. Do you remember it? Well, I do. I remember the piece that 60 Minutes did revealing how bad policy led to the worst environmental mistakes of this decade. Let us not repeat the mistakes of the salvage rider. The bill before us would disrupt local partnerships, local community efforts to restore sensitive habitat. This bill is a Washington, D.C. answer, not a local answer. We have people working together to solve these problems and this bill will disrupt it.

We have heard talk about the hearings. My governor, the governor of Oregon stressed that active management in our national forests should avoid areas such as roadless areas, old growth stands, fragile watersheds and sensitive fish habitat. H.R. 2515 would not avoid those areas. My governor has given us good advice. Let us follow it. This bill is based on the premise that these forests are unhealthy and that logging is the cure. I would again point out this picture. Logging created the problems, in some places clear-cutting. Over 100 scientists oppose this bill. They say that increased logging will not cure a forest's ills.

I join with many groups today opposing this bill. The League of Conservation Voters has said that they will score this bill. The President has sent us a message that he will consider vetoing this bill. The other people who are opposing the bill are Taxpayers for Common Sense, the Presbyterian Church, the Methodist Church and the League of Conservation Voters. Join

them, my friends, join them and vote no on H.R. 2515. This is a bad idea.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to support the Forest Recovery and Protection Act and to praise the gentleman from Oregon (Mr. SMITH) for his dedication to forest health issues and things that have bedeviled Congress for many years. I also want to commend the gentleman from Texas (Mr. STENHOLM) for his willingness to work with our chairman and for his leadership on this specific issue. Many of my colleagues perhaps do not realize that Nebraska is the home of a national forest. Fortunately, the Nebraska National Forest does not have any major health problems. Neither is it threatened by destructive fires or infestation of disease and insects. However, I know that many of our forests in this country are at code red levels. According to the U.S. Forest Service's own analysis, between 35 and 40 million of the 191 million acres it manages is, quote, at an unacceptable risk of destruction by catastrophic wildfire.

I realize that some of my colleagues oppose this bill. I wonder if they would oppose it, however, if the town in their district had an out-of-control fire racing right toward that community. We are also going to hear many reasons to support the bill throughout the debate.

Mr. Chairman, I would like to reiterate a few that I think are critical. This bill is a timely solution to a very real problem. It requires all decisions made under a forest recovery plan to comply with all Federal laws. It uses an independent panel of forest scientists to advise the Forest Service on which forests are at greater risk. And it requires the Forest Service to be accountable for its performance. The bill has undergone numerous changes, all in an attempt to address specific Members' concerns.

Again I praise the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) for their tenacity and willingness to work with their colleagues. I think it is time to accept the bill, Mr. Chairman. I urge Members to support it. I think it is a responsible solution to a very serious problem that our forests face.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, today I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. This bill is the product of seven hearings in the Agriculture Committee on forest conditions in the United States, which included witnesses from the administration, scientists, academics, lawmakers, state foresters, land managers, local elected officials, environmentalists and the forest products industry. This bill provides a bipartisan plan for restoring and protecting damaged forest resources in all regions of the country. H.R. 2515 requires priority recovery of forest resources at greatest risk using prescribed burning, insect disease control, riparian and other habitat improvement, reforestation and other appropriate recovery activities. It operates in strict compliance with all environmental laws and forest plans and prohibits entry into wilderness, roadless areas, old growth stands or riparian areas and other areas currently protected by law, court order or forest plan.

Additionally, this bill establishes an independent interdisciplinary panel of scientists to advise the Secretary on how to identify and prioritize appropriate reforestation priorities for forest resources that are either damaged or at risk. It gives priority to recovery projects conducted in areas where thorough scientific assessments have been completed. I think the Forest Recovery and Protection Act is a sensible bipartisan approach to improving and protecting our country's most endangered forest resources. I urge my colleagues to support H.R. 2515.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, I rise to speak in strong support of the Forest Recovery and Protection Act. I have the great privilege to represent a district in northern California that includes all of or parts of nine national forests. Historically, these forests were filled with stands of large trees. The forest floors were less dense and were often naturally thinned out by fires that would clean out dense underbrush and would leave the big trees to grow even larger. However, because of decades of aggressive fire suppression and modern hands-off management practices, these forests have grown out of hand, creating an almost overwhelming threat of fire.

According to Forest Service estimates, approximately 40 million acres of the agency's lands are at a high risk for catastrophic fire. The cause of this fire threat is an unnatural accumulation of vegetation and small trees on western forest floors. The U.S. Forest Service estimates that the forests are 82 percent denser than in 1928. Dense undergrowth combined with increasingly taller layers of intermediate trees has turned western forests into deadly fire time bombs. Under these adverse conditions, fire quickly climbs up dense tree growth like a ladder until it tops out at the uppermost or crown level of the forest and races out of control as a catastrophic fire. Because of its high speed and intense heat, a crown fire has the capability of leaving an almost sterile environment in its wake with almost no vegetation, wildlife or habitat left behind. We must then ask ourselves, what habitat do we have left if everything in the forest burns?

Mr. Chairman, the legislation of the gentleman from Oregon (Mr. SMITH) takes a much needed first step in the right direction toward prioritizing efforts to restore forest health. This legislation prioritizes areas at greatest risk of destruction while working in compliance with all environmental laws and forest plans. It establishes an independent scientific panel to ensure that all activities are applied in a way that improves forest health using the best available science, not politics. It establishes agency accountability for on-the-ground results, and ensures fiscal responsibility by requiring annual reports to Congress, and creates independent audits of agency performance. But most importantly, this legislation creates incentives for the Forest Service to make timely, efficient management decisions before our forests burn up.

Mr. Chairman, I urge my colleagues to vote yes on the Forest Recovery and Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the gentleman for yielding me this time. Mr. Chairman, I would hope that we would reject this legislation. Yesterday we sat in the Committee on Resources along with our colleagues from the Committee on the Budget and the Committee on Appropriations as members sat stunned when they were told of the deficiencies in the accounting system of the off-budget funds in the Forest Service. We were told that it is some $215 million that the Forest Service could not identify how it spends. We were told by the IG of the problems of the off-budget funds. Yet this legislation now comes along and takes money from one off-budget fund to put it into another off-budget fund. It takes it from a fund that is trying to restore the forests from all of the damages of roads and constructions and logging that has taken place in the past and now puts that in to promote salvage and thinning, a proposal that this Congress and the administration has turned down time and again. In this legislation they removed the words ''salvage'' because they knew they could not stand by them, but they went right back to the legislation and authorized the very same practices.

□ 1045

It is those very same practices, both financial and forestry practices, that have caused the Secretary of Agriculture to say that he would recommend to the President a veto of this legislation. It is those very same practices, both financial and forestry practices, that tell the League of Conservation Voters that they will score this vote as an anti-environmental vote.

This bill is not necessary. This bill engages us in the same old practices that have brought us the disaster on America's forests. Time and again our committee and the Committee on Agriculture and others have listened to the

scientists that told us the forests that are in the most trouble, the forests that have suffered the most damage, are those forests that have already gone through the logging. The healthiest forests, the best forests in this country, are those that have not gone through the logging, and yet this legislation would put us back into the same old tired discredited forest practices.

We should not do that in this legislation, my colleagues. We should understand that and reject this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this bill. I want to begin, though, by commending the chairman, the gentleman from Oregon (Mr. SMITH). As always, he has proven to be open to negotiation and has indeed made changes that do improve the bill. But I have come to the reluctant conclusion that this bill is simply too flawed to move forward. The bill just reaches more broadly than is necessary to address the forest health problems it is ostensibly designed to address.

Mr. Chairman, if the goal is to solve fire and infestation problems, we ought just to give the Forest Service additional funding and require them to begin planning projects swiftly under current rules and regulations. That is the approach we took with the Quincy Library bill which I helped negotiate, a bill which passed the House with only one dissenting vote. Instead, this bill creates an elaborate new program that could turn out to be just another logging and road building program in disguise.

Why are we so concerned about potential abuse of this program? Are we just suffering some sort of paranoia? The answer is clearly no. The salvage rider proved that programs that are supposedly designed to deal with forest health can turn out to be uncontrolled large-scale timbering programs that have nothing to do with forest health.

I am also concerned about moving ahead with bills that purport to help people but that have no chance of becoming law. I thought it was an axiom of legislating that a bill cannot help anyone if it does not become law. The administration has said in no uncertain terms that this bill would be vetoed. Every single environmental group, without exception, vehemently opposes this bill. If we are serious about solving problems on the ground, we ought to go back to the drawing board and come up with a signable bill.

I have at the ready an amendment to ensure that this program created by the bill cannot be used as an excuse to build new forest roads, and I will strongly oppose any efforts to weaken the roads language that is already in the bill. I may also offer a substitute that would turn this into a signable bill with just a few changes. I think it is unfortunate that we are spending time voting on a bill that will be vetoed instead of passing a bill that will actually address forest health.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this bill along with the gentleman from Oregon (Mr. SMITH) for their leadership on this Forest Recovery and Protection Act, which really is a good bill that is used to address the problems of forest health in an environmentally sensitive and scientifically sound manner.

Many opponents here have argued that the bill is not needed because the problem with our forest health is just a myth. Does that mean that millions of acres are being destroyed by mythical forest fires and outbreaks of disease? I wish someone could tell me.

Know that in northern Michigan our forests are not dying from disease, and, no, our homes were not destroyed in the wildfire. It was all just a dream conjured up by the politicians in Washington. It is not. It is a reality.

The fact is that our forests are in trouble, and it is not just a problem with the forests out west. In the Great Lakes, in my district, about half of the 90 million acres of jack pine in the Hiawatha National Forest alone are highly susceptible and are being destroyed by jack pine budworm infestation.

Furthermore, a letter from the Forest Service to my office dated April 23, 1997, states gypsy moth infestations continue to be a problem for the people of the State of Michigan. In fact as we are debating here today, the gypsy moths are destroying our forests in northern Michigan.

Severe infestations can and are causing extensive damage and creating catastrophic fire conditions. In Michigan approximately 600 wild forest fires are reported each year. Michigan's Stephan Bridge fire in 1990, just 1990, destroyed 76 homes and 125 buildings in just one afternoon.

Mr. Chairman, these are real problems facing our forests, not myth. The Forest Recovery and Protection Act is a sensible approach to improving forest health. The bill adheres to sound scientific principles, is subject to all current environmental laws and land management plans, and leaves the decision with local communities by involving Federal and State foresters and local citizens in a process of identifying the risk forest areas.

I thank the gentleman from Texas (Mr. STENHOLM) and the gentleman from Oregon (Mr. SMITH) for bringing forth this legislation, and I urge all my colleagues to support this very important bill.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST) who has been an integral part of the negotiation on this bill, and I thank him for that.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon for yielding this time to me, and I want to emphasize the word ''gentleman'' when I say the gentleman from Oregon, with capital letters.

Quickly, in response to one of my earlier colleagues, I have drawn a conclusion that this bill represents the best of the Quincy Library bill. The Quincy Library bill brought this House together in understanding the difficulties of managing the Nation's forests, and we passed that bill. I think this bill does the same thing.

Very quickly, I would like us to look at the big picture here. This country was founded on four very positive things: democracy, character, an endless frontier, and an abundance of natural resources. Well, our resources are diminishing quickly. Our frontier is gone. Basically what we have left to manage our resources for future generations, yes, hundreds of years in the future, is democracy and character. We have to rely on democracy and character.

What is the next frontier? It is an intellectual frontier. An intellectual frontier means we have to put aside rancorous debate, personal prejudices, sit together and discuss these issues in as intelligent a manner as is possible so that we can manage those few remaining resources for generations to come.

Can we sustain logging, mimic nature and protect biological diversity? Yes, we can. Do we have the knowhow? Yes, we do. How do we implement that knowhow? The first step to implementing that particular skill is through this bill. Is this bill based on the best available scientific data? Absolutely without question. Does this bill protect all environmental regulations? Absolutely without question.

What are some of the things this bill does? It goes in and finds those areas of the riparian places in our national forests that are damaged, and we will fix them. Soil stabilization, water quality improvements, thinning, habitat improvement, et cetera, et cetera et cetera; this bill does that.

The chief of the Forest Service said 35 to 40 million acres are in danger of catastrophic fire, soil erosion, habitat loss. So what do we do? Do we come up to the plate and respond? The answer is yes.

This is not about forest roads, it is not about commercial logging, it is not about clear-cutting. This is about funding a recovery program for our Nation's forests.

Is this bill more positive than negative? That is the question. More than we can ever know at this point, this bill is positive, and I urge my colleagues to vote yes.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Chairman, I rise in opposition to the bill. This measure is predicated on a false premise, and that is that there is a crisis. The fact of the matter is that the problems that persist in our national forests today have persisted for some time, and the fact is that as the forest chief had pointed out in his testimony before the committees that had hearings on this, that this sort of concept of cutting it to save it is inappropriate and ineffective.

The causes of what today is stated as forest health are many. Part of it is the fact that we have high-graded and put inroads and in fact suppressed fires in many cases, and then there has been some fuel buildup. That is not going to be solved by cutting down trees in the selected areas. In fact, many other problems have persisted in terms of urban interface where people have built, in the forest safety questions persist. Cut down one area, you have fire in another. So this bill and harvest clearly is not the answer.

No, the Forest Service has the tools to deal with forest health today. The fact is, as I said, this issue has built up over many decades. A 5-year program is hardly even a start. The fact is that this has to be premised and placed in the responsibilities today of the total Forest Service, not just in this narrow bill that we have before us. And I suggest as my colleagues go through the details of this bill and look at the requirements, there are a couple of requirements that stick out that are not now the basis on which the Forest Service Policy and Law functions.

One, this legitimizes the low-cost sales, so the fact is when one goes into an area and makes the sale, the predicate is instead of just the forest health treatment, we know a lot of issues do not make money, but this justifies further below-cost sales. That is what it does. Notwithstanding that, that is not a consideration in this particular bill. That is a requirements of this bill.

The other is that it suggests that we look at what the economic impact is on the community, and I think that that is an important issue. We are all concerned about helping our constituents, but not at the expense of the public taxpayer, not at the expense of losing our forests.

The bottom line here is we are going to lose the forest and we are going to pay money to do it in terms of the taxpayer. I urge Members to reject this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

This bill is not needed to address real problems of forest health. The Forest Service has now authority to take actions that are needed, such things as prescribed burns, thinning, et cetera, where the health of the forest requires it and where there is a risk of wildfire. The bill would establish a new, cumbersome, bureaucratic administrative process that is not needed.

The Forest Service financing methods and accounting systems have long been a subject of criticism. Yesterday, a joint hearing looked into those issues. What we found was that there were problems, but the Forest Service is cleaning up that mess. This bill would impede that process and make matters worse.

First, it would divert money from a road and trail maintenance fund at a time when the service has a huge maintenance backlog, $10½ billion, and put it into a new recovery trust fund not subject to appropriations. The fact that that is not subject to appropriations should set off a warning bell for every Member of this House. How will that money be used? Who will scrutinize it? What is the potential for abuse and mismanagement?

Under the bill, any revenue from timber sales conducted under this plan will be turned over to the States, not to the Federal Treasury. This is a giveaway of Federal resources and Federal money, money earned from land that is owned by all the people of this country. Imagine if all the revenue from the Customs levees at New York were turned over to the State of New York. That is essentially what is happening here.

We have heard that the bill has been changed to reflect expressed concerns about environmental impacts. It has indeed been changed at the last minute so that few people have had much time to examine the new text, but the changes have not in any way satisfied environmental concerns. Although most of the references to salvage have been removed from the bill, the substance has not changed. The bill is based on the premise that the best way to protect the forest health is to cut the forest down. The new improved bill not only allows cutting in roadless areas, cutting of large old-growth healthy trees, but it authorizes cutting in the name of so-called recovery if forest problems are merely anticipated or that somebody thinks there might be a problem at some time in the future.

□ 1100

These practices are obviously ridiculous. They would not be limited to the size of the forest either. These are just some of the reasons why this bill creates bad public policy and should be defeated.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from northern California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the SMITH bill, the Forest Recovery and Protection Act of 1998. Let me assure my colleagues that our forests are in danger. They are not in danger due primarily to the existence of the forest roads, which facilitate the proper management of the forest, they are in danger from the disastrous policies that have been pursued just in the last few years. But, indeed, we could go back over several decades and look at the cumulative impact of the way we have suppressed fires and allowed the tremendous buildup of fuel in the forest.

These forests have to be managed. The forests we think of as the idyllic version back during the days of John Muir were, in fact, managed forests. We need to act now. The gentleman from Oregon (Mr. SMITH) is right, this is a critical point.

The greatest single danger to our forests, at least in California, is the threat of catastrophic wildfire. We learned in testimony the other day from the Forest Service and from other experts in forestry, a couple of very interesting facts.

Fact number one, for every live tree that is harvested during a year, there are three dead trees in the forest. Fact number two, we add each year to the forest four to five times the amount of board feet of timber as we harvest.

Our forests are choked with overgrowth. Just like in our garden, we get to a point with overgrowth, and we start crowding out the desirable species. We start crowding out life for a lot of the plants that are growing there. What we get is a tremendous potential for forest fire. We need to adopt the Smith bill. We need to treat now while we can the issue of the overgrowth and render safer our forests.

Let me tell my colleagues, in my district, we had a catastrophic forest fire several years ago, the Cleveland forest fire. To this day, the hills are barren. There are tremendous problems with erosion. Let me assure my colleagues, if they care about the environment, they will support this legislation.

The devastation that occurs from a catastrophic forest fire exceeds any devastation caused by other forms of forest management activity. There is no comparison. For that reason, we must have the Smith bill. The condition of our forest demands it. I strongly urge my colleagues' support for this legislation.

Mr. STENHOLM. Mr. Chairman, how much time do we have remaining on both sides?

The CHAIRMAN. The gentleman from Texas (Mr. STENHOLM) has 14½ minutes remaining, and the gentleman from Oregon (Mr. SMITH) has 4½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I rise in opposition to this bill. While I agree that some of our forests are in trouble, I actually think this legislation could increase that trouble. The legislation before us has been presented as a compromise, but this compromise does not in any way address the fundamental flaws that still exist in the bill.

The bill sets up a quick and dirty review process in which timber is harvested under the guise of improving forest health. Proponents have trumpeted this legislation as based on

science. Yet, no scientific consensus exists for the perceived forest health crisis. In fact, over 100 scientists have signed a letter which directly disputes this assertion.

Currently, the Forest Service has the authority to undertake restoration work on particular forests. Yet, this bill would take that ability away, because it uses forest health as an excuse to increase commercial logging by minimizing forest analysis and determining the appropriate value of the land. It sets up a separate account to pay for this forest health program, following $30 million of receipts to the States.

The current recipient of these funds, the Forest Service, estimates that a repair backlog of $10 billion exists for maintenance needs. These funds are needed to address legitimate and substantial ecosystem maintenance needs, such as removing old roads that are degrading water quality and degrading our forest. Yet, under this bill, the Forest Service would not have access to these much-needed funds, and the diverted money would allow States to build new roads for the purposes of logging.

Finally, this legislation does not forbid the use of money for new temporary roads. So under the guise, again, of forest health, this bill could open up wide tracks of currently unspoiled forests to logging, wreaking havoc on wildlife and decimating forests for decades to come.

Mr. Chairman, building these roads will not increase our forest health, it will erode it; and for that reason, I urge a no vote on this legislation.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Chairman, I am a member of the House Committee on Agriculture, and I realize the hard work that has gone into this legislation. But I must, despite my great respect for the chair and the ranking member and the hard work they put in, I must rise today to oppose this bill. For many of the reasons that my colleagues have indicated, it is fundamentally flawed.

We have three wonderful national forests in Michigan. Yes, there are management issues that need to be addressed, but they can be addressed. They need to be addressed in ways that do not include the fundamental process under this bill.

What we have here is a Forest Preservation and Recovery Act that authorizes money-making activities that could actually hurt the forests. Underneath all of today's discussion about forest health, land management, scientific panels of experts, and environmental stewardship is actually a money-generating provision that harbors the potential to do great harm to our forests.

As has been indicated, the basis of the bill is a provision that permits commercial timber sales. The philosophical assumption in the bill is that it is okay to cut down trees to save trees; and I believe that that is wrong.

In addition, by establishing an off-budget source of money, the incentives are even greater for the USDA and the Forest Service to seek revenue that is free of the appropriations process. I believe the management of our most endangered forest should be subject to the oversight of Congress, not an off-site revolving fund.

So as long as the bill contains this provision where we are saying that, in order to preserve and protect, we must cut down, this is not the kind of provision that makes sense. It does not make sense for Michigan forests. It does not make sense for the country.

With this provision in it, I cannot support the bill, and I would urge my colleagues to vote no.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act of 1998. This legislation is reminiscent of the infamous salvage logging rider which suspended all environmental safeguards to increase logging on every national forest for 18 months on the grounds that it would improve forest health.

I take issue with the bill's definition of forest health. The author of the bill would have us believe that there is a forest health crisis and that the only way to alleviate the scourge that this crisis will cause is for increased logging.

A group of scientists from universities across the country, including the home State of the author, have come out in opposition to the bill and have stated that there is no scientific consensus that commercial logging is a cure for particular problems to individual national forests.

Furthermore, the National Forest Service has recently concluded that the Nation's forests are generally in a healthy condition. While each region does have a variety of health concerns in need of attention, a listing of these concerns should not be interpreted as a description of forest health crisis.

I introduced the Act to Save America's Forests, and it is endorsed by over 500 scientists, and it defines forest health as a forest which has a broad range of native biodiversity. It would protect native biodiversity in our Federal forest lands by abolishing clear-cutting in Federal forests. It would ban logging and road building in remaining core areas of biodiversity in Federal forests. It would protect the less than 10 percent of original unlogged forests in the United States.

The bill before us today, Mr. Chairman, is overly broad in its definition of areas in need of recovery. It does not, unlike my bill, make roadless areas off limits to logging. It lacks a clearly defined limit on how recovery areas would be managed, and it limits citizen participation by giving the Forest Service broad discretion to take shortcuts through environmental laws.

Mr. Chairman, I urge my colleagues to oppose this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, what we have heard is a myth. Nothing about this bill coordinates with any of these speeches that we have heard. The public is invited twice in this bill to state their opinion.

We have a scientific panel of the finest academicians in the United States, 11 of them, and they must be hydrologists, wildlife biologists, fisheries biologists, entomologist or pathologist, fire ecologist, silviculturist, economist, soil scientists, and the State forester. Does that sound like some sort of effort to, in the name of salvage, to cut down the forest?

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act. This bill starts with the assumption that our national forests are sick and diseased and, as a result, need more clear-cutting.

This assumption is a myth. There is no direct scientific evidence that our national forests are suffering from excessive amounts of dead or diseased trees. Tree mortality remains well below 1 percent of live tree volume throughout the country. This rate has not changed in 40 years.

The bill attempts to save our public forests by cutting them down. In my book, cutting down a forest does not save a forest. This mentality reminds me of the idea behind the timber salvage rider we passed last Congress. Proponents of the timber salvage rider claimed it would improve forest health. Well, the trees were cut, but the proponents of the Forest Recovery and Protection Act claimed we still have a forest health crisis.

What we found was that the type of logging advocated in this bill will create problems rather than solve them. Mr. Chairman, 95 percent of America's original forests have been cut down. Just 5 percent remains standing, mostly on Federal lands, which is owned by the American people.

Logging under the timber salvage rider upset forest ecosystems by draining the soil of important nutrients. It weakened the land, creating the potential for dangerous mud slides.

Instead of this legislation, Congress should be working on the forest restoration bill like the one that my colleague just mentioned, the Act to Save America's Forests. This legislation would improve forests by prohibiting clear-cutting and even aged logging and other abusive practices on Federal land. It would all save hundreds of millions of road building subsidies and prevent dangerous mud slides.

The Act to Save America's Forests would effectively shift our forest management focus from corporate profit to protection and nurturing of our rare and natural resources.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I rise in support of the Forest Recovery Protection Act, and I thank the gentleman from Oregon (Mr. SMITH), chairman, and the gentleman from Texas (Mr. STENHOLM) for their leadership on this issue.

I represent a district in east Texas that has four national forests. In fact, all of the national forests that are in Texas are located in the 2nd Congressional District. I understand full well the threats that our forests, our national forests, face today from mismanagement and lack of proper management. I think this bill takes a major step forward in ensuring that we will apply sound management practices to our national forests.

We have a battle ongoing in this country between the environmentalists and those who support the sound forestry management practices and preservation of the forest. That really is somewhat irrational because we all believe in the same thing.

The main difference is those of us who support this legislation understand that trees are renewable resources and that we cannot have a sound forest management plan unless we have the tools necessary to manage those forests.

This bill does not disturb any of the wilderness areas that are specified by existing law. In fact, it changes nothing about existing laws that protect our forests. It is a bill designed to ensure that those forests are there for the future.

I appreciate the fact that this bill dedicates the small revenues that will come from the proceeds of any sales on the Forest Recovery Act management practices to the counties and the school districts who depend upon those funds for their school districts for their children and to be sure that the agreement that has been long-standing between the counties and the school districts that have national forests in the Federal Government are maintained.

□ 1115

Because when national forces were created they took property off the tax rolls of those local counties, and it is appropriate that those counties receive some remuneration under the provisions of the bill which they do.

I commend this bill to the House, and I thank the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) for their leadership.

Mr. SMITH of Oregon. Mr. Chairman, what time remains, please?

The CHAIRMAN. The gentleman from Oregon (Mr. SMITH) has 4 minutes remaining, and the gentleman from Texas (Mr. STENHOLM) has 4½ minutes remaining.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I want to join with others in commending the gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture, and the ranking member for bringing forward this bipartisan and common-sense proposal.

Mr. Chairman, we need healthy forests, and all the experts agree that the public forests in the United States are in a serious and unhealthy condition. Unhealthy forests create significant fire hazards, and in the post-El Nino period that we are about to experience in the West, those are dry conditions, and we have unprecedented buildup of fields in these forests, and the fire hazards are extraordinary.

I want to point out to my colleagues that the fire hazards today in the West are significantly higher than they were 10 years ago while Americans watched as Yellowstone Park burned up. Catastrophic fires, Mr. Chairman, scar the landscape, they erode critical topsoils, they destroy wildlife and their habitat, and they destroy critical spawning areas. We cannot save the forests by burning them down; we save them by managing them, and that is what the goal of this legislation is.

Mr. Chairman, I have heard in this debate that this group or that group is going to score our votes. Mr. Chairman, it does not matter to me how those groups in Washington score my vote today, it is how the people in the Northwest and the people in western Montana score my vote. It is their communities that are at risk of destruction. The sportsmen and women and fishers and campers and hikers and berry pickers, they are going to be scoring this vote because they want healthy forests, because catastrophic fires are going to destroy their opportunities to use and enjoy these forests.

Mr. Chairman, I urge my colleagues to support this bill, protect the environment, enhance wildlife, protect our streams, save our communities, vote ''yes'' on the Forest Recovery and Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time. I have a little bit more to say than I can say in this amount of time, but I may take a little time under the 5-minute rule to speak further.

First, I want to commend the work that has gone into this bill. I know how hard the chairman and the gentleman from Texas (Mr. STENHOLM) have worked on it. I appreciate their point of view. I do not agree with them, but I think that they have made every reasonable effort to accommodate differences, and I want to commend them for doing that.

Mr. Chairman, my experience with the forest goes back quite a ways. I have been on the Committee on Agriculture for the last 25 years, and I have been a member of the Subcommittee on Forestry, Resource Conservation, and Research for many of those years. In my opinion, we established the proper framework to protect the health of the forests with the Forest Management Act of 1976, I think it was. Unfortunately, that act was never adequately administered under the Reagan-Bush years, and the purpose of the Forest Service seemed to be to maximize the amount of timber that was cut, rather than to manage the forests for forest health and for multiple use, which is incorporated in the act, as well as adequate provisions to protect all of the users and protect the health of the forests.

We do not need this bill if we would merely utilize the existing authorities, which I do not think that we have adequately; and since we do not need it, it is not my intention to support it. Frankly, I think the reason for introducing the bill is to make it easier to cut the forests, which is not an ignoble goal, and I sometimes share it.

I think that we have to be extremely prudent. In California, our forest ecosystems are not healthy. They need to be managed to restore their health. That management does not consist of cutting any more timber off of those forests, but it includes a much more sophisticated approach, based on a whole-ecosystem type of management that we have not been getting.

In my own district we have forest areas which have been completely destroyed, and they are getting worse, not better. I would like to see us do something about it, but it is not going to consist of increasing the amount of logging that we are doing there.

Mr. Chairman, for these reasons, I would like to continue to work on the committee and with the administration, which opposes this bill, as I presume has been mentioned, to strengthen the existing management for the creation of healthy forests and for agreeing on some appropriate level of logging which will contribute to the health of the forests and to the economy of the regions. I think a good deal of what is driving this bill is that increased logging is important to the economy of the region in many cases, and that is driving action that I think is inappropriate over the long run.

The CHAIRMAN. Each side has 2½ minutes remaining.

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

Mr. Chairman, the gentleman from Texas (Mr. TURNER) a moment ago made an observation that I hope was not lost on the House. The gentleman stated that forest trees are a renewable resource. The intent of this legislation was to recognize that in the same spirit the gentleman from California (Mr. BROWN) just spoke in recognizing that there are differences of opinion.

Many times, I have come to the floor on agricultural bills in which the same, much of the same opposition to science-based agricultural production practices are opposed by those who believe that somehow, some way, we can produce the abundance of food and the quality of food and the safety necessary of food supply at the lowest cost to our people of any other country in the world and do it without science and technology.

The same is true for our forests, the idea that we should not use the best science available in order to preserve and protect and utilize a renewable resource, because we will hear many times this year the importance of housing. It is awfully important to a housing industry that we have a reliable supply of timber.

Mr. Chairman, I would just make one other observation. The House Committee on Agriculture, under the leadership of the Chairman, invited all interested parties to participate in this discussion and debate. It was interesting that the National Wildlife Federation, the Defenders of Wildlife, the Environmental Defense Fund, the Western Ancient Forest Campaign, the Sierra Club declined to participate in the hearings or participate in discussions of how to make this bill different or better.

Those who did participate and made a better bill that we bring to the floor today included the Northern Forest Lands Council, the Rocky Mountain Elk Foundation, the Black Bear Conservation Committee, the Nature Conservancy, the American Forests, the International Association of Fish and Wildlife Agencies, the Ruffed Grouse Society, the Wildlife Management Institute, and the Wilderness Society.

Now, to those I appreciate very much their participation in crafting this bill, controversial to say the least, but making it in a way in which we can preserve and protect our forests, and make certain that a renewable resource will be there for the best interests of all of the American people.

I encourage the support of this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in support of the bill, and I too commend the gentleman from Oregon (Mr. SMITH), chairman of the committee, and the gentleman from Texas (Mr. STENHOLM) for the hard work that they have done on this bill.

The legislation before us today is one way that we truly can actually do what we need to do and what we all want to do, and that is have healthy and productive forests.

Like the gentleman from California (Mr. BROWN) who preceded me, for whom I have the utmost respect for his experience in forestry and his service on the committee, I too have extensive experience when it comes to forests and forest health. I live in a district, I represent the entire State of Wyoming, and I live in a district and visit the forests about twice a month. I have flown over the forests in helicopters, and I have seen the national forests that have so much dead timber in them that it caused the chief of the Forest Service, Chief Dombeck, to say this, and I quote, that there are 40 million acres of Forest Service land that, in his words, ''are at an unacceptable risk of destruction by catastrophic wildfire.'' This is true. This is a real threat. It not only threatens human lives, but it threatens animal habitat.

The only way we can deal with this problem is to manage the forests. We all want a healthier, we all want healthy forests. The insect infestation that causes dead trees can be controlled if we allow logging to be done. I do not think anyone has heard anyone over here say we want to clear-cut the forests; that is a thing of the past, we do not want to do that. But we want scientists, we want those Forest Service people who are on the ground to be able to produce timber from the forests when they think it is the scientifically healthy thing for the Forest Service to do; and they at this time cannot do this.

We need this legislation. It is time that we push the Forest Service into action to harvest this timber to make our forests healthy and beautiful for recreation for people and for the animal wildlife.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, I just wanted to extend my gratitude to the gentleman from Texas (Mr. STENHOLM), and to the gentleman from Maryland (Mr. GILCHREST) and to many on the minority side and many on this side who have really made an effort to step forward and create a bill that is truly designed to take care of the forest health of America. To those people I extend my heartiest congratulations, and I thank them immensely for their efforts.

Ms. PELOSI. Mr. Chairman, make no mistake—there's nothing healthy about this bill. It's ''managed care'' gone off the scale.

HR 3530 would encourage further destruction of our national forests by encouraging logging, limiting public participation in the process and exploiting some of our most environmentally sensitive forest areas. We have been through this debate. The rationale in HR 3530 is the same rationale used in the ''Salvage Logging Rider'' which had devastating effects on forests in the name of ''forest health.'' It was a mistake then; it is a mistake now.

The U.S. Forest Service has already confirmed that the ''forest ''health'' crisis this bill purports to address does not exist. It is simply another excuse for salvage logging that will permit logging of old growth forests and transfer money from road and trail maintenance to unnecessary logging activities. Currently, there is a $10 billion backlog in road maintenance throughout our national forests. It does not make sense to defer this spending and embark on a frivolous logging program.

In addition to this, the bill actually creates an incentive for logging by setting up a special forest management fund that would be fed by the sale of commercial timber. The more trees you cut in the name of ''forest health''—the more revenues deposited in the account. We do not need another fund. In the bill, it is ''available without further appropriation''—a determination that should be made by the Appropriations Committee in its review of funding for the Forest Service.

Over 100 scientists have registered their opposition to this bill. One of them is quoted: ''The Forest Recovery and Protection Act of 1998 is a stealth attack on natural resources in the guise of 'forest health.'" Another states: ''The Forest Service already has the authority to undertake these appropriate activities * * * new legislation that provides a broad mandate to institute 'recovery projects' on potentially very large national forest areas is not needed.''

The Administration opposes this bill. A letter from Agriculture Secretary Glickman states: ''* * * the Forest Service would be much better served by continuing its program for improving forest resources using its existing authorities rather than be encumbered by this bill's controversial provisions and lengthy and costly processes.''

Secretary Glickman's letter concludes with: ''I share your broad goal of improving our forest resources, but the Administration strongly opposes this bill; it would curtail important environmental and administrative laws, create a tremendous bureaucratic burden, and ignite another round of controversy over salvage and forest health operations.''

Mrs. EMERSON. Mr. Chairman, I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. I am pleased to be an original cosponsor of this bill, a bipartisan measure that reflects sound and scientific management of our national forests. Furthermore, I would like to make note of the tremendous efforts of the author of this bill, Chairman of the Agriculture Committee BOB SMITH. Chairman SMITH has conducted extensive hearings to review the health of our forests and has reached out to those holding different viewpoints. His steady, informed leadership on this critical issue is to be commended.

H.R. 2515 recognizes that the long term well-being of our forests depends on active, not passive, care and protection. As the Agriculture Committee hard from scientists and professional foresters in recent hearings, active management measures are vital to sustaining the health of a forest. Without these measures, forests become vulnerable to insect infestation, disease, and fires, and in fact this has already occurred in many of our forests across the country. H.R. 2515 will provide the Forest Service with the necessary tools and scientific input to manage our national forests in the most responsible way.

A key point that I would like to make is that this bill helps us achieve all of the environmental, economic, and recreational goals that we have for our forest lands. By looking out for our forests, we are looking out for the sportsmen, the local timber businesses, the wildlife, and everyone else who benefits from this wonderful natural resource. H.R. 2515 represents a commitment to keeping our national forests healthy and strong for the long term.

I urge a firm yes vote on H.R. 2515.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act (HR 3530).

The bill, introduced by House Agriculture Chairman BOB SMITH (OR), creates a five-year national program allowing the Secretary of Agriculture to identify and pursue an unlimited number of ''forest health recovery areas and projects'' within the National Forest Service. That means that logging of our National Forests could occur anywhere in the National Forests without any limits on the number or sizes of the logging projects.

This bill would allow unlimited clearcuts, invasion sand logging of roadless areas and cutting of old growth forests.

This bill reduces the level of agency review and public comment to a level significantly lower than protections provided by the National Environmental Policy Act.

The bill creates an off-budget fund in which 100% of the receipts from logging projects would go to the local counties to fund schools and roads. By linking funding for local projects to logging, this off-budget fund will create enormous and inappropriate financial incentives for the Forest Service to pursue logging projects in every National Forest. If this bill is passed, we can soon expect public school teachers coming to Congress to lobby for more logging projects so that they can teach school.

The off-budget fund that this bill would create within the Forest Service would bypass the Appropriations process. The off-budget fund would be completely unaccountable to Congress and mirror problems found in the existing Salvage Fund, Knudsen-Vandenberg and Brush Disposal Funds.

This bill attempts to correct a forest health crisis that the USDA and environmental groups say does not exist. The recommendations of this bill are based on pseudo-scientific research and questionable conclusions.

This bill is opposed by Democrats, Republicans, environmental and religious groups. Environmental groups (more than 100 groups including Sierra Club, League of Conservation Voters, Friends of the Earth, PIRG, Kettle Range Conservation Group, Western Ancient Forest Campaign) and religious groups (Presbyterian Church, United Methodist, Reform Judaism) have contacted my office in opposition to this bill.

This bill would eradicate environmental protections provided by the National Environmental Policy Act, Endangered Species Act and Clean Water Act.

The American public does not support this bill. A clear majority of Americans nationwide oppose commercial logging in National Forests

President Clinton has already said that he will veto this bill.

I urge you to vote no on H.R. 3530.

Mr. PORTER. Mr. Chairman, reluctantly, I rise in opposition to this legislation. The Chairman of the Committee, Mr. SMITH, and his staff have been extremely patient in working to address my concerns and I am disappointed to not be able to support the end result. I understand that the Chairman is trying to improve the management of our national forests but I do not feel that this bill provides the best means.

I believe the substitute amendment to the bill greatly improves the public participation and the environmental review of the recovery areas and projects authorized in the bill. Specifically, the public comment and notice periods added to the recovery area designation phase will provide in important opportunity for interested parties to provide input on those areas designated for potential treatments. In addition, the extended time periods for identification of recovery projects by the regional forester will guarantee the application of all relevant environmental laws to be sure that the health of the entire project is considered before implementation of treatments.

While I do not support the concept of off-budget funds, I am pleased with the additional safeguards that the Committee has added for the oversight of the Forest Recovery Fund authorized in this bill. In one of the first drafts of this legislation, any funds generated by recovery projects were deposited back in the Fund established by this bill. I raised concerns that this process would provide incentive for projects to be revenue generating instead of promoting a treatment that, while more appropriate to improve the health of the forest, would operate at a cost. The Committee worked tirelessly to address this concern and, in the end, I believe that this money should simply be sent back to the General Fund of the Treasury.

My remaining concerns with this legislation are the use of this bill's funds for the construction of roads, either permanent or temporary, and the lack of protection of roadless areas. These concerns are obviously directly linked. I am not against all road building in our national forests. However, the $10 billion backlog in road maintenance and obliteration estimated by the Forest Service for the transportation system within our national forests is a crisis in its own right. The solution to this need is not the construction of more roads. Further, and I realize that there is disagreement on this issue, I believe that roadless areas provide important habitats and are imperative in maintaining balance in ecosystems and should therefore, be left undisturbed. The areas of the national forest system in greatest need of attention are those that are in close proximity to urban centers and areas that have not been properly managed after resource extraction. Since the program authorized by this legislation is only for five years, I believe that these areas in urgent need should be highlighted as a priority and roadless area left untouched.

Again, I want to thank my colleague from Oregon for his extensive discussions with me on this legislation. I hope that such negotiations will continue in the future as we discuss other legislation pertaining to the management of our nation's forests.

Mr. BLUMENAUER. Mr. Chairman, I rise today in opposition to H.R. 3530, the Forest Recovery and Protection Act. First, I would like to commend my colleague Rep. SMITH for his efforts to reach a compromise and his willingness to make some pretty significant changes to his original proposal. While the revised version of the legislation does not address all my concerns, I did want to take a moment to recognize Rep. SMITH and his staff have really made an effort to accommodate a number of the issues that have been raised.

Despite the revisions, however, I still remain deeply concerned about the impact of this legislation on our Nation's forests, as outlined below.

Is the legislation necessary? Scientists disagree strongly as to the current status of our forests. While I don't fee qualified to pick and choose between scientific assessments of forest health, I do feel comfortable in my understanding that the Forest Service already has the authorization to undertake recovery projects along the lines of those proposed in this legislation. No one has adequately demonstrated to me that our forests are in such a deplorable state that the type of dramatic expansion of Forest Service authority as proposed in the bill is necessary.

Will the proposed prescriptions do more harm than good? Under the bill, a recovery project is defined in a variety of ways, including options I strongly support, such as riparian restoration, soil stabilization and water quality improvement, and seedling planting and protection. However, also included are projects such as the removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects or disease. Although I do understand that in some cases, removal of trees can be a good prescription for forest health, this particular option strikes me as very open-ended—especially the suggestion that trees should be removed to stop the anticipated spread of insects or disease. What if we're wrong as to the spread of insects or disease? Once the trees are gone, it is impossible to put them back.

In addition, while I appreciate Rep. SMITH's efforts to ensure that recovery projects could not take place in wilderness, riparian, or old growth areas, the bill, in my opinion, still leaves open the possibility that entire forests could be designated for intrusive and environmentally harmful recover projects. It simply does not limit the size or scope of these proposed actions.

Is there sufficient time available for public comment and review of recovery projects? The time frames in this bill are very tight, especially considering the unlimited magnitude of the possible projects. The Secretary has only 210 days to propose standards and criteria, and only 45 days are allowed for public comment on the proposed standards. The Secretary then has only 30 days to assimilate the comments and issue final regulations. If we are to ensure that our actions actually improve the health of our forests, we must allow more time for analysis of the standards.

Are there built in incentives for recovery projects that remove trees? By focusing efforts on options that are highly ''cost-effective'' and designating revenues from the recovery projects would go directly to the states, the legislation skews recovery prescriptions toward those that generate revenues. The revenue provision, in particular, builds in an incentive for State foresters (who must be consulted under this proposal) to suggest prescriptions that would provide revenue.

Is the Scientific Advisory Board sufficiently oriented toward true Forest health? Under the proposal, the SAB is divided equally between individuals with natural science expertise who are leaders in the field of forest resource management, and state foresters who are versed in forest resource management. Obviously, this puts emphasis on those individuals who actively manage the forests, as opposed to those who might focus more on preservation. In addition, I am somewhat concerned about the politicized appointment process outlined in the bill. This could lead to less qualified individuals being members of the board, as well as an extremely slow selection process.

Concerns on Advanced Recovery Projects. The bill also allows for the selection of Advance Recovery Projects, within 30 days after

the enactment of the act. I am very concerned that this provision could allow for implementation of large scale recovery projects in a variety of forests with very little scientific or public review. Again, once we have cut down the trees in the name of forest health, only Mother Nature can bring them back.

Concerns on financing of the projects and roadless areas. Financing for these recovery projects would be provided through annual Congressional appropriations and unobligated amounts in the roads and trails funds. Given the $10 billion backlog of road maintenance needs, I am not convinced that these recovery projects would be the best use of these funds. In addition, I am deeply concerned that while the forest recovery fund does limit the use of funds for new permanent roads, there is no limitation on the building of temporary or even semi-permanent roads—even in roadless areas.

Mr. Speaker, again I recognize that Mr. SMITH has really made an effort to craft a bill to which we all can agree. This is not that bill. For the reasons outlined above I will oppose H.R. 3530, and I urge my colleagues to do the same.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 2870, the Tropical Forest Conservation Act.

Despite international conservation efforts, clearcutting and logging are occurring in tropical rain forests at an astonishing rate. While I am aware of efforts and plans to replace these trees by replanting, I saw no such activity when I visited the Republic of Congo in 1997. Clearcutting of rainforests is particularly tragic because tropical rainforests, with their dense growth and high biodiversity, are home to the greatest number of species of any ecosystem on earth. The majority of these species have yet to be even identified. Moreover, humankind has barely scratched the surface of the uses and medicinal properties of those plants and animals we have already identified. Unchecked logging threatens the existence of thousands of species.

Mr. Speaker, because of my trip to the Republic of Congo, I see the urgent need for legislation such as H.R. 2870. This ''debt-for-nature'' exchange would empower developing countries to fight to protect these vital forests against extreme logging practices. Because of the economic status of these developing countries, it is unlikely that the U.S. would ever see these debts repaid. This legislation ensures that the American people get something in return for their generosity.

Mr. Speaker, I urge my colleagues to support the Tropical Forest Conservation Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, March 26, 1998, the amendment in the nature of a substitute consisting of the text of H.R. 3530 is considered as an original bill for the purpose of amendment and is considered read.

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Forest Recovery and Protection Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. National Pilot Program of Forest Recovery and Protection.
Sec. 5. Scientific Advisory Panel.
Sec. 6. Advance recovery projects.
Sec. 7. Monitoring plan.
Sec. 8. Forest Recovery and Protection Fund.
Sec. 9. Authorization of appropriations.
Sec. 10. Audit requirements.
Sec. 11. Forest inventorying and analysis.

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are tradeoffs in values associated with proactive, passive, or delayed forest management. The values gained by proactive management outweigh the values gained by delayed or passive management of certain Federal forest lands.

(2) Increases in both the number and severity of wildfire, insect infestation, and disease outbreaks on Federal forest lands are occurring as a result of high tree densities, species composition, and structure that are outside the historic range of variability. These disturbances cause or contribute to significant soil erosion, degradation of air and water quality, loss of watershed values, habitat loss, and damage to other forest resources.

(3) Serious destruction or degradation of important forest resources occurs in all regions of the United States. Management activities to restore and protect these resources in perpetuity are needed in each region and should be designed to address region-specific needs.

(4) According to the Chief of the United States Forest Service, between 35 and 40 million of the 191 million acres of Federal forest lands managed by the Forest Service are at an unacceptable risk of destruction by catastrophic wildfire. The condition of these forests can pose a significant threat of destruction to human life and property as well as to the habitat for fish and wildlife (including threatened and endangered species), public recreation areas, timber, watersheds, and other important forest resources.

(5) Restoration and protection of important forest resources require active forest management involving a range of management activities, including thinning, salvage, prescribed fire (after appropriate thinning), sanitation and other insect and disease control, riparian and other habitat improvement, soil stabilization and other water quality improvement, and seedling planting and protection.

(6) Many national forest units of the National Forest System have an increasing backlog of unfunded projects to restore and protect degraded forest resources. Adequate funding, structured so as to maximize the allocation of monies for on-the-ground projects, is needed to address this backlog in an efficient, cost-effective way.

(7) A comprehensive, nationwide effort is needed to restore and protect important forest resources in an organized, timely, and scientific manner. There should be immediate action to improve the areas of Federal forest lands where serious resource degradation has been thoroughly identified and assessed or where serious resource destruction or degradation by natural disturbance is imminent.

(8) Congress and the Comptroller General have identified the need to increase agency accountability for achieving measurable results at all levels of government, both in the management of fiscal resources and in carrying out statutory mandates. Additional funding to address the backlog of recovery projects in the National Forest System must, therefore, be accompanied by performance standards and accountability mechanisms that will clearly demonstrate the results achieved by any additional investment of taxpayer dollars.

(9) Frequent forest inventory and analysis of the status and trends in the conditions of forests and their resources are needed to identify and reverse the destruction or degradation of important forest resources in a timely and effective manner. The present average 12- to 15-year cycle of forest inventory and analysis to comply with existing statutory requirements is too prolonged to provide forest managers with the data necessary to make timely and effective management decisions, particularly decisions responsive to changing forest conditions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) FEDERAL FOREST LANDS.—The term ''Federal forest lands'' means lands within the national forest units of the National Forest System.

(2) FUND.—The terms ''Forest Recovery and Protection Fund'' and ''Fund'' mean the fund established under section 8.

(3) IMPLEMENTATION DATE.—The term ''implementation date'' means January 15, 2000, or the first day of the 19th full month following the date of the enactment of this Act, whichever is later. However, if the implementation date under the second option would occur within six months of the next January 15, the Secretary may designate that January 15 as the implementation date.

(4) LAND MANAGEMENT PLAN.—The term ''land management plan'' means a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for Federal forest lands under the jurisdiction of the Secretary of Agriculture.

(5) NATIONAL PILOT PROGRAM.—The term ''national pilot program'' means the National Pilot Program of Forest Recovery and Protection required by section 4.

(6) OVERHEAD EXPENSES.—The terms ''overhead expenses'' and ''overhead'' mean—

(A) common services and indirect expenses, as such terms are defined by expense items 1–10 in Appendix E of the United States Forest Service Timber Cost Efficiency Study Final Report, dated April 16, 1993 (pages 125–126);

(B) direct and indirect general administration expenses, as such terms are identified in Appendix D of the United States Forest Service Forest Management Program Annual Report, Fiscal Year 1996 (FS–614), dated December, 1997 (pages 110–111); and

(C) any other cost of line management or program support that cannot be directly attributable to specific projects or programs.

(7) RECOVERY AREA.—The term ''recovery area'' means a national forest unit of the National Forest System, identified by the Secretary under section 4(c)—

(A) that has experienced disturbances from wildfires, insect infestations, disease, wind, flood, or other causes, which have caused or contributed to significant soil erosion, degradation of water quality, loss of watershed values, habitat loss, or damage to other forest resources of the area; or

(B) in which the forest structure, function, or composition has been altered so as to increase substantially the likelihood of wildfire, insect infestation, or disease in the area and the consequent risks of damage to soils, water quality, watershed values, habitat, and other forest resources from wildfire, insect infestation, disease, wind, flood, or other causes.

(8) RECOVERY PROJECT.—The term ''recovery project'' means a project to improve, restore, or protect forest resources within an identified recovery area, including the following types of projects: riparian restoration; treatments to reduce stand density for the purpose of reducing risk of catastrophic loss; soil stabilization and other water quality improvement; removal of dead trees or trees being damaged by injurious agents other than competition; prescribed fire; integrated pest management, including the removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects or disease; vegetative treatments and other habitat improvement activities; and seedling planting and protection.

(9) SCIENTIFIC ADVISORY PANEL.—The term ''Scientific Advisory Panel'' means the advisory panel appointed under section 5.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. NATIONAL PILOT PROGRAM OF FOREST RECOVERY AND PROTECTION.

(a) NATIONAL PILOT PROGRAM REQUIRED.—Not later than the implementation date, the Secretary shall commence a national pilot program to restore and protect forest resources located on Federal forest lands in the United States through the performance of recovery projects in identified recovery areas.

(b) STANDARDS AND CRITERIA.—

(1) INITIAL PUBLICATION.—Not later than 210 days before the implementation date, the Secretary shall publish in the Federal Register the proposed standards and criteria to be used for the identification and prioritization of recovery areas. In establishing the standards and criteria, the Secretary shall consider the standards and criteria recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include in the Federal Register entry required by this paragraph an explanation of any significant differences between the recommendations of the Scientific Advisory Panel and the standards and criteria actually proposed by the Secretary.

(2) COMMENT PERIOD AND FINAL PUBLICATION.—Upon the publication of the proposed standards and criteria under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed standards and criteria. Not later than 30 days after the close of the comment period, the Secretary shall publish the final standards and criteria in the Federal Register.

(c) IDENTIFICATION OF RECOVERY AREAS.—

(1) INITIAL PUBLICATION.—Not later than 105 days before the implementation date, the Secretary shall publish in the Federal Register a list, in order of priority, of the proposed recovery areas within which recovery projects are to be conducted under the national program in accordance with the standards and criteria established and in effect under subsection (b).

(2) COMMENT PERIOD AND FINAL PUBLICATION.—Upon the publication of the proposed recovery areas under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed recovery areas. Not later than 30 days after the close of the comment period, the Secretary shall publish the final list of recovery areas, in order of priority, in the Federal Register.

(3) MODIFICATION.—The Secretary may not modify the final list of recovery areas published pursuant to paragraph (2).

(d) ANNUAL ALLOCATION OF AMOUNTS TO RECOVERY AREAS.—

(1) ALLOCATION REQUIRED.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to regions of the Forest Service for the purpose of conducting recovery projects in recovery areas identified in subsection (c). In making such allocations, the Secretary shall identify the total acreage nationally that the Secretary expects to be treated during the fiscal year using allocated amounts.

(2) AUTHORIZED USE OF AMOUNTS FOR MULTI–YEAR PROJECTS.—Amounts allocated by the Secretary pursuant to paragraph (1) shall be available, without further allocation by the Secretary, to carry out and administer multi-year recovery projects beyond the fiscal year in which the amounts are allocated by the Secretary.

(e) RECOVERY PROJECTS.—

(1) INITIATION OF PROJECT LEVEL ANALYSIS.—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (d), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for each recovery project to be conducted during that fiscal year.

(2) PROHIBITED PROJECT LOCATIONS.—The regional forester (or the designees of the regional forester) shall not select or implement a recovery project under the authority of this Act in any of the following:

(A) Any unit of the National Wilderness Preservation System or any primitive area or area identified for study for possible inclusion in such system under the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) Any riparian area, late successional reserve, or old growth area within which the implementation of recovery projects is prohibited by the applicable land management plan.

(C) Any other area in which the implementation of recovery projects is prohibited by law, a court order, or the applicable land management plan.

(f) REQUIREMENTS FOR RECOVERY PROJECT SELECTION.—In selecting recovery projects as required under subsection (e), the regional forester (or the designees of the regional forester) in each region shall—

(1) identify for each recovery project the total acreage requiring treatment, the estimated cost of preparation and implementation, and the estimated project duration;

(2) consider the economic benefits to be provided to local communities as a result of each recovery project, but only to the extent that such considerations are consistent with the standards and criteria for recovery areas established and in effect under subsection (b) and the priorities established by the ranking of recovery areas under subsection (c);

(3) ensure that each recovery project complies with the land management plan applicable to the recovery area within which the recovery project will be conducted;

(4) ensure that each recovery project is designed to be implemented in the most cost-effective manner, except that a recovery project is not precluded simply because the cost of preparing and implementing the recovery project is likely to exceed the revenue derived from the recovery project; and

(5) ensure that each recovery project will maintain or enhance the ecological functions and conditions of the forest in which the project will be conducted.

(g) ANNUAL REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall submit to Congress a report on the identification and prioritization of recovery areas required under subsection (c) and the allocation of amounts from the Forest Recovery and Protection Fund under subsection (d).

(2) REPORT CONTENTS.—Each report required under paragraph (1) shall include the following:

(A) A breakdown of the amounts allocated to each region of the Forest Service under subsection (d).

(B) The total acreage nationally expected to be treated by recovery projects during the fiscal year using amounts allocated under subsection (d).

(3) ADDITIONAL REQUIREMENTS.—After the initial report required by paragraph (1), each subsequent report shall also include the following:

(A) A list, by recovery area, of the recovery projects for which planning has been initiated during the prior fiscal year including, for each recovery project, the following:

(i) A description of the management objectives of the project that will be monitored for implementation and effectiveness using the monitoring plan established under section 7.

(ii) The total acreage requiring treatment, the estimated cost of preparation and implementation, and the estimated project duration.

(iii) The total acreage treated by the recovery project during the fiscal year.

(iv) The projected economic benefits (if any) the project will provide to local communities.

(B) An explanation of the following:

(i) Whether the planning for recovery projects during the prior fiscal year was initiated within the timeframe required under subsection (e)(1) and an accounting of the steps taken by the Secretary relative to the projects pursuant to the requirements of section 8(d); and

(ii) An explanation of the status of recovery projects for which planning was initiated in prior fiscal years.

(C) A list, by recovery area, of the recovery projects completed during the prior fiscal year including, for each recovery project, a comparison of the following:

(i) The projected and actual management objectives achieved by the project, as determined using the monitoring plan established and in effect under section 7.

(ii) The projected and actual preparation and implementation costs and duration of the project.

(iii) The projected and actual economic benefits to local communities provided by the project.

(D) A description of any additional resources or authorities needed by the Secretary to implement and carry out the national pilot program in an efficient and cost-effective manner.

(4) NOTICE OF AVAILABILITY.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall publish in the Federal Register a notice of availability of the most-recent report to Congress required by this subsection.

(h) APPLICABILITY OF FEDERAL LAWS.—Nothing in this section exempts any action authorized or required by this section from any Federal law.

SEC. 5. SCIENTIFIC ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established a panel of scientific advisers to the Secretary to be known as the ''Scientific Advisory Panel''.

(b) COMPOSITION OF PANEL.—

(1) APPOINTMENT FROM LIST OF EXPERTS.—The Scientific Advisory Panel shall consist of 11 members appointed as provided in subsection (c) from a list, to be prepared by the National Academy of Sciences, that consists of—

(A) persons with expertise in the natural sciences who, through the publication of peer-reviewed scientific literature have demonstrated expertise in matters relevant to forest resource management; and

(B) State foresters (or persons with similar managerial expertise) who, through the publication of peer-reviewed scientific literature or other similar evidence of significant scientific or professional accomplishment, have demonstrated expertise in matters relevant to forest resource management.

(2) PREPARATION OF LIST.—The National Academy of Sciences shall prepare the list required by paragraph (1) not later than 30 days after the date of the enactment of this Act. In the preparation of the list, the National Academy of Sciences shall consult with scientific and professional organizations whose members have relevant experience in forest resource management.

(c) APPOINTMENT PROCESS.—The members of the Scientific Advisory Panel shall be selected from the list described in subsection (b) as follows:

(1) One member appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking minority member of the Committee.

(2) One member appointed by the Chairman of the Committee on Resources of the House of Representatives, in consultation with the ranking minority member of the Committee.

(3) One member appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking minority member of the Committee.

(4) One member appointed by the Chairman of the Committee on Energy and Natural Resources of the Senate, in consultation with the ranking minority member of the Committee.

(5) Three members appointed by the Secretary.

(6) Four members appointed by the National Academy of Sciences.

(d) ADMINISTRATIVE MATTERS.—

(1) TIME FOR APPOINTMENT.—Appointments of members of the Scientific Advisory Panel shall be made as follows:

(A) The appointment of members under paragraphs (1) through (4) of subsection (c) shall be made within 30 days after the date on which the list described in subsection (b) is first made available.

(B) The appointment of members under paragraphs (5) and (6) of subsection (c) shall begin after the appointments required under paragraphs (1) through (4) of such subsection have been made so that the persons making the appointments under paragraphs (5) and (6) of such subsection can ensure that the requirement specified in subsection (e) for a balanced representation of scientific disciplines on the Scientific Advisory Panel is satisfied. The appointments shall be completed within 60 days after the date on which the list described in subsection (b) is first made available.

(2) TERM AND VACANCIES.—A member of the Scientific Advisory Panel shall be appointed for a term beginning on the date of the appointment and ending on the implementation date. A vacancy on the Scientific Advisory Panel shall be filled within 30 days in the manner in which the original appointment was made.

(3) COMMENCEMENT OF ACTIVITY.—The Scientific Advisory Panel may commence its duties under subsection (f) as soon as at least eight of the members have been appointed under subsection (c). At the initial meeting, the members of the Scientific Advisory Panel shall select one member to serve as chairperson.

(4) CONFLICT OF INTERESTS.—A person may not serve as a member of the Scientific Advisory Panel if the member has a conflict of interest with regard to any of the duties to be performed by the Scientific Advisory Panel under subsection (f). Decisions regarding the existence of a conflict of interest shall be made by the Scientific Advisory Panel.

(e) BALANCED REPRESENTATION OF SCIENTIFIC DISCIPLINES.—The Scientific Advisory Panel shall include at least one representative of each of the following:

(1) Hydrologist.

(2) Wildlife biologist.

(3) Fisheries biologist.

(4) Entomologist or pathologist.

(5) Fire ecologist.

(6) Silviculturist.

(7) Economist.

(8) Soil scientist.

(9) State forester or person with similar managerial expertise.

(f) DUTIES IN CONNECTION WITH IMPLEMENTATION.—During the period beginning on the initial meeting of the Scientific Advisory Panel and ending on the implementation date, the Scientific Advisory Panel shall be responsible for the following:

(1) The preparation and submission to the Secretary and the Congress of recommendations regarding the standards and criteria that should be used to identify and prioritize recovery areas.

(2) The preparation of and submission to the Secretary and the Congress of recommendations regarding a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under the national pilot program.

(g) CONSIDERATIONS.—In the development of its recommendations under subsection (f), the Scientific Advisory Panel shall—

(1) consult as appropriate with region-specific scientific experts in forest ecology, hydrology, wildlife biology, entomology, pathology, soil science, economics, social sciences, and other appropriate scientific disciplines;

(2) consider the most current peer-reviewed scientific literature regarding the duties undertaken by the Panel; and

(3) incorporate information gathered during the implementation of the advance recovery projects required under section 6.

(h) ALLOCATION OF FOREST SERVICE PERSONNEL.—The Forest Service shall allocate administrative support staff to the Scientific Advisory Panel to assist the Panel in the performance of its duties as outlined in this section.

(i) FEDERAL ADVISORY COMMITTEE ACT COMPLIANCE.—The Scientific Advisory Panel shall be subject to sections 10 through 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 6. ADVANCE RECOVERY PROJECTS.

(a) SELECTION OF ADVANCE PROJECTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to Forest Service regions for the purpose of conducting a limited number (as determined by the Secretary) of advance recovery projects on Federal forest lands. The regional foresters of the Forest Service (or the designees of the regional foresters) shall select the advance recovery projects to be carried out under this section. However, the selection of an advance recovery project in a State shall be made in consultation with the State forester of that State.

(b) SELECTION CRITERIA.—In selecting advance recovery projects, the regional foresters (and their designees) shall comply with the requirements of subsections (e)(2) and (f) of section 4 applicable to the selection of recovery projects under the national pilot program. Priority shall be given to projects on those Federal forest lands—

(1) where the Regional Forester (in consultation with the appropriate State forester) has identified a significant risk of loss to human life and property or serious resource degradation or destruction due to wildfire, disease epidemic, severe insect infestation, wind, flood, or other causes; or

(2) for which thorough forest resource assessments have been completed, including Federal forest lands in the Pacific Northwest, the Interior Columbia Basin, the Sierra Nevada, the Southern Appalachian Region, and the northern forests of Maine, Vermont, New Hampshire, and New York.

(c) INITIATION OF PROJECT LEVEL ANALYSIS.—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (a), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the advance recovery projects to be conducted in that region.

(d) EFFECT OF FAILURE TO COMPLY WITH TIME PERIODS.—If the deadline for the initiation of project planning specified under subsection (c) is not met for any advance recovery project, the Secretary may not use amounts in the Forest Recovery and Protection Fund to carry out the project and shall promptly reimburse the Fund for any expenditures previously made from the Fund in connection with the project.

(e) REPORTING REQUIREMENTS.—Not later than the implementation date, and annually thereafter until completion of all advance recovery projects, the Secretary shall submit to Congress a report on the implementation of advance recovery projects. The report shall consist of a description of the accomplishments of each advance recovery project and incorporate the requirements of section 4(g)(3).

(f) NOTICE OF AVAILABILITY.—The Secretary shall publish in the Federal Register a notice of the availability of each report to Congress required by this section.

(g) APPLICABILITY OF FEDERAL LAWS.—Nothing in this section exempts any advance recovery project authorized or required by this section from any Federal law.

SEC. 7. MONITORING PLAN.

(a) PLAN REQUIRED.—Not later than the implementation date, the Secretary shall prepare and submit to Congress a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under sections 4 and 6.

(b) RECOMMENDATIONS OF SCIENTIFIC ADVISORY PANEL.—In preparing the monitoring plan required under subsection (a), the Secretary shall consider the monitoring plan recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include with the monitoring plan submitted to Congress under subsection (a) an explanation of any significant differences between the recommendations of the Scientific Advisory Panel and the monitoring plan actually submitted to Congress.

SEC. 8. FOREST RECOVERY AND PROTECTION FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the ''Forest Recovery and Protection Fund''. The Chief of the Forest Service shall be responsible for administering the Fund.

(b) CREDITS TO FUND.—During the time period specified in section 9(a), there shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to the Fund.

(2) Unobligated amounts in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501) as of the date of the enactment of this Act, and all amounts which would otherwise be deposited in such fund after such date.

(3) Amounts required to be reimbursed to the Fund under subsection (d) or section 6(d).

(c) USE OF FUND.—

(1) AUTHORIZED USES.—Amounts in the Fund shall be available to the Secretary, without further appropriation—

(A) to carry out the national pilot program;

(B) to plan, carry out, and administer recovery projects under sections 4 and 6;

(C) to administer the Scientific Advisory Panel; and

(D) to pay for the monitoring program established under section 7.

(2) EFFECT OF COMPLETION.—Upon completion of all recovery projects for which planning was initiated under section 4(e)(1), and the contracts identified in section 9(c), all remaining amounts in the Fund shall be transferred to the general fund of the Treasury.

(d) EFFECT OF FAILURE TO COMPLY WITH ANNUAL DEADLINES.—

(1) PROHIBITION ON USE OF FUND.—The Secretary may not use amounts in the Fund—

(A) to allocate monies to regions of the Forest Service during a fiscal year under section 4(d)(1), if the deadlines specified in such section are not met for that fiscal year; or

(B) to carry out a recovery project, if the final decision on project planning is not initiated within the time frame required by section 4(e)(1).

(2) FUND REIMBURSEMENT.—If the deadlines referred to in paragraph (1)(A) are not met for a particular fiscal year, the Secretary shall promptly reimburse the Fund for any expenditures previously made from the Fund in connection with the allocation of monies to regions of the Forest Service during that fiscal year. If the time frame referred to in paragraph (1)(B) is not met for a particular recovery project, the Secretary shall promptly reimburse the Fund for any expenditures previously made to carry out that recovery project.

(e) LIMITATION ON OVERHEAD AND OTHER EXPENSES.—

(1) OVERHEAD EXPENSES.—The Secretary shall not allocate or assign overhead expenses to the Fund or to any of the activities or programs authorized by sections 4 through 10.

(2) SCIENTIFIC ADVISORY PANEL.—The Secretary may allocate up to $1,000,000 from the Fund to finance the operation of the Scientific Advisory Panel.

(3) MONITORING PLAN.—The Secretary may allocate up to $500,000 from the Fund during a fiscal year to implement the monitoring plan established under section 7.

(4) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCT NEW, PERMANENT ROADS.—For purposes of the recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of new, permanent roads.

(f) TREATMENT OF REVENUES FROM RECOVERY PROJECTS.—All revenues generated by recovery projects undertaken pursuant to sections 4 and 6 shall be paid, at the end of each fiscal year, to the States pursuant to the formula for distribution to the States under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500).

(g) CONFORMING AMENDMENT.—The fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), is amended by adding at the end the following new sentence: ''During the term of the Forest Recovery and Protection Fund, as established by section 8 of the Forest Recovery and Protection Act of 1998, amounts reserved under the authority of this paragraph shall be deposited into that Fund.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the fiscal year in which this Act is enacted and each fiscal year thereafter through September 30, 2005, or September 30 of the fifth full fiscal year following the implementation date, whichever is later.

(b) DEPOSIT IN FUND.—All sums appropriated pursuant to this section shall be deposited in the Forest Recovery and Protection Fund.

(c) EFFECT ON EXISTING PROJECTS.—Any contract regarding a recovery project entered into before the end of the final fiscal year specified in subsection (a), and still in effect at the end of such fiscal year, shall remain in effect until completed pursuant to the terms of the contract.

SEC. 10. AUDIT REQUIREMENTS.

(a) ANNUAL REPORT VERIFICATION.—At the request of any committee chairman identified in section 5(c), the Comptroller General shall submit to Congress a report assessing the accuracy of an annual report prepared by the Secretary pursuant to section 4(g). The Comptroller General's report shall be completed as soon as practicable following the date of the publication by the Secretary of the annual report for which the request under this subsection was made.

(b) NATIONAL PILOT PROGRAM AUDIT.—At the request of any committee chairman identified in section 5(c), the Comptroller General shall conduct an audit of the national pilot program at the end of the fourth full fiscal year following the implementation date.

(c) ELEMENTS OF AUDIT.—The audit under subsection (b) shall include an analysis of the following:

(1) Whether advance recovery projects, the national pilot program, and the administration of the Forest Recovery and Protection Fund were carried out in a manner consistent with the provisions of this Act.

(2) The impact of the advance recovery projects conducted under section 6 on the development and implementation of the national pilot program.

(3) The extent to which the recommendations of the Scientific Advisory Panel were used to develop the standards and criteria established under section 4(b) and the monitoring plan under section 7.

(4) The extent to which the Secretary has carried out the monitoring plan required under section 7 and the extent to which the monitoring plan has been successful in monitoring the implementation and effectiveness of recovery projects.

(5) The current and projected future financial status of the Forest Recovery and Protection Fund.

(6) Any cost savings or efficiencies achieved under the national pilot program.

(7) Any other aspect of the implementation of this Act considered appropriate by the chairman or chairmen requesting the audit.

SEC. 11. FOREST INVENTORY AND ANALYSIS.

(a) PROGRAM REQUIRED.—The Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests in the United States.

(b) ANNUAL STATE INVENTORY.—Subject to subsection (c), not later than the end of each full fiscal year beginning after the date of the enactment of this Act, the Secretary shall prepare for each State, in cooperation with the State forester for that State, an inventory of the forests in that State. For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State. Upon completion of each annual inventory, the Secretary shall make available to the public a compilation of all data collected from the year's measurements of sample plots and any analysis of such samples.

(c) MODIFICATIONS.—At the request of the State forester (or equivalent State officer) of a State, the Secretary may modify for that State the time interval for preparing forest inventories, the percentage of sample plots to be measured annually, or the requirements for making data available to the public required under subsection (b), except that 100 percent of the sample plots in the inventory program for that State shall be measured, appropriate analysis of such samples shall be conducted, and corresponding data shall be compiled during the time intervals described in subsection (d).

(d) 5-YEAR REPORTS.—At intervals not greater than every five full fiscal years after the date of the enactment of this Act, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

(1) contains a description of each State inventory of forests, incorporating all sample plot measurements conducted during the five years covered by the report;

(2) displays and analyzes on a nationwide basis the results of the State reports required by subsection (b); and

(3) contains an analysis of forest health conditions and trends over the previous two decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this subsection.

(e) NATIONAL STANDARDS AND DEFINITIONS.—To ensure uniform and consistent data collection for all public and private forest ownerships and each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not within the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests under this section. The standards shall include a core set of variables to be measured on all sample plots under subsection (b) and a standard set of tables to be included in the reports under subsection (d).

(f) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—The Secretary shall obtain written authorization from property owners prior to collecting data from sample plots located on private property pursuant to subsections (b) and (c). Nothing in this section shall be construed to authorize the Secretary (directly or through the use of State foresters or other persons) to regulate privately held forest lands, the use of privately held forest lands, or the resources located on privately held forest lands.

(g) STRATEGIC PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this section, including the annual updates required by subsection (b), any modifications made to pursuant to subsection (c), and the reports required by subsection (d). The strategic plan shall describe in detail the following:

(1) The financial resources required to implement and carry out this section, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts.

(2) The personnel necessary to implement and carry out this section, including any personnel in addition to personnel currently performing inventorying and analysis functions.

(3) The organization and procedures necessary to implement and carry out this section, including proposed coordination with Federal land management agencies and State foresters.

(4) The schedules for annual sample plot measurements in each State inventory required by subsection (b), as modified for that State under subsection (c), within the first five-year interval after the date of the enactment of this Act.

(5) The core set of variables to be measured in each sample plot under subsections (b) and (c) and the standard set of tables to be used in each State and national report under subsection (d).

(6) The process for employing, in coordination with the Department of Energy and the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this section, and the subsequent use of such technologies.

The CHAIRMAN. The bill shall be considered for amendment under the 5-minute rule for a period not to extend beyond 1:30 p.m. today.

During consideration of the bill for amendment, the Chair may accord priority and recognition to a member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

Page 33, beginning on line 4, strike section 11.

Mr. SMITH of Oregon. Mr. Chairman, quickly, this is the Forest Inventory Analysis portion of this bill, which has already been included in the research bill, which has been conferenced and is rapidly on its way to the President. It is a very important part of this whole program, yet it is unnecessary in this bill, and therefore, the reason to strike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

I have an amendment in the nature of a substitute drafted, but I do not intend to offer it. The substitute would enable the bill's proponents to do what they claim they want to do: get a bill signed into law. This substitute makes some simple changes to the bill, which would not impair the program, but that would allow the bill to be signable.

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The substitute will protect forests and people. The bill, I am afraid, will end up helping no one. Only ideology stands between the House and a signable bill that will improve the health of our Nation's forests.

My substitute makes three changes in the original bill. The first would prevent the construction of new roads under this bill. This is the change I had planned to offer in my original amendment that was printed in the RECORD.

Let me be clear. My roads provision deals only with road construction under the program created by this bill. It would have no impact on road construction under any other Forest Service program, so I hope we can have a debate on this that focuses solely on the issue at hand; that is, should road building be a part of the forest health program in this bill? I think the answer is clearly no.

Forest health problems occur primarily in areas where logging has occurred. Those areas already are accessible by roads. Therefore, if this bill is designed to remedy forest health problems, there is no reason to build any roads. The only reason to build roads would be to facilitate more logging, including in roadless areas, and the bill's sponsors claim that that is not the purpose of the bill.

I am sure the chairman will point out that this bill already bans the construction of permanent roads. That is true. The inclusion of that language was a significant concession on his part. But temporary roads are almost as damaging as permanent ones. They can cause erosion and other problems while they are in use, and for years thereafter. As erosion increases, streams are damaged. As one environmentalist said to me, the fish do not know whether the road is permanent or temporary.

The bill as it stands allows environmental degradation to occur without any balancing benefit. The temporary roads will cause ecological damage, but they are not needed to fulfill the purposes of this bill.

Everyone around here who sings the praises of cost-benefit analysis ought to be appalled by a cost-benefit ratio where the benefit is zero. My substitute will ensure that we do not build roads under a program that does not require them.

My second change would be a boon to the American taxpayer. Under the bill, any revenues generated by timber sales under the health program go to the States. This is bad in two ways. First, it deprives the Federal taxpayer of revenues gained from national, that is Federal, forests. No existing Forest Service programs return all revenues to the States.

Second, the bill's scheme creates an incentive to log in a program that is not designed to promote logging. Under the bill, State and local officials will pressure the Forest Service to log to give more revenue. We want decisions on logging to be based on forest sites, not local economics.

Third, my substitute makes a number of technical changes, many of which had already been welcomed by the staff of the Committee on Agriculture. Some of these changes are of greater advantage to the bill's sponsors than they are to the opponents, but their primary impact is to guarantee all existing environmental reviews are carried out under this new program. That is the sponsors' stated intent, and these changes would ensure that their intent is realized.

This substitute presents Congress with a simple choice: we can function as an ideological debating society, spending time on bills that cannot possibly become law, like the bill before us today, or we can make some changes that ensure that this forest health program actually functions as described, and that the program actually becomes law. To me, that seems like an easy choice.

I am not going to offer this substitute because it has been developed at the last minute, out of necessity, because of the dynamics of this process, with changes being made from hour to hour. But it demonstrates how easy it would have been to craft a signable bill. I urge defeat of this bill so we can start again and end up with a law that will make a difference.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to thank the gentleman from New York (Mr. BOEHLERT) for all of the work he has attempted to do on this legislation and the substitute that he was working on, because I think he addressed a number of important problems that certainly are not cured or addressed in this legislation, the most fundamental of which is the roads and the ability to go into roadless areas under this legislation.

As we have heard time and again in our committee, the most degrading conditions in the forest are those due to past mismanagement, which include the clear-cutting of old growth, and which leads, then, to very crowded, less fire-resistant, disease resistant second growth, the roadbuildings, overgrazing of these lands, and the fire suppression policies.

We do not need roads to go back and to improve the health of those forests and restore them to make them viable for us. This legislation does not do that. Instead, this legislation pushes forward, including road construction, in the name of forest health.

I think the point is this, that this legislation works on the premise that

the only way you can restore the health to the forest is to engage in large-scale commercial logging once again to improve forest health. All of the past practices over the past 50 years suggest that it is just the opposite of that, that that is exactly what got us into this crisis. It was not just that these forests all of a sudden have become susceptible to fire and diseases, but because of the management in the past, that relied heavily on commercial logging that far outstripped the sustainability of the forests to engage in that level of cut.

Somebody said earlier that they wanted us to remember that trees are renewable resources. I would like to take them to vast areas of southern Oregon, vast areas of northern California, where 30 years ago, 20 years ago, 15 years ago, trees were replanted because of the cuts on steep grades, and in unsustainable levels. They planted trees.

If you go out on those 30-year cuts you will find those trees barely come up to your knees. Why? Because the manner in which they practiced forestry, they cut down the trees, the top soil gets washed down into the streams, it kills the streams, kills the fishery, and the replanting has no value. It has no value.

What are we left with? We are left with high elevation desert landscapes that are denuded of any ability to support forests. Do Members know what? The Forest Service and the timber industry count those replants as sustaining the yields so that it can cut more trees, because they say in 30 years those trees will be on line. It is 30 years, Mr. Chairman, and those trees are not fit for a Christmas tree in a one-room apartment, but they want to pretend that somehow that is commercial forests, and the way to get these forests healthy is to continue that process.

It has been discredited. This Congress has refused to engage in that practice. We went through a great deal of pain in the Pacific Northwest, in the State of California because of this kind of mismanagement, and in other areas of the Rocky Mountain northern tier. We are not going to go back to those days. It is not supported by our communities, it is not supported by the constituents throughout our States.

Mr. Chairman, this legislation in fact again allows large-scale commercial timbering in the Sierra Nevada Mountains. We have received report after report in recent times here that the Sierra Nevada is absolutely a fragile forest, that we have to make some very difficult decisions if we are going to maintain any of the late succession of old growth forest, if we are going to retain any of the ancient forests in the Sierra Nevada.

Yet, this legislation will allow them as part of these plans to push right on into those roadless areas, the last vestiges we have in a State of 30 million people, a State soon to be at 45 million people, that want to use these forests with their families for a whole series of multiple uses. They do not want them sacrificed under a disguised salvage policy.

This Nation looked on in shock as this country was shut down over a salvage rider on an appropriations bill, as we shut down the government when the President would not accept it. They could not believe that would happen. Finally, we sorted it out and Congress rejected that approach to forest practices.

This legislation is designed to go back to those practices. They have dressed it all up, they have camouflaged it the best they can, but we are back to basic salvage policy.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, we are back to the basic problems. Not only do they raid the national forests with the practice allowed under this legislation, they raid the national Treasury. They raid the national Treasury, because all of the money that would be derived from selling these trees is not put into the Treasury for the taxpayers of this country, who paid for this function, who you are asking to put up $100 million over the next 5 years. They do not get a return on the money they put. No. We give it to the local community, to try to provide an incentive to cut more trees. That makes no sense at all. It makes no sense at all, and we should not do it.

Finally, let me say that this continues the process of creating unappropriated funds. Without regard to annual appropriations, a fund is created here. We sat in shock, Democrats, Republicans, liberals, and conservatives, in our committee hearing yesterday, members of the Committee on the Budget, the Committee on Appropriations, the Committee on Resources, as we listened to the Inspector General, the CRS, the GAO tell us of the shambles, the unaccountability, the loss, the waste, the abuse of money within these funds that no longer come back to Congress and are accountable. We ought not to create those funds and recreate that mistake.

For reasons of fiscal policy, for reason of forestry policy, this legislation should be rejected. This is legislation that cannot be fixed. Members ought to vote against it.

AMENDMENT OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BASS:

Add at the end the following new section:

SEC. . NORTHERN FOREST STEWARDSHIP.

(a) SHORT TITLE.—This section may be cited as the ''Northern Forest Stewardship Act''.

(b) DECLARATIONS.—Congress declares as follows:

(1) The 26,000,000-acre Northern Forest region is an extraordinary resource. The forests in the region are rich in natural resources and values cherished by residents and visitors: timber, fiber, and wood for forest products and energy supporting successful businesses and providing stable jobs for residents; lakes, ponds, rivers, and streams unspoiled by pollution or crowding human development; tracts of land for wildlife habitat and recreational use, and protected areas to help preserve the biological integrity of the region. This section is enacted to implement the Northern Forest Lands Council's vision of the Northern Forest as a landscape of interlocking parts and pieces, reinforcing each other: local communities, industrial forest land, family and individual ownerships, small woodlots, recreation land, and public and private conservation land.

(2) Current land ownership and management patterns have served the people and forests of the region well, but conditions that up to now have conserved the Northern Forest are no longer capable of ensuring perpetuation of the forests; public policies relating to the Northern Forest should seek to reinforce rather than replace the patterns of ownership and use of large, unbroken forest areas that have characterized the land in the Northern Forest for decades.

(3) This section effectuates certain recommendations of the Northern Forest Lands Council that were developed with broad public input and the involvement of Federal, State, and local governments. The actions described in this section to implement those recommendations are most appropriately directed by the Northern Forest States, with assistance from the Federal Government, as requested by the States. Implementation of the recommendations should be guided by the fundamental principles laid out by the Northern Forest Lands Council report. Those principles provide the foundation for the intent of this section: to support the primary role of the Northern Forest States in the management of their forests, to support the traditions of the region, to emphasize the rights and responsibilities of the landowners, and to advance new mechanisms for cooperative conservation of the Northern Forest lands and its resources for future generations.

(c) SUPPORT FOR SUSTAINABLE FOREST MANAGEMENT.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture, acting through the Chief of the Forest Service, may provide technical assistance under the Cooperative Forestry Act of 1978 (16 U.S.C. 2101 et seq.) to—

(1) support a State-based process, directed by the State, to define benchmarks of sustainability for a variety of forest types to achieve the principles of sustainability developed by the Northern Forest Lands Council;

(2) publicize, explain the application of, and distribute the benchmarks to forest landowners; and

(3) educate the public that timber harvesting is a responsible forest use so long as the long-term ability of the forest to continue producing timber and other benefits is maintained.

(d) NORTHERN FOREST RESEARCH COOPERATIVE.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture (acting through the Northeastern Forest Experiment Station and the Chief of the Forest Service) may work with the State, the land grant universities of the State, natural resource and forestry schools, other Federal agencies, and other interested parties in assisting the State in coordinating ecological and economic research, including—

(1) research on ecosystem health, forest management, product development, economics, and related fields;

(2) research to help the States and landowners achieve the principles of sustainability under subsection (c) as recommended by the Northern Forest Lands Council;

(3) technology transfer to the wood products industry on efficient processing, pollution prevention, and energy conservation;

(4) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

(5) analysis of strategies for the protection of areas of outstanding ecological significance, high biodiversity, and the provision of important recreational opportunities, including strategies for areas identified through State land conservation planning processes.

(e) INTERSTATE COORDINATION STRATEGY.—At the request of 2 or more of the Governors of the States of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture, acting through the Chief of the Forest Service, may make a representative available to meet with representatives of the States to coordinate the implementation of Federal and State policy recommendations identified in the Northern Forest Lands Council report.

(f) LAND CONSERVATION.—

(1) FEDERAL ASSISTANCE.—At the request of the Governor of the State of Maine, New Hampshire, Vermont, or New York, the Secretary of Agriculture (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service and Director of the United States Fish and Wildlife Service) may provide technical and financial assistance for a State-managed public land conservation planning process and land conservation initiatives directed by the State that employ a variety of conservation tools, consistent with the recommendations of the Northern National Forest Lands Council.

(2) PROGRAM DEVELOPMENT.—The planning process for a State described in paragraph (1) shall establish a goal-oriented land conservation program that includes, at the discretion of the Governor—

(A) identification of, and setting of priorities for the acquisition of, fee or less-than-fee interests in exceptional and important lands, in accordance with criteria set by the State that are consistent with the recommendations of Northern Forest Lands Council, including—

(i) places offering outstanding recreational opportunities, including locations for hunting, fishing, trapping, hiking, camping, and other forms of back-country recreation;

(ii) recreational access to river and lake shorelines;

(iii) land supporting vital ecological functions and values;

(iv) habitats for rare, threatened, or endangered natural communities, plants, or wildlife;

(v) areas of outstanding scenic value and significant geological features; and

(vi) working private forest lands that are of such significance or so threatened by conversion that conservation easements should be purchased;

(B) acquisition of land and interests in land only from willing sellers, with community support consistent with Federal, State, and local laws applicable in each State on the date of enactment of this Act;

(C) involvement of local governments and landowners in the planning process in a meaningful way that acknowledges their concerns about public land acquisition;

(D) recognition that zoning, while an important land use mechanism, is not an appropriate substitution for acquisition;

(E) assurances that unilateral eminent domain will be used only with the consent of the landowner to clear title and establish purchase prices;

(F) efficient use of public funds by purchasing only the rights necessary to best identify and protect exceptional values;

(G) consideration of the potential impacts and benefits of land and easement acquisition on local and regional economies;

(H) consideration of the necessity of including costs of future public land management in the assessment of overall costs of acquisition;

(I) minimization of adverse tax consequences to municipalities by making funds available to continue to pay property taxes based at least on current use valuation of parcels acquired, payments in lieu of taxes, user fee revenues, or other benefits, where appropriate;

(J) identification of the potential for exchanging public land for privately held land of greater public value; and

(K) assurances that any land or interests inland that are acquired are used and managed for their intended purposes.

(3) WILLING SELLER.—No Federal funds made available to carry out this section may be expended for acquisition of private or public property unless the owner of the property willingly offers the property for sale.

(4) LAND ACQUISITION.—

(A) FUNDING.—After completion of the planning process under paragraph (2), a Federal and State cooperative land acquisition project under this section may be carried out with funding provided in partnership with the Federal Government or with funding provided by both the Federal Government and a State government.

(B) OBJECTIVES.—A cooperative land acquisition project funded under this section shall promote State land conservation objectives that correspond with the recommendations of the Northern Forest Lands Council.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under sections 5 and 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7, 460*l*–8) such sums as are necessary to carry out the purposes described in this subsection.

(g) SENSE OF CONGRESS CONCERNING FEDERAL TAX POLICY.—It is the sense of Congress that—

(1) certain Federal tax policies work against the long-term ownership, management, and conservation of forest land in the Northern Forest region; and

(2) Congress and the President should enact additional legislation to address those tax policies as soon as possible.

(h) LANDOWNER LIABILITY EXEMPTION.—

(1) FINDINGS.—Congress finds that—

(A) many landowners keep their land open and available for responsible recreation; and

(B) private lands help provide important forest-based recreation opportunities for the public in the Northern Forest region.

(2) SENSE OF CONGRESS.—It is the sense of Congress that States and other interested persons should pursue initiatives that—

(A) strengthen relief-from-liability laws to protect landowners that allow responsible public recreational use of their lands;

(B) update relief-from-liability laws to establish hold-harmless mechanisms for landowners that open their land to public use, including provision for payment by the State of the costs of a landowner's defense against personal injury suits and of the costs of repairing property damage and removing litter;

(C) provide additional reductions in property taxes for landowners that allow responsible public recreational use of their lands;

(D) provide for purchases by the State of land in fee and of temporary and permanent recreation easements and leases, including rights of access;

(E) foster State and private cooperative recreation agreements;

(F) create recreation coordinator and landowner liaison and remote ranger positions in State government to assist in the management of public use of private lands and provide recreation opportunities and other similar services;

(G) strengthen enforcement of trespass, antilittering, and antidumping laws;

(H) improve recreation user education programs; and

(I) improve capacity in State park and recreation agencies to measure recreational use (including types, amounts, locations, and concentrations of use) and identify and address trends in use before the trends create problems.

(i) NONGAME CONSERVATION.—

(1) FINDINGS.—Congress finds that—

(A) private landowners often manage their lands in ways that produce a variety of public benefits, including wildlife habitat; and

(B) there should be more incentives for private landowners to exceed current forest management standards and responsibilities under Federal laws.

(2) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make it a priority to consider legislation that supports the conservation of nongame fish and wildlife and associated recreation activities on public and private lands and does not replace, substitute, or duplicate existing laws that support game fish and wildlife.

(j) WATER QUALITY.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Agriculture and the Secretary of the Interior, may provide technical and financial assistance to assess water quality trends within the Northern Forest region.

(k) RURAL COMMUNITY ASSISTANCE.—

(1) IN GENERAL.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture may provide technical and financial assistance to the State, working in partnership with the forest products industry, local communities, and other interests to develop technical and marketing capacity within rural communities for realizing value-added opportunities in the forest products sector.

(2) RURAL COMMUNITY ASSISTANCE PROGRAM.—Subject to the availability of appropriations, funds from the rural community assistance program under paragraph (1) shall be directed to support State-based public and private initiatives to—

(A) strengthen partnerships between the public and private sectors and enhance the viability of rural communities;

(B) develop technical capacity in the utilization and marketing of value-added forest products; and

(C) develop extension capacity in delivering utilization and marketing information to forest-based businesses.

(l) NO NEW AUTHORITY TO REGULATE LAND USE.—

(1) NO NEW AUTHORITY.—Nothing in this section creates new authority in any Federal agency to regulate the use of private or public land in any State.

(2) NO EFFECT ON OTHER LAW.—Nothing in this section affects, modifies, or amends any

law regarding the management of any Federally owned land within the boundaries of any Federal unit.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (c), (d), (e), (f), (j), and (k) of this section and section 2371 of the Rural Economic Development Act of 1990 (7 U.S.C. 6601) in the States of Maine, New Hampshire, New York, and Vermont.

Mr. BASS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Chairman, I rise today to offer the Northern Forest Stewardship Act as an amendment to the forest health bill offered by the gentleman from Oregon (Mr. SMITH). This amendment will give the States of Maine, New Hampshire, Vermont, New York, the tools they need to provide for the long-term management of their forests.

The amendment I am offering today grew from the 1994 report of the Northern Forest Lands Council, which the gentleman from Mississippi mentioned in his opening statement. The Council was congressionally mandated in 1991, and tasked with determining the best way to preserve the unique forests that exist across the northern portion of these four States.

The product of the Council's work was a report that recognizes the importance of promoting responsible, private stewardship of forest lands, and utilizing government resources to ensure that these lands remain commercially and aesthetically productive for generations to come.

During development of the Council's report, nearly 3,000 people attended nearly 20 listening sessions and 12 open houses. Furthermore, the Council received 1,676 comments on the draft report, many from Maine, New Hampshire, New York, Vermont, and 165 from other States outside of New England.

The amendment that I am offering today is based on the report of the Council, which recognizes the current land management in the region, where most of the forest land is privately held, has been successful. The amendment seeks to reinforce these patterns of responsible land management.

The specific recommendations were developed with broad public input, involvement of Federal, State and local governments, and the goal of these provisions is, and I quote from the amendment, to ''support the primary role of the Northern Forest States in the management of their forests, to support the traditions of the region, to emphasize the rights and responsibilities of the landowners, and to advance new mechanisms for cooperative conservation of the Northern Forest lands.''

To make clear that the bill is not intended to inject more Federal government into land management, each substitute section of this amendment begins with the words ''At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont,'' and goes on from there.

Furthermore, Section 12 specifically states, ''Nothing in this act creates new authority in any Federal agency to regulate the use of private or public lands.'' In short, Mr. Chairman, this bill comes from the State and local level, not the Federal level, and will only provide benefits at the State and local level.

Some may be concerned that this bill has not been fully vetted in the hearing process. To this I respond that it has been fully vetted at the local level. The Northern Forest Lands Council held hundreds and hundreds of hours of public hearing on this bill, on this concept, and the open process has allowed all interested parties to participate.

Another concern I have heard is that the language of this bill is a land grab. Nothing could be farther from the truth. In fact, the amendment specifically states that the Federal Government can only engage in land acquisition at the request of the State, and with a willing seller.

Furthermore, any acquisition that occurs as a result of this amendment must have community support, a provision that will make the conservation efforts in the northern forests even more locally driven.

□ 1145

Mr. Chairman, earlier, at the end of the summer last year, I traveled to the States of Wyoming and Montana and Idaho, and I know and I understand the problems that they face. We also have problems in the Northeast. We have national forests. Sixteen percent of my district is a national forest, and we need to plan for the good and proper use of these forests over the next 20 to 30 years, not only the national forests but the land outside of those forests.

Mr. Chairman, I urge my colleagues to accept this amendment to the bill before us today.

Mr. BASS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

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

Ms. FURSE. Mr. Chairman, I just would like to address a couple of issues. I want to congratulate the gentleman from New York (Mr. BOEHLERT) on trying to bring this scientific management to the issue before us. We do need scientific management of our forests, but forest management is a far more complicated issue than flying over a forest in a helicopter. What we have to understand is that it is complicated by many, many factors.

One of the factors is whether or not logging, large-scale logging, will raise the temperature of the streams in which our salmon spawn. Well, is that just an environmental issue? No, it is an economic issue, because all across the West we are finding that the families who have relied on fishing as a livelihood, that has been diminished because of the diminishment of the ecology in which those salmon spawn.

Logging has a tremendous effect on salmon and so does forest management, but I will admit freely that I am not a scientist. So I have looked carefully at a letter which was sent by 100 scientists. On this list there is a scientist from every university, I would suppose, from every university in this country. This is not a western scientist group or an eastern scientist group. They are throughout the country.

Mr. Chairman, I want to just quote from them because they are the people who understand the complexity of this issue.

They say that, H.R. 2515 is reminiscent of the ''Salvage Logging Rider.'' They say that it would create community disharmony and less healthy forests. They go on to say, and I am quoting, ''There is little scientific evidence that the national forests are suffering from a widespread forest health crisis.'' They go on to say, ''Moreover, ecological problems in our national forests are not going to be addressed by increased commercial logging. Not only is salvage logging not necessary for forest restoration, it can cause additional damage to watersheds and fish and wildlife habitats, as well as increased severity and probability of uncontrolled natural fire.''

Mr. Speaker, I get outside the quote to remind my colleague from Montana, who brought up the whole idea of forest fires, this letter goes on to say, ''Scientists with the Sierra Nevada Ecosystem Project have said that logging has increased fire severity more than any other human activity due to increased fuel accumulation and changes in local microclimate.''

From the Pacific Northwest, a scientific assessment by the Federal Government's Interior Columbia Basin Ecosystem Management Project found that current salvage logging practices are, quote, ''not compatible with contemporary ecosystem management.''

The scientists go on to say that where there are problems in the forest, ''The Forest Service already has the authority to undertake the appropriate activities.'' They say for these reasons, new legislation that provides a broad mandate to institute, quote, ''recovery projects'' on potentially very large national forest areas is not needed.

They end by saying, and I quote: ''We hope you will seriously consider our concerns about H.R. 2515. This is not legislation that will protect forest ecosystems, and it should not be passed by the United States Congress.'' I end the quote.

Mr. Chairman, these are the words of scientists, not of people here in Washington, D.C. These are scientists on the ground, in our universities, and I think we should listen to them.

Mr. Chairman, I submit the following for the RECORD.

OVER 100 SCIENTISTS OPPOSE THE ''FOREST PROTECTION AND RESTORATION ACT''

Kenneth P. Able, Ph.D., Department of Biology, University of Albany, SUNY, Albany, New York; Susan B. Adams, Ph.D. Candidate, Flathead Lake Biological Station; David E. Allen, Ph.D., College of Business, Northern Michigan University, Marquette, Michigan; Professor R. Thomas Alley, Ph.D., Clemson University, Clemson, South Carolina; G. Thomas Bancroft, Ph.D., Vice President, Ecology and Economics Research Department, The Wilderness Society, Washington, D.C.; Richard C. Banks, Ph.D., USGS Patuxent Wildlife Research Center, Washington, D.C.; Robert G. Beason, Ph.D., State University of New York, Geneseo, New York; Craig W. Benkman, Ph.D., Department of Biology, New Mexico State University, Las Cruces, New Mexico; David H. Benzing, Ph.D., Department of Biology, Oberlin College, Oberlin, Ohio; David E. Blockstein, Ph.D., The Ornithological Council, Washington, D.C.; Daniel T. Blumstein, Ph.D., Postdoctoral Associate, Department of Systematics and Ecology, University of Kansas, Lawrence, Kansas; P. Dee Boersma, Ph.D., Professor of Zoology, University of Washington, Seattle, Washington; Richard Bradley, Ph.D., Associate Professor of Zoology, Ohio State University, Marion Ohio; Richard Brewer, Ph.D., Western Michigan University, Kalamazoo, Michigan; Len Broberg, Ph.D., Environmental Studies Program, University of Montana, Missoula, Montana; Paul R. Cabe, Ph.D., Biology Department and Environmental Studies Faculty, Saint Olaf College, Northfield, Minnesota; William A. Calder, Ph.D., Department of Ecology and Evolutionary Biology, University of Arizona, Tucson, Arizona; Kenneth L. Campbell, Ph.D., Department of Biology, University of Massachusetts-Boston, Boston, Massachusetts; Christopher Camuto, Author, Buena Vista, Virginia; Jot D. Carpenter, FASLA, Professor of Landscape Architecture, The Ohio State University, Columbus, Ohio.

Douglas R. Cornett, Ph.D., Biologist, Northwoods Wilderness Recovery, Inc., Marquette, Michigan; Robert R. Curry, Ph.D., Watershed Institute, California State University, Monterey, California; Calvin DeWitt, Ph.D., Institute for Environmental Studies, University of Wisconsin-Madison, Director, Au Sable Institute, Madison, Wisconsin; Chris Elphick, Ph.D., University of Nevada, Reno, Nevada; George W. Folkerts, Ph.D., Professor of Zoology and Wildlife Science, Auburn University, Auburn, Alabama; Christopher A. Frissell, Ph.D., Flathead Lake Biological Station, The University of Montana, Polson, Montana; Barrie K. Gilbert, Ph.D., Senior Scientist, Department of Fisheries and Wildlife, Utah State University, Logan, Utah; Nancy B. Grimm, Ph.D., Arizona State University, Tempe, Arizona; Richard S. Grippo, Ph.D., Assistant Professor of Environmental Biology, Department of Biological Sciences, Arkansas State University, State University, Arkansas; R. Edward Grumbine, Ph.D., Sierra Institute, University of California Extension, Santa Cruz, California; Andrew Gunther, Ph.D., Vice President, Applied Marine Science, Inc., Livermore, California; Steven P. Hamburg, Ph.D., Ittleson Associate Professor, Environmental Studies and Biology, Brown University, Providence, Rhode Island; Jeremy Hatch, Ph.D., University of Massachusetts, Boston, Massachusetts; Gene Helfman, Ph.D., University of Georgia, Athens, Georgia; Deborah B. Hill, Ph.D., Professor/Forestry Extension Specialist, Department of Forestry, University of Kentucky, Lexington, Kentucky; Professor Gerald E. Hite, Ph.D., Texas A&M University, Galveston, Texas; James R. Hodgeson, Ph.D., Professor of Biology and Environmental Science, Department of Biology, Division of Natural Sciences, St. Norbert College, De Pere, Wisconsin; D. E. Holt, Test Systems Engineer, B.S. and M.S. Education, B.S. and M.S. Physics, MBA; Robert W. Howe, Ph.D., Associate Professor, Department of Natural and Applied Sciences, University of Wisconsin-Green Bay, Green Bay, Wisconsin.

Robert M. Hughes, Ph.D., Regional Aquatic Ecologist, Dynamic Corporation, Corvallis, Oregon; Tim Hunkapillar, Ph.D., Department of Molecular Biotechnology, University of Washington, Seattle, Washington; Timothy Ingalsbee, Ph.D., Director, Western Fire Ecology Center, Fall Creek, Oregon; Thomas Jervis, Ph.D., New Mexico Audubon Council, Los Alamos, New Mexico; Lawrence Kaplan, Ph.D., Emeritus Professor of Biology, Editor, Economic Botany, Department of Biology, University of Massachusetts, Boston, Massachusetts; Stephen R. Kellert, Ph.D., Professor, Yale School of Forestry and Environmental Studies, New Haven, Connecticut; Diana Kimberling, Ph.D., Fisheries Center-University of Washington, Seattle, Washington; Rebecca Klaper, Ph.D., Institute of Ecology, University of Georgia, Athens, Georgia; Walter D. Koenig, Ph.D., University of California, Berkeley, California; Alan J. Kohn, Ph.D., President, Society for Integrative and Comparative Biology, Department of Zoology, University of Washington, Seattle, Washington; John Lattke, Graduate Student, Department of Entomology, University of California-Davis, Davis, California; Foster Levy, Ph.D., Department of Biology, East Tennessee University, Johnson City, Tennessee; David R. Lighthall, Ph.D., Department of Geography, Colgate University, Hamilton, New York; Robert J. Meese, Ph.D., Biodiversity Group, Information Center for the Environment, Department of Environmental Science and Policy, University of California, Davis, California; DeForest Mellon, Jr., Ph.D., Professor of Biology, Gilmaer Hall, University of Virginia, Charlottesville, Virginia; Brent D. Mishler, Ph.D., Director, University and Jepson Herbaria, Professor, Department of Integrative Biology, University of California-Berkeley, Berkeley, California; Joseph C. Mitchell, Ph.D., University of Richmond, Richmond, Virginia; David R. Montgomery, Ph.D., Associate Professor, Geomorphology, University of Washington, Seattle, Washington; Robert H. Mount, Ph.D., Professor Emeritus, Auburn, Alabama; Peter Morrison, Ph.D., Pacific Biodiversity Institute, Winthrop, Washington.

Dennis Murphy, Ph.D., Research Professor, Department of Biology, University of Nevada, Reno, Nevada; Julie Murray, Ph.D., Candidate, University of Georgia, Savannah River Ecology Laboratory, Aiken, South Carolina; Henry R. Mushinsky, Ph.D., Herpetologists' League Conservation Committee, Past President of the Society for the Study of Amphibians and Reptiles, University of South Florida, Tampa, Florida; Reed F. Noss, Ph.D., Conservation Biology Institute, Corvallis, Oregon; Mary H. O'Brien, Ph.D., Botanist, Independent Contractor, Eugene, Oregon; Marcia Ostrom, Ph.D., Program on Agricultural Technology Studies, University of Wisconsin-Madison, Madison, Wisconsin; Lawrence M. Page, Ph.D., Principal Scientist, Illinois Natural History Survey, Champaign, Illinois; Dennis Paulson, Ph.D., Director, Slater Museum of Natural History, University of Puget Sound, Tacoma, Washington; Bernard C. Patten, Regent's Professor of Ecology, Institute of Ecology, University of Georgia, Athens, Georgia; Scott M. Pearson, Ph.D., Biology Department, Mars Hill College, Mars Hill, North Carolina; James L. Pease, Ph.D., Department of Animal Ecology, Iowa State University, Ames, Iowa; James W. Petranka, Ph.D., Department of Biology, University of North Carolina, Asheville, North Carolina; James W. Porter, Institute of Ecology, University of Georgia, Athens, Georgia; Michael S. Putnam, Ph.D. Candidate, Department of Zoology, University of Wisconsin, Madison, Wisconsin; Robert Michael Pyle, Ph.D., Biologist, Writer, Gray's River, Washington; Lisa Rapaport, Ph.D., Department of Anthropology, University of New Mexico, Albuquerque, New Mexico; Charles Rhyne, Ph.D., Associate Professor of Biology, Jackson State University, Jackson, Mississippi; Eric Roden, Ph.D., Department of Biological Sciences, University of Alabama, Tuscaloosa, Alabama; Steven H. Rogstad, Ph.D., Associate Professor, Biological Sciences, University of Cincinnati, Cincinnati, Ohio; Matthew Rowe, Ph.D., Department of Biology, Appalachian State University, Boone, North Carolina; Emma Rosi, M.S., Institute of Ecology, University of Georgia, Athens, Georgia.

Janice Sand, Institute of Ecology, University of Georgia, Athens, Georgia; Aristotelis Santas, Ph.D., Associate Professor of Philosophy, Coordinator, Center for Professional and Applied Ethics, Valdosta State University, Valdosta, Georgia; Jeffrey P. Schloss, Ph.D., Professor of Biology, Westmont College, Director, Biological Programs, Christian Environmental Association, Santa Barbara, California; Steven R. Sheffield, Ph.D., Clemson University, Pendleton, South Carolina; Philip C. Shelton, Ph.D., Professor of Biology, Clinch Valley College, Wise, Virginia; Mark A. Sheridan, Ph.D., Professor of Zoology, North Dakota State University, Fargo, North Dakota; Fraser Shilling, Ph.D., Division of Biological Sciences, University of California-Davis, Davis, California; Samuel M. Simkin, Ph.D., University of Georgia, Athens, Georgia; Michael G. Smith, Ph.D., Los Alamos National Laboratory, Los Alamos, New Mexico; Michael Soule, Ph.D., President, The Wildlands Project, Hotchkiss, Colorado; Roy A. Stein, Ph.D., The Ohio State University, Columbus, Ohio; Robert D. Stevenson, Ph.D., Associate Professor of Biology, University of Massachusetts, Boston, Massachusetts; Douglas Stotz, Ph.D., Environmental and Conservation Programs, Field Museum, Chicago, Illinois; Harry M. Tiebout III, Ph.D., Department of Biology, West Chester University, West Chester, Pennsylvania; Howard Towner, Ph.D., Professor of Biology, Loyola Marymount University, Los Angeles, California; Peter Warshall, Whole Earth Quarterly, San Rafael, California, Judith S. Weis, Ph.D., Department of Biological Sciences, Rutgers University, Newark, New Jersey; Bradley A. Wiley, Research Assistant, University of Kansas, Lawrence, Kansas; Bill Willers, Ph.D., Biology Department, University of Wisconsin-Oshkosh, Oshkosh, Wisconsin; Herb Wilson, Ph.D., Associate Professor of Biology, Colby College, Waterville, Maine; John A. Witter, Ph.D., University of Michigan, School of Natural Resources, and Environment, Ann Arbor, Michigan; George Woodwell, Ph.D., Woods Hole Research Director, Woods Hole, Massachusetts; Ruth D. Yanai, Ph.D., Assistant Professor, Faculty of Forestry, SUNY College of Environmental Science and Forestry, Syracuse, New York; Eric Zwerling, Ph.D., Director, Rutgers Noise Technical Assistance Center, Founder, Faculty Advisor, Students for Environmental Awareness, New Brunswick, New Jersey.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have listened to arguments against this bill which are really arguments against the so-called ''salvage rider'' bill of 2 or 3 years ago. Those arguments simply fall on deaf ears if we carefully read this bill because, very frankly, let me take my colleagues through it one more time so that they understand how different this is from anything Members have seen before.

We recognize that there are those who do not trust the Forest Service, and we recognize that there are those people who do not trust environmentalists, and we realize that there are people who do not trust foresters. So in order to place someone in the context of the analysis, we chose to place 11 scientists. No one has identified who they are, but we have identified their character and we have identified where they should come from and their expertise.

We have suggested that four of them be appointed by the National Academy of Sciences. We suggested three of them be appointed by the Secretary of Agriculture and two by the House and two by the Senate, agriculture and resources respectively.

In that manner, we think we have provided a broad base of selection process that will give comfort to any of those who see emotionally this issue running one way or running another. And in that light, we of course have brought judgment to this whole question.

The scientific panel is appointed to identify the most difficult and problematic areas of the forest in the Nation. They submit that report to the Secretary, from which he chooses the most difficult problems that he faces in forest management throughout the country; and to that, he allots resources under a fund called the roads and trails fund that has not been used, by the way, at all for any purpose, and was returned to the Treasury between 1982 and 1996 and, after 1996, has been accumulating dollars, not being used by the Forest Service or anyone else.

So it is apparent to us that that is a proper way of providing forest health, using those dollars that have not been used before in the road and trails fund. And by the way, the FIRM program by the Forest Service used the same identical kind of process in their Forest Improvement Act in another fund.

Beyond that, the selection process is open to the public at the commencement of the program. It may be appealed by environmentalists if they choose. It is open at end. There are no time frames. The reason the Forest Service does not like this bill is because we are looking over their shoulder. They have only to report to Congress every year about what they are doing, and if Congress does not like it, your side or mine, they can use that opportunity to accuse the Forest Service of not following the law. And at the end of the process, we ask the General Accounting Office to review the total 5 years for the Congress to determine whether the process has been working, what has happened, and if there is on-the-ground improvement.

We have used every dollar of this fund for improvement on the ground. Not one dime can be spent for Forest Service overhead, which is important because we want to see results on the ground. We have been accused, by the way, of saying you are trying to make money from this fund. And I heard the gentleman from Minnesota say these are low-cost sales. Which do we like here? The point is that both may be true. Some of this deteriorating wood may be of some value. We do not know. However, there are efforts that must be made on the ground to improve the forest floor that likely will be under cost or under any retrievable monetary impact, so that we are looking to improve the forest floor and we are not looking directly or indirectly at commercial activity.

We have said if there are any funds that are available, they go back to the county. That is a legitimate position to take, I think.

Now, we have listened to these kinds of announcements about this scientific community and that one. I just want to straighten out for the record the one that has been quoted twice now, the Sierra Nevada Ecosystem Project. It has been reported that it says that increased logging has increased fire severity more than any other human activity.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Oregon (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Oregon was allowed to proceed for 1 additional minute.)

Mr. SMITH of Oregon. Mr. Chairman, just to go on with that report and to show how we can take these things out of context, let me read, quoting the Sierra Nevada Ecosystem Project further in the body of the bill and not quoting out of context.

> Fire protection for the last half century has provided for the development of continuous dense forest stands which are in need of thinning to accelerate growth, reduce fire hazard, provide more mid-succession forest habitat, and yield usable wood.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

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

Mr. BROWN of California. Mr. Chairman, I also had several amendments that I had intended to offer, but I have decided that I will not offer those amendments. I rise in opposition to the bill because I feel that it is fundamentally flawed and unnecessary.

The Forest Service, which also strongly opposes the bill, has testified before the Committee on Agriculture that there is no forest health crisis and that they have adequate existing authority under law to carry out needed forest health projects. It is my view, incidentally, that they have had this authority for at least a couple of decades and in previous administrations have not used it, which to some degree accounts for some of the truly difficult forest health problems that we have at the present time.

Mr. Chairman, H.R. 3530 is one in a string of bills that we have seen over the last few years that are based on a dubious scientific hypothesis that logging will alleviate the forest health crisis in our national forests. I am troubled by claims that the solution to problems in our national forests is continued commercial logging such as what we saw under the ''salvage rider'' provisions of previous legislation.

The salvage rider that was attached to the fiscal year 1995 rescissions bill had an unhealthy effect on our national forests and further eroded the public's confidence in the ability of the Forest Service to manage our public lands. It is my view that this current land proposes to give the Forest Service more authority to engage in logging that is not subject to annual appropriations. The Forest Service itself has told the sponsor of this bill that it does not need or want this legislation.

Mr. Chairman, there have been a number of changes made in this bill with the intention of trying to alleviate some of the problems that have existed there. Some of the changes have been more or less cosmetic. The original versions of the bill continued to use the term ''forest health,'' which is a catch word that we have heard over and over again to justify more logging in national forests.

As I have indicated, forest health improvement has been so closely associated with logging that this term was advisedly removed from the revised version of the bill. But otherwise the bill was not substantively changed. The point is, changing the words does not change the fact that this bill is written and designed to encourage commercial logging, more commercial logging in our national forests, period.

If there was not to be an increase in logging under this bill, I doubt if the sponsors would be seeking so enthusiastically to get it passed. If there is truly a crisis in our national forests, as the supporters of the bill contend, the Congress should appropriate funds specifically to address the problems. The type of off-budget funding mechanisms that we have in this bill have failed in the past and have seriously biased the management of our national forests.

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Rather than repeating past mistakes, we should be moving in a new direction of forest management, and we should fund programs that will truly alleviate forest health problems. During an era of fiscal conservatism, we should not continue to allow logging off budget. If these problems are real, they should be addressed and justified in the full light of day and subject to the appropriations process.

Mr. Chairman, the Secretary of Agriculture yesterday sent the chairman of the Committee on Agriculture a letter setting forth in more detail some of the things that I have mentioned and other objections that the administration has to the bill.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 26, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR BOB: I appreciate your efforts to address the Administration's concerns with H.R. 2515, ''The Forest Recovery and Protection Act of 1998,'' by introducing a revised version, H.R. 3530. I know this legislation is a priority for you; I do not come to my recommendation lightly.

However, because H.R. 3530 contains several objectionable provisions not changed from the previous bill, H.R. 2515, and because it makes a material change in one significant respect from the bill the Committee reported, as I discuss below, the Administration cannot support it.

The Administration's primary objections to H.R. 3530 are that it: 1) expands an existing forest restoration program to allow commercial timber harvesting and other activities; 2) places pressure on local forest supervisors to generate large timber receipts under the program because the bill gives states, for the benefit of counties, 100 percent of the receipts, which is inconsistent with the Administration's fiscal year 1999 budget proposal; 3) establishes unreasonable deadlines on public comment and the agency's review of those comments; 4) greatly limits the agency's ability to conduct sound environmental analysis on the program's standards and criteria within the deadlines; and 5) contains costly administrative and reporting processes, which would take personnel and funds away from priority, on-the-ground forest improvement activities.

The Administration strongly opposes the bill's funding mechanism, which turns an existing restoration-type fund, the Roads and Trails Fund, into a commercial timber harvesting program that would include salvaging and thinning of timber in entire forests, which section 3 defines as recovery areas. Requiring the Forest Service to designate forests as recovery areas would unnecessarily open entire forests to these activities when, in fact, restoration is required only on specific, discrete areas, not forest-wide. Such a forest-wide designation would further weaken the existing restoration fund by imprudently broadening the scope of commercial timbering activities the fund could finance.

Moreover, section 8 in H.R. 3530 broadens the Committee-reported bill by requiring that all revenues generated from timber sales and other activities be given to counties, for the benefit of local schools and roads, creating an incentive for communities to place enormous pressure on forest managers to offer commercial timber sales rather than conduct needed, noncommercial restoration projects. This provision also greatly expands a 90-year-old statute which provides 25 percent of receipts from timber, mining, and grazing to states and counties.

In doing so, the changes incorporated into H.R. 3530 from the Committee-reported bill would enhance the link between timber, schools, and roads and create expectations in communities that more timber receipts will be available under this program for these purposes. The Administration's fiscal year 1999 budget proposes to eliminate the direct connection of Federal timber receipts and contributions to schools and roads, providing instead stable, yearly payments based on a formula using receipts received in previous years, a policy we believe will better serve both local needs and sound forest management.

Section 4 would limit the public's comment period on the proposed standards and criteria for the program and the identification of recovery areas, severely limit the time the Forest Service would have to review comments and publish final decisions, and preclude the agency from modifying decisions on designated recovery areas. The Administration opposes these provisions because they 1) limit the public's ability to be heard on how its forests are managed, 2) limit the agency's ability to respond to the public's concerns, and 3) impede the ability of the Forest Service to conduct meaningful environmental analysis, putting those important assessments on an artificial timetable instead of one determined by the schedule of sound science.

I appreciate your interest in forest restoration and the progress you have made in improving the legislation from its original form; nonetheless, if H.R. 3530 is presented to the President in its present form, because of the objectionable provisions I have outlined and other concerns, I would have to recommend that the President veto it.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to point out to my colleagues some of the provisions as they are stated within the context of the bill. First of all, I would like to make very clear that this, as far as my understanding of the bill, working on this piece of legislation for several weeks now, this bill is not a logging bill, this bill is a recovery bill. This deals with the recovery of certain areas that the chief of the Forest Service has described as needing some recovery, some management. This is not a logging bill.

I would like to bring to my colleagues' attention page 7 of the bill, line 8, where it says, ''identifying recovery areas,'' what areas are going to be worked on. ''The recovery area that will be designated will be an area that has experienced disturbances from wildfires, insect infestations, disease, wind, flood, or other causes which have caused and contributed to,'' which is what we want to recover and repair, ''significant soil erosion, degradation of water quality, loss of watershed values, habitat loss, or damage to other forest resource areas.'' That is what we are looking at. These are the areas which will be considered recovery areas.

Now, the recovery project. I would ask my colleagues to turn to page 8, starting on line 3. A recovery project means, this is what we are going to do when they get on the ground, a recovery project means ''to improve, restore, or protect forest resources within an identified recovery area, including the types of projects, riparian restoration, treatments to reduce stand density for the purpose of reducing risk of catastrophic loss.''

Let me bring to my colleagues' attention the Southern Appalachian assessment of their forests. It states, ''Several tree species in the Southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests and the lack of active management in other stands that has led to the development of dense forest understories.''

I go on. ''Soil stabilization and water quality improvement,'' this is what is going to happen on the ground, ''removal of dead trees or trees being damaged by injurious agents other than,'' other than, ''competition from other trees, prescribed fire, integrated pest management.'' And the list goes on. This is a list of recovery projects. It is not a list of logging.

Now I would like my colleagues to turn to page 21. What kind of scientists are going to be looking at these areas and what kind of scientists will be designating the standards and the criteria upon which we will base these recovery projects, picked independently. They will be hydrologists, wildlife biologists, fisheries biologists, entomologists or pathologists, fire ecologists, silviculturists, economists, soil scientists.

I would like to remind my colleagues of something that the gentleman from Texas talked about when he said we should compare our forest to our agriculture. The only way we are going to improve agriculture is to bring scientific data into the equation so we can not only increase the yield, but protect the environment at the same time.

Can we sustain logging? Maybe the question is, should we sustain logging? People wanting homes, with the need for construction, do we need wood? The answer is yes. How do we sustain logging? We mimic nature and we protect biological diversity and we harvest trees. It is the injection of scientific data.

Now, the last comment I want to make on this, because there will be some amendments coming up, this has been a tremendously healthy exercise. We are bringing in a lot of information. There is an exchange of information. And to the extent that I can see what is happening on the floor, there is a tolerance for someone else's opinion. But the bottom line is, does this bill move us a little bit forward in understanding the limited and diminishing resources that we people depend upon? And it is my judgment that this legislation moves us in the right direction. And I encourage my colleagues to vote for the bill.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the sponsors and the proponents of this bill say that they are passing this measure because they have the best interest of the national forests at heart, that what they want to do is to promote programs and policies which will make the forests

healthier, stronger, both now and in the future. And I believe that some of them actually believe that.

I have tried to find within this proposal evidence to support that proposition, and I have looked in vain. They tell us that they are establishing a network of scientists who have certain credentials which will enable them to make sound scientific judgments with regard to how the forests should be managed. That, I suppose, is okay, except that that duplicates the abilities already contained within the National Forest Service.

The National Forest Service now has people that have the ability to make these decisions. That kind of expertise exists within the Forest Service. In fact, we could look far and wide and not find people who are better able to make those judgments based upon silviculture, based upon biological diversity, based upon maintaining the soil, based upon the effects of soil erosion on aquatic life. All of that expertise now currently resides within the Forest Service, and it exists in great abundance.

All of the intellectual resources that one could want to make these decisions exists in the Forest Service. Why do we need this new, cumbersome, bureaucratic arrangement that is only going to complicate matters to superimpose their judgment over the judgment of people who are more capable of making them, already working for the Federal Government? That does not make any sense to me.

What this bill will simply do is promote logging. Now, a certain amount of logging, it is recognized, is good and healthy. But this bill is going to promote amounts of logging that are unhealthy and unreasonable, unnecessary, and will be counterproductive to the stated objectives of the proponents of this legislation.

When we come right down to it, Mr. Chairman, what this bill is is a license to steal. It is a license to steal a vast amount of the precious natural resources of this country, and it is a license to steal taxpayers' money.

Now, how does it do that? It does that by setting up this kind of arrangement, which is the kind of arrangement that I have discussed, which will enable vast amounts of cutting to go on in the national forest, based upon the idea that by so doing they are going to somehow protect the forests. It will set up a bureaucratic arrangement whereby if someone believes or supposes or imagines that there is some kind of danger occurring to the national forests, that vast amounts of that forest can be cut, clear-cutting can take place.

Now, is the size of that clear-cutting defined? Not at all. Entire forests could be cut down under the provisions of this bill. Entire forests could be clear cut under the provisions of this bill. So this bill sets up a program which will allow those misguided people who want to clear cut the national forests to have a license to do that, a license to steal vast amounts of the natural resources of this country.

And then when there is revenue produced as a result of this larcenist logging that will take place, those financial resources will not accrue back to the taxpayers of the country, as it should because, after all, all of these resources are owned by all of the people of this country jointly. No, what this bill will do is take those monies and deposit them in certain places in the country to benefit certain constituencies or certain constituencies of certain Members of this body, so taking money that belongs to all the people of the country and putting it into special places in the country at the expense of everyone else.

That money, by the way, should be used for what it would be used under normal circumstances under the provisions of the existing law, to enable the Forest Service to conduct their business in the way that they should and the way that they want to.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(By unanimous consent, Mr. HINCHEY was allowed to proceed for 1 additional minute.)

Mr. HINCHEY. Mr. Chairman, so if we allow this bill to pass, what we succeed in doing is allowing vast amounts of natural resources to be stolen and vast amounts of revenue to be stolen.

I made the point in my opening remarks that the customs duties in the City of New York could be taken by the City of New York under the same kind of reasoning that goes on here or in the Port of Miami or the Port of Los Angeles under the same reasoning. Because the port is there, should all of those resources go to New York or Miami or Los Angeles or any other port? Obviously not. Those resources belong to all the people of the country, as these resources belong to all the people of the country and should not be expropriated as they would under the provision of this bill.

This bill is bad public policy, and I urge its defeat.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, under the procedures today in considering the context of this legislation, I had noticed several amendments which I do not intend to offer. Time does not permit me to. And quite frankly, I think the scope of this bill, working on this particular bill, amendments to modify, would be like buying a ticket on the Titanic Sea Cruise.

The fact is that the bill is not a good policy and, frankly, is based on a premise that is not correct that there is a forest crisis. I very much agree with the comments made by my colleague, the distinguished gentleman from California (Mr. BROWN), who preceded my statement in this 5-minute-rule time frame. The fact is that there is not a crisis that would require this measure and this unusual legislative measure.

Do we have problems in terms of forest health? Yes. But the answer is not one that has come just in recent years it has been growing for many decades. The fact is that it is something that has grown out of mismanagement, frankly, and I think, in a sense, really a lack of knowledge with regards to the dynamics of the management of our landscapes of these national forests and many other of our public lands.

We have today a tremendous problem that we need to address. As has been pointed out during this debate and in testimony, we spend literally billions of dollars each year and some years too many billions in terms of suppressing or fighting fire. But we found that many times fire policies and activities of the past are responsible for many the problems in the forests, the way we fought fires.

I would suggest another issue is the fact that the way we manage the lands in terms of permitting interface with personal properties, the ''urban interface'' as we refer to it, that again is inviting problems and it should be addressed. We have talked about the tremendous backlog in terms of the mileage of roads that we have in our forests, mostly roads, legal but some, what we call ''ghost roads,'' or illegal roads, total some 433,000 miles of roads in our forests; and the Forest Service reports to us the $10.5 billion backlog in terms of maintaining them and we provide but a token amount for such.

That is why so many of us are concerned that even under this bill, new roads would be permitted in unroaded areas. We cannot maintain what we have got. common sense would dictate that when we are in a hole and we want to get out, Mr. Chairman, we quit digging. But that is obviously not a message, that understanding, that this Congress has yet come to grips with.

□ 1215

Although the Forest Service itself has taken a very bold move in trying to call a time out, an 18-month moratorium on the construction of roads until we can reframe our policies as to the management of these lands and road policy.

I noted very appropriately that the gentleman from Maryland (Mr. GILCHREST) pointed out some of the good features of this bill. I would recognize the chairman and ranking member have written some provisions in this bill that I think are appropriate in terms of talking to forest health. The problem is that the deficiencies in the bill simply are such that it does not function, and doesn't add up to good policy.

He did not talk about page 13 section and the requirements spelled out on page 13 and 14 of the substitute as to how you select these particular projects. One of them dealt with and directs these scientists to use these particular criteria in selecting the

projects. They cannot look at cost-benefit in the sense they are going to provide for below-cost sales. That is not a factor in terms of forest health. Another requirement is they need to look at what the economic impact is in an area. That is another factor. These are all requirement, but these are not the criteria that relate to forest health.

Indeed, we have the criteria that relate to forest health that have been testified to by the Forest Service, by the chief of the Forest Service. This bill does not direct itself to that. The chief talked about maintaining diversity, resiliency of the components, such as wildlife and fish riparian areas, soils, range lands, economic potential that will require active management, it will require road maintenance and obliteration, use of prescribed fire, grazing, thinning, and some salvage. He talked about, of course, the private sector involvement in terms of technical assistance on private lands as being a major problem in terms of this area.

The fact is that trying to provide these dollars in an unaccountable manner in spite of the fact you are asking for studies and reports back, if that is going to be the new template for us in the future as to how we provide accountability, why do we not pass 5-year appropriation bills? We do not do that because we know that even on a short-term we have to come back and reference and try to determine what is happening.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, if you want to talk about good intentions, I suppose I could be generous and say that the intentions under the salvage rider were good intentions, but the fact is today that it is almost universally criticized in terms of what the consequence was of the salvage rider. Others will say that was not their intention. But the fact is that was just a short 2 years ago. And we have had all kinds of problems and controversy.

This particular measure, untested, deserves accountability on an annual basis, and forest health deserves far more dollars of commitment. It deserves the solid support to the United States Forest Service in terms of dealing with forest health, not something superimposed with new criteria which I think has the potential to continue road building, continue business as usual at the expense of the taxpayer and at the expense of losing our natural forest legacy, the proper inheritance, I think, of all Americans.

Mr. Chairman, I rise in opposition to H.R. 3530, the Forest Recovery and Protection Act of 1998. I can think of few bills in my experience in Congress or back in Minnesota that were more ironically named. In short, this bill is about neither the recovery nor the protection of our National Forests. It's about more logging, plain and simple. This policy reminds one of a false syllogism: state some information in an arbitrary fashion, then draw a conclusion which is entirely inconsistent and incorrect.

As most of you know, this bill is a rerun of the salvage logging rider; a new incarnation of an old ideal a bad idea. Introduced as H.R. 2515 late last year, it has been changed in recent days in a failed attempt to achieve consensus. Mr. Chairman, I say to those members who are suspicious of this new bill, you have every right to be skeptical and yes cynical. This bill does not accomplish consensus. It does not improve upon H.R. 2515. The most crucial and damaging aspects of that legislation remain intact, and in fact a number of adverse additional new proposals have been added. I will certainly vote no and urge others to do the same.

I will vote no because this legislation is based on an entirely faulty premise. While we all realize that there are problems in some Western forests, there is no forest health crisis. Mike Dombeck, Chief of the U.S. Forest Service, agrees and testified to this point. In testimony before the House Agriculture Committee last year, Mr. Dombeck referred to the ''generally . . . healthy'' condition of our nation's forests. He admitted there are problems. But he also detailed the Forest Service's current problem solving tools, like thinning, maintenance and obliteration of roads, and prescribed fire. A committee of more than 100 independent scientists, furthermore, recently sent a letter to Congress, in which they claim that ''there is no widespread or universal forest health crisis.'' But the proponents of this measure must establish a crisis in order to justify the policy in this bill. It's like a policy in search of a crisis. Creating the crisis justifies in their minds' eyes the salvage harvest of our National Forests.

This bill is unnecessary and harmful. The recovery projects proposed by this bill will most likely lead to commercial logging. Yet it was precisely these sorts of activities that created our current problems in the first place. Scientists working on the Sierra Nevada Ecosystem project concluded that logging increased the severity of forest fires more than any other human activity. There's one thing worse than a solution to a problem that doesn't exist, and that's a solution that makes the problem worse.

There are a few specific problems with this bill that I would like to focus on. First, it creates an off-budget fund for the Forest Service. I find it ironic that on the same day that the major committees of jurisdiction are holding a hearing at which they blast the Forest Service for being poorly managed, we are considering giving them more money with even less accountability to the public. If, Mr. Chairman, the sponsor of this legislation is serious about solving forest health problems, he should consider putting the fund it creates back on budget and subject such expenditures to open Congressional and public scrutiny.

Second, this salvage program could take place virtually anywhere, not just in areas where forests are in so-called ''poor health.'' Sponsors claim that they are protecting wilderness, old growth and riparian areas. Protecting wilderness isn't just a good idea or a choice: logging in areas of the National Wilderness Preservation System is against the law. And the claims of protecting old growth and riparian areas are disingenuous at best. This bill only prohibits logging in riparian and old growth areas that are currently protected by land management plans. Unfortunately, many current land management plans are out of date and not in sync with current scientific information. This bill takes advantage of that lack of protection in such plans and roadless areas not protected are opened to logging and treatment in the name of forest health rather than integrating new information into current forest plans.

Finally, this bill codifies below-cost timber sales. It states that ''a recovery project is not precluded simply because the cost of preparing and implementing the recovery project is likely to exceed the revenue derived from the recovery project.'' Mr. Chairman, passage of H.R. 3530 would codify below cost timber sales in permanent law justifying such subsidized harvest as far as the eye can see. That sends a very bad message to the taxpayers, it's bad environmental policy, and it alone is a reason to oppose this bill.

H.R. 3530 is far from a solution to the forest health problems in our National Forests—it will just make our current problems worse. I urge my colleagues to join me in voting against this measure. Once you see beneath the veneer of forest health, what is evident is the establishment in law of a collection of the deficient practices that have existed within our National Forests in the past decades. This is just another new verse to the same music. It's business as usual and instant gratification for the timbering special interests at the expense of taxpayers and future generations. Passage of this measure puts their resource legacy, their American forest heritage, very much at risk.

Mr. SMITH of Oregon. Mr. Chairman, I ask unanimous consent to speak for 1 minute out of turn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SMITH of Oregon. Mr. Chairman, I just want to correct the record from the last speaker. There is accountability every year, because the GAO reports every year on what occurs on the ground. There is accountability, fiscally and on the ground. On page 13 which he mentioned, he failed to tell you what is the rest of page 13:

Ensure that each recovery project complies with the land management plan applicable to the recovery area within which the recovery project will be conducted; and ensure that each recovery project will maintain or enhance the ecological functions and conditions of the forest in which the project will be conducted.

Mr. VENTO. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I recognize that reports are required, but the fact is that this is a less precise way and a less effective way in terms of attaining accountability from the program. We do not do that through the

regular process. Regular appropriations might be a little better for such an untested program. I would further point out that the amount of dollars in this measure is not nearly enough to begin to deal on a broad basis with forest health, which the gentleman acknowledges. We have a problem here with road building and with taking care of the roads and I think that we are not addressing that particular problem in the regular land plans, a $10.5 billion backlog exists in repair and maintenance. This is at the best cosmetic, but I think it has some other serious problems and deficiencies that I pointed out in my previous statement.

AMENDMENT OFFERED BY MR. SMITH of OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

On page 29, beginning on line 15, strike paragraph (4) and insert instead:

''(4) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCTION ROADS.—For purposes of recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of roads, in those areas within the recovery project where the construction of roads would be prohibited by any Federal environmental law or the applicable land management plan.''.

Mr. SMITH of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. MILLER of California. Mr. Chairman, reserving a point of order, I want to make sure we have the right amendment.

Mr. SMITH of Oregon. Let us continue with the reading for the gentleman. It is not that long.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN pro tempore. Does the gentleman reserve a point of order?

Mr. MILLER of California. Yes, Mr. Chairman. We would like to see the amendment, would be the first point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mr. SMITH of Oregon. Mr. Chairman, this issue has been hovering around the debate on this bill for some time. It has been very controversial. It is the question in two parts, one, of whether or not this involves roadless areas which the chief of the Forest Service has placed a moratorium on. It does not.

Then there was this effort to discuss permanent roads, new roads. We heard the gentleman from New York discuss that earlier. There was some debate about whether this allowed roads, did not allow roads, and whatever. What I have done with this amendment is simply to lift the whole question of roads out of this bill, so that the decision as to whether or not recovery projects will be involved with roads will be finally decided by the scientists who propose these programs as well as by the Secretary of Agriculture as well as by those forest managers on the ground.

Let me make the point that the gentleman from Minnesota just made, and that is simply that the meager amounts of money in the road and trails fund certainly are not enough to take care of the health problems in this country. There is no question about that. That is why we have had this selection process to find the most critical problems in forest in the country and then allow the Secretary to allot funds.

I want to ask you the question rhetorically. If the Secretary of Agriculture determines through his chief that there be a moratorium on roadless areas, what in the world would make the Secretary of Agriculture identify one of these recovery areas that violated his stipulation that you cannot build roads in roadless areas during the moratorium? Or maybe at any other time? The fear that will emanate from this discussion simply is not there.

What I am trying to do here again is lift the debate of roads out of this question. It is not a forest health issue, by the way. It should not be a forest health issue. This whole bill in its direction is determined to be how can we improve the forest health, the ecosystem health of our Nation's forests. It ought not to be about roads.

I am sorry that I had to bring this amendment, frankly, because it raises the debate and I understand the emotion that is centered around it. However, lifting the language in this manner takes the question of roads out of the issue, and therefore I suggest and I ask the body to accept this amendment.

The CHAIRMAN pro tempore. Does the gentleman from California insist on his point of order?

Mr. MILLER of California. I do not, Mr. Chairman. I withdraw it.

The CHAIRMAN pro tempore. The gentleman withdraws his point of order.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. SMITH of Oregon:

In the last line of the amendment, insert after ''law'' the following: ''or policy that is in effect or has been proposed in the Federal Register by the date of the enactment of this Act.''

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BOEHLERT. Mr. Chairman, this amendment says that no roads could be built if doing so would violate any law or policy in effect or proposed on the date of enactment. This complex language boils down to one thing. The amendment's language will prevent this bill from being used to build roads in roadless areas. It is that basic. Let me repeat. This amendment will prevent this bill from being used to build roads in roadless areas.

As I already said and many others have repeated, no roads are needed for forest health. Let us not be misled. This amendment applies only to road construction under this bill, not to other Forest Service programs.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Smith amendment does not do what the gentleman from Oregon said that it does do. I appreciate while he would prohibit Federal roads prohibited by any Federal environmental law, of which would obviously be, that is just current law, and the second one, any applicable land management plan.

The problem is most land management plans, one, are out of date and, two, never spoke to the issue of creating roads because most of the land use management plans for the national forests were designed to allow for the continued construction of roads because that is what they were predicated upon.

We are undergoing a review in California in the Sierra Nevada of the land management plans for the very reason that they do not address these issues. That makes it imperative if the Smith amendment is going to be accepted that it be accepted with the Boehlert language, because the Boehlert language speaks to the reality of what is taking place; that is, that we have some 380,000 miles of roads in the national forests.

We have a $10 billion backlog in these forests because they are deteriorating. We cannot take care of the ones that we have. They are starting to wreak havoc with good portions of the forests as they fall into disrepair. They are destroying the fisheries and the streams and the watersheds of some of our most valuable rivers for the production of fish for sports purposes and for commercial purposes.

That is why the Secretary of Agriculture has asked for a moratorium so they can sort out the road policy. Now the gentleman from Oregon wants to come in and impose a road policy on this legislation that does not stop road building from taking place, it allows it to continue because the forest plans allow it to continue, and we need the Boehlert amendment.

It is very interesting that now we are going to rush to make a road policy in the Smith bill when 2 days ago in the Committee on Resources they were asking for 120 hearings before we could consider any change in the road policy.

They wanted every national forest to hold a hearing before they tampered with it at all. But now all of a sudden we are going to create a road policy here that under the Smith amendment allows you to continue to build roads and ignores the moratorium by the Secretary.

That is the purpose of this amendment, because everybody here who is knowledgeable in the land management plans knows that the land management plans when they were drafted were designed to continue the commercial harvesting of the forests and part of commercial harvesting of the forests is the continuation of road building. So the land management plans would not outlaw and in fact you could continue to go into roadless areas.

There is no designation, there is no Federal law, there is no land management plan. It really concentrates these dollars, if you will, on the roadless areas. That is why we have got to have the Boehlert amendment. We should vote aye on the Boehlert amendment. If it is not accepted, we should vote no on the Smith amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I would just point out that this amendment knocks out the prohibition on the use of any funds to construct new permanent roads.

□ 1230

So, under this amendment as I read it, and I admit obviously funds are limited here, but we are talking about what we are doing. New permanent roads, I guess, would be okay, temporary roads would be okay, other types of roads would be okay if they are not prohibited by Federal environmental law or applicable law or policy in effect at this date with the Boehlert amendment.

But what I am pointing out is that this simply means business as usual. Obviously, we are only talking about the selected forest health areas, but they are knocking out the provision that had put a limitation on permanent roads.

I mean, we are dealing here, because the policy is deficient, and what they are trying to do is to rewrite those assets and policies, and the statement came up that roads were not a factor in terms of forest health. Well, that is news to the scientists and to the Forest Service, because these roads are a major health problem in terms of our forests. They are a major problem in terms of where fire incidents occur is along these roads, of the slumping that occurs in the soils that are choking the streams of the unmaintained nature of these 433 miles of legal and illegal roads.

There are major forest health problems.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman, and he makes the exact point. As my colleagues know, okay, the Smith bill just got caught with his hand in the cookie jar because they are going to allow increased road building, that Congress for the most part is against increased road building, the administration has a moratorium on it. So now they are trying to offer some camouflage in this amendment to pretend like they are going to take road building.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. And to pretend that they are going to take it out, because they are not going to do it where it is prohibited by Federal law. I suggest they could not do it where it was prohibited by Federal law, because that would be FIRM law and where there is land management plans, except that they know that the land management plans do not prohibit road building.

So the Boehlert amendment must be adopted if we are going to protect the Federal Treasury, if we are going to protect the national forests, if we are going to protect the local users of these forests. We must have the Boehlert amendment at a minimum. If we take the Smith amendment, all bets are off, we are just back to using Federal dollars to build roads where they are not needed, and it is these very roads that have caused a great deal of the forest health problems that supposedly this bill is addressing.

I urge my colleagues to support the Boehlert amendment and oppose the Smith amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a crisis on our forests that has been well documented. The administration agrees that there is a crisis. The Forest Service chief has testified that 40 million acres of our national forests are in unacceptable condition, and this amendment by the gentleman from Oregon (Mr. SMITH) is needed. The amendment by the gentleman from New York (Mr. BOEHLERT) would be very detrimental.

How do we clean up the forests? We know we are going to have to have a substantial amount of cleanup involving the trees.

The gentleman from California (Mr. MILLER) talks about protecting the Federal Treasury. How are we going to protect the Federal Treasury? How are we going to protect the Treasury if we ban the construction of roads needed to take the timber out, and so then we go to helicopter logging, and we will be spending 3 or 4 times what it costs to take this material out over the roads. This is going to be highly detrimental to the taxpayer, but further than that, the forest fires that will result by this roadless policy being imposed will be much more detrimental in terms of lives lost by Federal firefighters and others fighting the fire, in terms of the costs of fighting the fire, and we as a Congress will step up and appropriate whatever it takes to pay for those costs.

But the point we are trying to make is the Smith bill, which is trying to give effect to this amendment, is going to help reduce the threat of fire and danger to our communities. Why would anybody build roads that are not necessary? Roads are extremely expensive. Anybody who has ever built a road knows how expensive it is. I built a road, a half mile long, gravel, it was $26,000, and that was 10 years ago. I do not even know what the price is today. People do not go out and do these things because they are spending somebody else's money, they are spending their own money.

I would submit, Mr. Chairman, that this policy in the Smith amendment is needed. We are in compliance with all the environmental laws. The language of this amendment makes that clear. To take the next step and go to the Boehlert amendment to this amendment would basically say clean up the forests, reduce the fire risk; but, by the way, do not use any roads that might need to be constructed to accomplish that. Figure out some other way to do it. Go to helicopter logging, go to, I do not know how else to do it other than helicopter logging.

This is absurd. It would be extremely burdensome to the taxpayer. It is a very extreme agenda. This is the extreme environmentalist agenda right here that we cannot even build roads to protect the health of the forest, to protect the endangered species that so many on this side are always upset about protecting, and indeed we will be wreaking havoc in the national forests.

In our committee we heard testimony on this. Our forests today are in the worst condition they have ever been in the entire 20th century, and it is largely due to the tremendous overgrowth of the forests, the tremendous threat of catastrophic fire that we face, and the inability to effectively address this.

When the Smith bill comes forward to try and proactively address this issue and respond even to the concerns of the administration, we are then going to be offered an approach such as that of a Boehlert amendment that ties our hands, and it will cost the taxpayer hundreds of millions of dollars if this policy is allowed to go into effect.

So I will speak for the taxpayer and urge my colleagues to defeat the Boehlert amendment and to pass the Smith amendment.

Mrs. CUBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find the Smith amendment to be very good for one of our most precious natural resources; that is, our forests and our ability to use them. And I find the Boehlert amendment to be radical and extreme.

The Boehlert amendment locks up one-third of the forests in this country. So if a road washes out, a temporary road in a forest washes out, or if there is a blowdown and a road is blocked, his amendment could even be construed that those could not be repaired.

And do my colleagues know what that does? It does a lot of things, but one of the main things is that it violates the Americans With Disabilities Act. If we cannot have roads in forests, not only can we not harvest the timber and not realize the value that that has in preserving the health of the forest and bringing revenues to the communities, but we cannot have recreation in the forests either. We cannot go sightseeing, we cannot go picnicking, fishing, hunting or camping unless we want to parachute in, unless we want to walk, unless we want to ride a mule. And having just gone through some very serious surgery which limited my ability to be able to walk around, to be able to ride a horse or a mule, I cannot do that anymore, and there are millions of Americans who cannot do that either.

Locking up one-third of America's forests and not allowing people to get in there is simply wrong, and that could very well be the effect that the Boehlert amendment has, not to mention the fact that when we do not keep these roads, temporary or permanent, in conditions so that we can fight fires, we are asking for the ravages that we have seen on the 6 o'clock news to habitat for animals and to income for communities, as well as our beautiful forests.

What the Boehlert amendment is truly about is about pure unadulterated politics. According to the Forest Service communications plan, the agency is preparing to use major forest fires during the summer and fall of 1998 for political purposes. These political purposes are to help Vice President GORE run for President and to advance an extreme radical environmentalist agenda, which is exactly what the Boehlert amendment does.

According to the Washington Post, the Forest Service intends, and this is a quote, ''to manipulate the media and everyone else to get support for the administration's policies over the next 8 months.'' That is a quote. The Washington Post article outlined the Forest Service and, therefore, the administration's strategy regarding how to get this watershed aspect of their agenda enacted. The communications plan includes having Forest Service chief Don Beck travel extensively to, again I quote, ''travel extensively to fires receiving high media coverage,'' unquote, and to provide similar media advance for Vice President GORE prior to the 2000 presidential election. That is what is in the communication plan of the Forest Service. It is not about good forest health, it is not about managing the forests. It is about politics.

It is unconscionable to think that people will be killed and property will be lost and habitat will be destroyed in this blatant attempt to push the administration's misguided environmental agenda. The trust that we have instilled in this Forest Service has been compromised because of this attempt at making it all the more incumbent that this Congress step forward and reject the extreme radical environmental agenda that is personified in the Boehlert amendment. We should pass the Smith amendment and then pass the bill.

Ms. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding. Two points I wish to make:

In response to the gentleman from California (Mr. DOOLITTLE) I wish to point out this is hardly an extreme measure. No roads are needed to accomplish forest health purposes. My amendment is narrower than the original bill language agreed to by the chairman, the gentleman from Oregon (Mr. SMITH). So I want to point that out to one and all.

Secondly, in response to my colleague from Wyoming (Mrs. CUBIN), her interpretation is wrong. My amendment does not eliminate anything or limit anything being done to deal with existing roads. They can be repaired, they can be maintained. Her interpretation is clearly wrong.

Ms. MCKINNEY. Mr. Chairman, I rise in opposition to the Smith amendment and the misnamed Forest Recovery and Protection Act and to suggest a more mainstream alternative. This fiscally irresponsible, environmentally destructive legislation, along with the infamous ''salvage rider'' is based on the incorrect assumption that there is a forest health crisis in the national forests and that the best way to cure a sick forest is to log it. It is nothing more than a clever use of words to hide its true intentions.

Mr. Chairman, here are some of the more creative examples of language used to foster more logging. Whether it is meadow enhancement, linear wildlife opening, vista enhancement or cross-country ski enhancement, the bottom line is that it is all the same, more logging. The only crisis in our national forests is excessive road building and destructive logging.

In contrast, H.R. 2789, the National Forest Protection and Restoration Act introduced by the gentleman from Iowa (Mr. LEACH) and myself would preserve our remaining old-growth forests by investing in environmental restoration. Furthermore, unlike the legislation we are considering today, our bill would invest in worker retraining and would end the corporate welfare practice of stealing money earmarked for environmental restoration and placing it into off-budget slush fund accounts used to promote clear-cutting.

Lastly, unlike the bill today, H.R. 2789 is consistent with the views of the American people who in recent polling have indicated that they oppose logging on national forests. Therefore, H.R. 2789 offered by Mr. LEACH and myself would end commercial logging on our national forests while providing for worker retraining and environmental restoration.

The bill before us today falls far short of H.R. 2789, and I urge my colleagues to vote down this misnamed bill.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that it is important to understand exactly what the Smith amendment attempted to do. The language of the Smith amendment states that no funds shall be used either directly through direct allocations from the fund or indirectly from allocations to recovery projects from other Forest Service accounts for the construction of roads in those areas within the recovery project where the construction of roads would be prohibited by any Federal environmental law or applicable land management plan.

Now the Boehlert amendment, and I doubt very strongly if there is a Member of the House, if they actually read the Boehlert amendment, would vote for it. And please, before my colleagues cast their vote, actually read the Boehlert amendment because it goes on to change that and say, ''. . . policy that is in effect or has been proposed in the Federal Register by the day of the enactment of this law.''

□ 1245

So any policy, any policy. We are not just talking about roadless areas. We are talking about any policy that is in effect or has been proposed in the Federal Register now becomes law.

The gentleman is completely and thoroughly abdicating any responsibility that the legislative branch has. Any authority that the legislative branch has. He is saying any policy that this administration has in effect today or that they have even proposed, that they have even put in the Federal Register, we are giving up on that. That is the effect of putting the Boehlert amendment in.

We can have a grand debate about roads. We have heard a lot of pretty funny stuff that has come out here today. I have heard people say that our forests are not in bad condition and that they do not need to be taken care of and that the only way that we can manage them is just to leave them alone and keep people out of it. I think that just shows a complete lack of knowledge as to what is going on in our forests, in our national forests in America today.

The truth of what we are saying is we do not care if the Committee on Agriculture has held any hearings on this or not. We do not care if the Committee on Resources has held any hearings

on this or not. We do not care whether or not Congress agrees with these policies or not. We do not care about any of that.

What we are saying is any policy that is in effect or has been proposed in the Federal Register all of a sudden becomes law. I would guarantee that if we knew all of the policies that are in effect, all of the policies that have been proposed, there is no way we would support that.

The gentleman from New York (Mr. BOEHLERT) would have us believe that all that this affects is a little roadless area, and that is all we are doing. That is not all we are doing. By the very language that he uses in his amendment, this is as extreme and radical as we can possibly get. We just give up on everything and say whatever the administration has proposed, any policy they have in effect, anything that they want, we are going to put that on this bill. We are just going to go that way. That is the exactly wrong way to go.

I know the gentleman from California (Mr. MILLER) and I have had a lot of discussions over the years about our forests, the health of our forests, and had some great debates on the floor of this House about what to do on environmental policy and on forest policy. But I am sure that he and his colleagues on the other side of the aisle would agree that it is bad policy for this House to, all of a sudden, say any policy that the administration has in effect, and I know he disagrees with the policies that the administration has in effect, I know many of my colleagues disagree with the policies that this administration has in effect, but any policy that they have in effect today becomes law. It is not just the ones that they are already using, that they are already implementing out in the field; it is anything that they have proposed in the Federal Register all of a sudden goes into effect with the enactment of this law.

I do not think any of my colleagues, if they read this amendment and truly understand what the impact of this amendment is, could possibly, possibly support this, because this is about as extreme an abdication of our responsibilities and our authority as the legislative branch as we could possibly get.

The CHAIRMAN. The time of the gentleman from California (Mr. POMBO) has expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, if we are going to have some kind of a national forest policy that takes care of our forests, that ensures that we have healthy forests that are full of wildlife and all the things that in our mind's eye we think of when we think of national forests, this is the wrong way to go; because what this is saying is we are not going to get together in a bipartisan fashion, we are not going to hold hearings, we are not going to go out to the forests and look at them and see what is there. We are not going to do anything that our constituents expect us to do.

What we are going to do is, we are just going to willy-nilly accept any policy that this administration has in effect, or anything that they have proposed to put into effect, and we are going to accept that. That is not what our constituents expect us to do. That is not what they sent us back here to do.

Whether we agree or disagree with the underlying bill, our constituents did not send us back here to vote blindly for any policy that this administration has in effect or anything that they proposed.

When we talk about the roadless, they have not even finished the hearing process. They have not even finished the comment period process, and we are going to accept it. They have not even finished it yet, and we are going to accept it. That is bad public policy.

I have only been here for a short period of time compared to most of my colleagues, but I can tell them there is no way that their constituents expect them to come back here, and I have never seen anything like this put on the floor of the House, where we will just blindly accept whatever policies the administration has in effect or anything that they have proposed

Mr. RADANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, right now there is an ongoing public comment period on the administration's proposed moratorium on road building. This amendment, the Boehlert amendment, would override that public process. This amendment, the Boehlert amendment, would put the road moratorium proposal into law and cut the public entirely out of the process.

The Boehlert amendment then violates the public process that the other side claims to be so important. The Boehlert amendment overrides the regulatory process. It overrides the Administrative Procedures Act. But, most importantly, it violates the people who in good faith are participating in a national discussion on how to manage the road and infrastructure in our national forests.

The Smith amendment reaffirms this Congress' commitment that we shall not, I repeat, ''not'' build roads in sensitive areas that are off limits to roads under our current environmental laws; and that is the bottom line.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a number of colleagues here have spoken about why would anybody build a road that is not needed; that it is very expensive to build a road. One colleague pointed out what it cost him to build his own road.

Yes, I agree it is extremely expensive to build roads, but the reason that we build these roads is that it is the public who pays for the roads. We build these roads so that companies can go in, get the timber out, but they do not pay for the roads.

So that is why it is a problem. Yes, it is expensive and, yes, the public has paid twice: for the road and for the loss of the natural resources.

Mr. Chairman, I am happy to yield to my colleague, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from Oregon for yielding, because she makes a very important point, that is, why we had so many roads; because nobody had to figure out the cost-benefit of those roads.

But if anybody wondered what the impact of the Smith amendment is without the Boehlert amendment, the gentleman from Oregon (Mr. SMITH) got up and said he wanted to offer his amendment because it would take road building out of this bill.

Yet the very people who have gotten up and spoken said the Smith amendment is key to continue road building. They cannot envision the bill without the Smith amendment, because they cannot envision this bill without road building, so therefore they want the Smith amendment.

I think it is very clear that we need the Boehlert amendment, because the Smith amendment would eviscerate the moratorium with respect to these projects. These projects are so loosely defined that they can be a whole national forest.

So we all know that the current law would not prohibit the road building that the gentleman from Oregon (Mr. SMITH) talked about. In fact, under the Smith amendment, and the reason these people support the Smith amendment who have gotten up to speak here is because they are in support of road building, and they wanted more roads, and that is what the Smith amendment allows. So we should vote aye on Boehlert and no on Smith.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I do want to speak very briefly to rebut the argument by the sponsor of this amendment when he said that maintaining and repairing roads would not be possible. Well, if we read the amendment, we will see that in fact what I said is true, that maintaining and repairing roads is not possible, because it says ''or policy that is in effect.''

The Clinton administration policy right now is to not allow those roads to be maintained and repaired. So I just want everyone to know that that was factual.

Mrs. CHENOWETH. Mr. Chairman, this is a sad day. I would think that this proposal would be funny because it is so extreme, if it were not so sad, with regards to what is actually happening in these public lands.

The gentleman from New York (Mr. BOEHLERT) tried to convince us that

the plain reading of this language would affect only presently designated roadless areas. He has been here a long time, and he knows how to read law, but he also knows how to try to convince people to vote for his amendment, because he is absolutely wrong.

The plain reading of the language says that it not only reaches to what has been presently designated roadless, but all public forests, all public lands, and anything else that they want to dream up, including ecosystem management plans that are now going on in the Pacific Northwest, which, by the way, affects private and State resources also. So this is very, very far-reaching. I think that this demonstrates how far and how extreme this extreme environmental movement has reached.

I know the gentleman from New York was very concerned about the Sherwood Forest, and he fought very hard for that. But if this proposal were made and employed against the Sherwood Forest, he would be as upset as we are.

The issue also is public access. These lands, these public lands, especially in the West, were set up for humans to also have public access for recreational purposes, but also to be able to fight fires.

Last year, in just 1 year, we burned more trees than we harvested in the whole history of the United States. We burned those trees, and they are left standing as lonely sentinels in the forest, and we are not able to get in and recover them because of the existing extreme policies. Now Mr. BOEHLERT wants to take it even further.

Another problem is wildlife habitat. When we have burned forests, when we have forests that have been degraded of the foodstock for our wildlife, we lose our wildlife. In fact, in Idaho, the elk herd is diminishing because the habitat is diminishing.

Watershed stability. We have heard debate today about the fact that roads create sediment in the streams. I could tell my colleagues that if all of these people who I have invited to come to the Northwest and view these forests situations with me, who also are on my committee, would accept the invitation and come out and see for themselves, they truly would see it is not the roads that are the biggest problem; it is unstable watershed because of fire. When the forests burn, of course it creates a situation where we have a lot of mud slides. That is what is destroying our streams.

Again, I would like to say that this is a proposal that is extreme, the most extreme proposal I have ever seen. It ratifies and memorializes in law the illegal activity of the present administration in setting aside a roadless moratorium without the benefit of going through present legal requirements, like the National Environmental Policy Act, the Administrative Procedures Act. Even in the open houses that the Forest Service is having all over this Nation, especially in the West, the overwhelming opinion is against this roadless moratorium because it shuts humans out of the forests.

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Ms. CHENOWETH. I yield to the gentleman from California.

□ 1300

The CHAIRMAN. The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has expired.

(On request of Mr. POMBO, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 2 additional minutes.)

Mr. POMBO. Mr. Chairman, in the hearings of the Subcommittee on Forests and Forest Health that the gentlewoman held here in Washington, and I understand the gentlewoman has held field hearings on these issues as well, has this policy that has been proposed, not even enacted, but a proposed policy by the administration, is there any consensus out in the gentlewoman's area or anywhere throughout the West?

Mrs. CHENOWETH. Mr. Chairman, in the West, in the areas where it will affect people, human beings, the consensus is very strongly against this roadless policy, very, very strongly against it.

Mr. POMBO. Mr. Chairman, so the people that are affected by this directly, those people who have chosen to live and work near our national forests, are opposed to it; and yet this amendment, if adopted, would adopt this policy?

Mrs. CHENOWETH. Mr. Chairman, I would say to the gentleman that they are strongly opposed to it not only because of their jobs, but because of their knowledge that it will continue to degrade the forest health.

Mr. POMBO. Mr. Chairman, if the gentlewoman will continue to yield, is it the gentlewoman's understanding that the normal course of action around here is that before a normal law is enacted, Congress hold hearings and hold votes and have the great debate on that particular law before it becomes the law; and yet if this policy were adopted, we would have numerous policies and proposals from the administration which would all of a sudden become law. Is that the normal course?

Mrs. CHENOWETH. Mr. Chairman, it is not the normal course, as I understand it and as most Americans understand it. It is a big disappointment.

Mr. POMBO. Mr. Chairman, if the gentlewoman will yield further, does the gentlewoman know of any time in the history of Congress where we just willy-nilly adopted all policies and proposals from the administration?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, no, and such a vast policy would affect the national forests on one-third of our land base.

The CHAIRMAN. The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has again expired.

(On request of Mr. POMBO, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, as chairwoman of the committee of jurisdiction over this issue, and probably the person with the greatest knowledge of our national forests, would the gentlewoman have any clue how many policies and proposals this could possibly impact?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, it would impact all of the public lands on one-third of the Western continent.

Mr. POMBO. Mr. Chairman, I would ask the gentlewoman, how many policies and proposals are there out there that the administration has that this could possibly impact?

Mrs. CHENOWETH. Mr. Chairman, again reclaiming my time, I would respond by saying, literally, hundreds of thousands.

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, in talking about hearings on the Boehlert amendment, how many hearings were there on the Smith bill in the Subcommittee on Forests and Forest Health?

Mrs. CHENOWETH. Mr. Chairman, none.

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I would answer that by saying at least we are having debate and a vote on that. The gentleman from California (Mr. MILLER) has no clue, all of the policies and proposals that the Boehlert amendment would include. We cannot even debate that single issue.

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, there is joint jurisdiction between the Committee on Resources and the Committee on Agriculture. There were seven hearings held on the Smith bill.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Smith amendment before us and oppose the extreme amendment offered by the gentleman from New York (Mr. BOEHLERT).

The legislation of the gentleman from Oregon (Mr. SMITH) is a critical step forward as we seek to restore the health of our national forests. I am disappointed that there are some of my colleagues that would be willing to sacrifice the health of our national forest system to advance an extreme environmentalist agenda which could lead to no fuel reduction and no more road building on Federal lands.

Our forests need the option of building roads as an integral tool in allowing access to restoring forest health. According to forest fire-fighters in my

district in northern California, in order to survive wildfires are very often those areas that have been treated for fuel reductions. This means that the dense underbrush and the intermediate levels of trees are thinned, not clear-cut. They are not harvested using traditional commercial harvest methods, but carefully thinned so that fire will not destroy the entire forest. These threatened areas are also relatively safe havens for our fire-fighters as they battle a raging blaze as an untreated area of the forest.

For the safety of our brave fire-fighter crews, as well as the health of our forests, we need the legislation offered by the gentleman from Oregon (Mr. SMITH), and we need it without the extreme Boehlert amendment.

Mr. Chairman, I would like to refer now to two photographs next to me. These photographs graphically illustrate some of the problems that we must address before our forests are tragically destroyed by catastrophic fire. These gray areas represent both an unhealthy forest condition and an extraordinary fire hazard. Areas like this do not simply burn, they explode into devastating, highly intense fires, such as we see on the far left. These fires are absolutely devastating to the landscape. These areas must be treated.

In 1994, our worst fire season on record, former chief of the Forest Service, Jack Ward Thomas, stated, quote, ''We cannot, in my opinion, simply step back and wait for nature to take its course. I do not believe that what has happened this fire season is acceptable as a solution to the problem. These fires of this scale and intensity are too hot, destructive, dangerous and too ecologically, economically, aesthetically and socially damaging to be tolerable,'' end of quote.

Historically, Western forests were filled with stands of large trees, and the forest floors were less dense and were periodically thinned out by small fires that effectively removed dense underbrush while sparing the large trees.

The Smith amendment is a science-based, environmentally sound mechanism to begin the long process of restoring our forests to a more natural state. This legislation prioritizes areas at the greatest risk of destruction, while complying with all, and I emphasize, complying with all, current environmental laws and forest plans. It establishes an independent scientific panel to ensure that all activities are applied in a way that improves forest health, using the best available and most current science. It establishes agency accountability for results on the ground and ensures fiscal responsibility by mandating annual reports to Congress. It also creates independent audits of agency performance. Most importantly, this legislation creates incentives for the Forest Service to make timely, efficient management decisions before our forests are destroyed by catastrophic fire.

While some will argue that we should simply allow these forests to heal themselves over time, that approach does not adequately consider the tinderbox conditions of many areas of our national forests. We cannot simply pretend as though many decades of well-intentioned, but environmentally unwise fire suppression activities have not impacted our forests. We cannot just walk away from this problem.

Mr. Chairman, I urge my colleagues to listen to the science, listen to the concerns.

The CHAIRMAN. The time of the gentleman from California (Mr. HERGER) has expired.

(By unanimous consent, Mr. HERGER was allowed to proceed for 2 additional minutes.)

Mr. HERGER. Mr. Chairman, I urge my colleagues to listen to the science, listen to the concerns voiced by former Forest Service chief, Jack Ward Thomas. Vote against the extreme Boehlert amendment and vote yes on the Forest Recovery and Protection Act.

Mr. Chairman, I want to make a special invitation to my colleagues. We in my district in northern California for each of the last 8 years have had what we call a woods tour to which we invite Members of Congress and others to come into our woods and see firsthand what we have in northern California to visit, some of the nine national forests that are in our beautiful area of the Sierra Nevada mountains and cascades and, too, as Paul Harvey would say, show you the rest of the story.

Well, let me just share with my colleagues just a little bit of the rest of the story, and at this time I want to invite you to come with us on this year's tour which will be June 12, 13 and 14, to come and visit our forests. Let me show my colleagues some of what my colleagues would see there. Again, look at these forests here.

We know about the heavy rains we are receiving this year and last year, but guess what? Over the last 12 years, 6 of those 12 years have been drought years; 5 of those 6 years have been continuous drought years, and what we see in our northern forests in northern California are many areas just as my colleagues see here of dead and dying trees.

We have areas of our forests that are 60 and 70 percent dead and dying, and unless we have a road that can get us into these areas so as to be able to remove these trees, these trees, it is not a question of will they burn in an area where we have natural lightning strikes, it is only when they will burn; and when they do burn, not only are these gray areas completely burned, but they completely destroy all of the healthy areas.

Again, I urge my colleagues' strong opposition to the extreme Boehlert amendment.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Smith amendment and would urge this House and my colleagues to overwhelmingly reject the Boehlert amendment.

Mr. Chairman, I am struck by the irony and indeed the absurdity of what I hear from my friends on the left, and we hear echoes through history. One of the most absurd statements of our recent history was this: In order to save the village, we had to destroy it. And make no mistake, Mr. Chairman, the extreme notions offered in the Boehlert amendment offer the same rationale. For indeed, Mr. Chairman, I would invite all of my colleagues, as my colleague from California just has, to come to the 6th District of Arizona, to see what is about to transpire, and if some colleagues are more comfortable in the concrete canyons of Manhattan or the cocktail parties of the bay area, then that is fine, but I can tell them firsthand what exists in the 6th District of Arizona, in the wake of what transpired with our last bout with El Nino, we had rapid and massive undergrowth, and in the 6th District of Arizona, there was a fire that came to be known as the ''Dude Fire.'' It threatened real people.

It is not a matter for humor, to some of the staffers who would smile in bemusement on this floor. It threatens the very livelihoods and homes of the people who live in the 6th District of Arizona. This is not some far-flung rationale for fund-raising by an interest group. This is not some way to get back at corporate America, for in abdicating our constitutional responsibility, as the gentleman from California (Mr. POMBO) from California so eloquently pointed out, we allowed, by bureaucratic fiat, the systematic destruction of homes and livelihoods across the country, but especially in the American West.

Mr. Chairman, long before I came to this Chamber in the 103rd Congress, a group of dendrologists testified before various committees that because of a lack of reasonable forest management, a corridor of fire could extend from Idaho to Mexico, and what will happen in the 6th District. God forbid, but what most likely will happen is that we will have a fire this summer, and I hope not, I fervently pray not, but conditions can exist where we could have a fire that should not be named ''Dude 2,'' it ought to be named after the devil himself. And we have this type of inaction because it seems, sadly, that there are those who would abdicate the responsibility that we have constitutionally in favor of bureaucratic fiat and in favor of a misguided notion that if somehow we stop roadbuilding, if somehow we stop effective forest management, somehow we are saving the forests.

Mr. Chairman, while there may be some ideological bank accounts in terms of mail order ideology and scaring the American people, the real fear should come from this, that we are threatening people's homes, we are threatening people's livelihoods and

fundamentally, we are threatening the very forests we allegedly have pledged to save.

Mr. Chairman, with every ounce of sincerity and honesty, and while we acknowledge freely differences of opinion in this Chamber, Mr. Chairman, I appeal to this House not to abandon the rural citizens of America, not to abandon their livelihoods, their well-being, not to abandon reasonable forest management with what is a renewable resource.

□ 1315

This is a health and public safety issue my colleagues neglected for the sensational headlines of today, and at the same time put the lives and livelihoods of Americans at peril.

I urge the Members, overwhelmingly, reject the Boehlert amendment, preserve the Smith language, preserve our national forests, preserve a way of life that calls for a true balance between environmental safety and economic well-being.

Mr. RADANOVICH. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the Smith amendment does not change any current policy on roadbuilding. The Boehlert amendment would codify an administrative process on road moratoriums that is currently under a public hearing process and is not finished. I urge all of my colleagues to vote no on Boehlert, yes on Smith, and yes for forest health.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, I would point out, we did not raise this issue. We were offering no amendments until we needed to respond to the base amendment that was offered here. My amendment was not the extreme amendment. It is an effort to get back to the language in the original bill of the gentleman from Oregon, Chairman SMITH.

This amendment, my amendment, the perfecting amendment, applies only to programs in this bill, not to other Forest Service programs. I want to make certain everyone understands that clearly.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, we are about at the end of this debate, under the rule. I want to say to my colleagues who have been listening to the debate, we were told at the outset of this debate that this legislation had nothing to do with salvage. During the debate we learned it had a lot to do with salvage. Although we changed the words, it was still basically a salvage and commercial timber bill.

We were told with the offering of the Smith amendment this debate and this bill had nothing to do with roads. Now we see, with the debate of the Smith amendment, it has everything to do with roads, because the proponents of this legislation do not believe that we can have forest health if we do not continue to push roads into roadless areas, into areas that have not yet been logged.

Yet, all of the scientific data that we have gathered says that in fact the areas where there are already roads, where there is a $10 billion backlog in the Federal effort to go back and try to restore and clean up those forests, those are the forests that are most devastated. Those are the forests that are the most denigrated by past policies. Yet, we are told by the proponents of this bill that unless we push roads into new areas we cannot have forest health.

We cannot take care of the 380,000 miles of roads we have today. We have not even begun to repair those areas. We can do all of the salvage logging that the Federal budget will handle off of existing roads, and yet somehow they insist that they must have the right to push in tax-subsidized roads into roadless areas.

The roads we have in the national forests are greater than the roads we have in the National Highway System. We have more miles in the national forests than we have in the National Highway System. We have enough roads in the national forests to go around the world 16 times.

Those roads are killing our national forests. Yet, the proponents of the Smith amendment, the proponents of the Smith bill, insist that they cannot have forest health without spending millions and millions of taxpayer dollars to subsidize roads into the new areas. That is why they are speaking so strongly in front of the Smith amendment. That is why the gentleman from New York (Mr. BOEHLERT) was forced to offer this amendment, to say stop, to say stop, because the Smith amendment provides for increased roadbuilding in the national forests.

When my colleagues come here to vote on the floor, they have to vote for the Boehlert amendment to have any opportunity to restore forest health, and they have to vote against the Smith amendment, because it simply increases the waste and abuse of taxpayer dollars to build subsidized roads to take logs off of the forests, which continues to create the forest health problems we have.

If we go to the top areas in the forest across the country where we have forest health problems, they are areas that have been heavily logged, they are areas that have been heavily roaded, and it has been devastating to the pocketbook of the taxpayer, it has been devastating to the local environment.

Mr. Chairman, this is not about rural voters. In the State of California we have so over-roaded the Sierra Nevada that we now risk losing the entire forest in that area. Yet, our colleagues would have us believe that the only way we can save the Sierra Nevada is to punch more roads into it. We now find ourselves in the middle of every rainstorm having huge landslides that continue to destroy more of the forests, they destroy the roads, and they destroy the streams.

That is the policy that this administration is trying to fix. That is the policy that the Smith amendment does not agree with. That is why they are pushing for the Smith amendment, to increase the obscene mileage of roads that are already in the national forests. That is why they need $150 million out of the current trust funds to pursue this. That is why they need another $100 million in taxpayers' money to pursue these roads.

This should not be allowed to happen. We should vote yes on the Boehlert amendment and no on the Smith amendment.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just have a question to ask. First of all, in my judgment this is a bill not about roads, it is not about logging, it is not about salvage, it is not about inappropriately using the taxpayers' dollars. This is a bill to target areas that need recovery. That is basically what this bill is, to recover those areas of our national forests that are having problems.

Mr. Chairman, the area we are discussing now is on page 29, lines 15 through 22. It starts out by saying, and this is the original language before it was amended, ''Prohibition on use of any funds,'' ''prohibition on use of any funds to construct new permanent roads.'' It seems to me they can construct roads that are not permanent.

What I would like to do, I would say that is a prohibition on new permanent roads in all recovery areas, all recovery areas, whether they are roadless or whether they are not roadless.

My question to the gentleman from New York (Mr. BOEHLERT), could he explain his amendment briefly? The gentleman has a prohibition of?

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

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

Mr. BOEHLERT. Mr. Chairman, I would say for my distinguished colleague, the gentleman from Maryland, for whom I have the greatest respect, that this bill was not about roads primarily, initially, but this amendment suddenly makes it about roads.

My amendment simply says for the programs in this bill, and only the programs in this bill, you cannot build roads in roadless areas. It is that basic.

Mr. GILCHREST. So, Mr. Chairman, the gentleman's amendment would allow the building of roads in recovery areas that are not roadless areas?

Mr. BOEHLERT. That is correct. The gentleman is correct.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding to me.

It was not my intention to speak on this matter. However, it is my understanding that the recovery areas have not been determined in any final form yet, and that there are portions of the forest that could very well be included in recovery areas that could be a surprise to almost anyone on the floor.

I gather it has been suggested that the San Bernadino National Forest, which is in my territory, could very well be designated as a recovery area. If that was the case and San Bernadino National Forest was included, I would have to conclude that there would be some threat to the access to those forests that we might need if there were a horrendous fire. Can somebody help me with that?

Mr. BOEHLERT. If the gentleman will continue to yield, Mr. Chairman, this is limited only to places where timbering already occurs or is likely to occur. So that is the original bill.

What I am saying, what my perfecting amendment says, it wants to get more in line with the original language of the gentleman from Oregon (Chairman SMITH), but the gentleman from Oregon (Chairman SMITH) has been besieged by a few members of the conference to make an adjustment.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, my concern was trying to understand the nature of the amendment compared to the original text of the bill, and try to differentiate between the Boehlert amendment and the Smith amendment to the original text of the bill.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LEWIS) is recognized for the time remaining between now and 1:30 p.m.

Mr. LEWIS of California. Mr. Chairman, I wonder if I could ask a question of my colleague, the gentleman from California (Mr. POMBO).

I had heard in the earlier debate that it is conceivable that as recovery areas are designated, that indeed, my own national forest could end up being possibly a part of a recovery area. Is that correct?

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I would tell the gentleman, yes, it is correct.

Mr. LEWIS of California. Help me with this hypothetical; not exactly a hypothetical.

Last year we had a major fire in the San Bernadino forest. In fact, my wife and I were driving past the front of that fire on a valley road and noted the helicopters up there, and said, my goodness, that is a very dangerous job these guys have. They were doing it because of a limitation of access, not available roads, et cetera. The following day we learned that one of those helicopters had crashed and this fellow, the pilot, was killed.

Indeed, our region has huge problems with fire threats, and the national forest has been in horrid condition. I am concerned that if it were part of a recovery area, conceivably suddenly we would have a major limitation to repairing access roads, building necessary access roads.

Is that the case in this circumstance?

Mr. POMBO. Under this circumstance, that would be the case, Mr. Chairman. Unfortunately, I am familiar with the San Bernadino forest and I know it would be an excellent place for a recovery area, because it does need some help. But in trying to recover that particular forest, they would be limited by this amendment on being able to construct access points into that particular forest.

Mr. LEWIS of California. Mr. Chairman, it seems to me that this forest conceivably could be part of a recovery area. It has been under serious difficulty in recent years because of the recent history of dry weather. A spark could literally ungulf the whole mountainside.

To pass an amendment that conceivably could put in jeopardy a protection program relative to preserving ourselves against fire disaster seems to me to be a pretty extreme position, for someone who lives in the territory, at any rate.

Mr. POMBO. If the gentleman will continue to yield, Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is trying to have us believe that this amendment he has is somehow a limited amendment, in some way it is limited to one specific problem that he perceives there to be.

The fact of the matter is, read his amendment. It says, any public policy that is in effect or has been proposed in the Federal Register. So there is no one on this floor today who can tell us how many public policies are in effect today, and how many have been proposed.

So if the gentleman's forest is a recovery area, we are talking about any public policy that is in effect, or anything that has been proposed is going to be covered.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to point out that the example cited by the gentleman, and I am very sensitive to that, would be taken care of under existing Forest Service programs. This is a very narrow, targeted area.

Mr. LEWIS of California. I would ask the gentleman from New York (Mr. BOEHLERT), I have read his amendment with care. It says, following the word ''law,'' ''or policy that is in effect on the date of the enactment of this Act, or has been proposed in the Federal Register.''

□ 1330

The CHAIRMAN pro tempore (Mr. LATOURETTE). Under the previous order of the House of Thursday, March 26, 1998, all time for consideration of amendments has expired. The Chair will now put the question on the pending amendments.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Oregon (Mr. SMITH).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2 of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the underlying Smith amendment.

The vote was taken by electronic device, and there were—ayes 200, noes 187, not voting 43, as follows:

[Roll No. 79]

AYES—200

Abercrombie	Ehlers	Johnson (WI)
Ackerman	Engel	Kanjorski
Allen	English	Kaptur
Andrews	Eshoo	Kelly
Baesler	Etheridge	Kennedy (MA)
Baldacci	Evans	Kennedy (RI)
Barrett (WI)	Farr	Kennelly
Bass	Fattah	Kildee
Bentsen	Fawell	Kilpatrick
Berman	Fazio	Kind (WI)
Bilbray	Filner	Kleczka
Bilirakis	Foley	Klug
Blagojevich	Forbes	Kucinich
Blumenauer	Fox	LaFalce
Boehlert	Frank (MA)	Lampson
Bonior	Franks (NJ)	Lantos
Borski	Frelinghuysen	Lazio
Boswell	Furse	Leach
Boucher	Ganske	Levin
Brown (CA)	Gejdenson	Lewis (GA)
Brown (OH)	Gephardt	LoBiondo
Capps	Gilchrest	Lofgren
Carson	Gillmor	Lowey
Castle	Gilman	Luther
Chabot	Goodling	Maloney (CT)
Clayton	Gordon	Manton
Clement	Goss	Markey
Clyburn	Green	Martinez
Costello	Greenwood	Matsui
Coyne	Gutierrez	McCarthy (MO)
Cummings	Hall (OH)	McCarthy (NY)
Davis (FL)	Hamilton	McGovern
Davis (IL)	Hastings (FL)	McHale
Davis (VA)	Hefner	McIntyre
DeFazio	Hinchey	McKinney
DeGette	Holden	Meehan
DeLauro	Hooley	Meeks (NY)
Deutsch	Horn	Menendez
Diaz-Balart	Hoyer	Miller (CA)
Dingell	Hulshof	Miller (FL)
Dixon	Jackson (IL)	Mink
Doggett	Johnson (CT)	Moakley

Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Pelosi
Petri
Porter
Poshard
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Waxman
Weldon (PA)
Wexler
Weygand
White
Woolsey
Wynn
Yates

NOES—187

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Delahunt
DeLay
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Oxley
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Ryun
Salmon
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wise
Wolf
Young (FL)

NOT VOTING—43

Becerra
Berry
Bonilla
Brown (FL)
Bryant
Cannon
Cardin
Christensen
Clay
Coburn
Conyers
Cook
Cooksey
Ford
Frost
Gonzalez
Hansen
Harman
Hinojosa
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lipinski
Maloney (NY)
McCollum
McDermott
McNulty
Meek (FL)
Millender-McDonald
Paxon
Payne
Pomeroy
Rangel
Rogers
Royce
Sanchez
Smith (TX)
Waters
Watkins
Watt (NC)
Wicker
Young (AK)

□ 1349

Mr. HASTERT, Mr. RILEY and Mrs. CHENOWETH changed their vote from ''aye'' to ''no.''

Messrs. FAWELL, FOLEY, and HOLDEN changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Oregon (Mr. SMITH), as amended.

The amendment, as amended, was rejected.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, pursuant to House Resolution 394, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. BOEHLERT. Mr. Speaker, I demand we have a vote on the Smith amendment, as amended.

The SPEAKER pro tempore. That amendment was not reported to the whole House. It was defeated in the Committee of the Whole.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 201, not voting 48, as follows:

[Roll No. 80]

AYES—181

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Coble
Collins
Combest
Cox
Cramer
Crane
Cubin
Danner
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wise
Wolf
Young (FL)

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Bentsen
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brown (CA)
Brown (OH)
Campbell
Capps
Carson
Castle
Chabot
Chenoweth
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crapo
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)

Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gilman
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilleary
Hinchey
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Neumann
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Pelosi
Petri
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Wamp
Waxman
Weldon (PA)
Wexler
Weygand
White
Woolsey
Wynn
Yates

NOT VOTING—48

Ballenger
Becerra
Berry
Bonilla
Boucher
Brown (FL)
Bryant
Cannon
Cardin
Christensen
Clay
Coburn
Conyers
Cook
Cooksey
Cunningham
DeLay
Edwards
Ford
Frost
Gonzalez
Green
Hansen
Harman
Hinojosa
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lipinski
McCollum
McDermott
McNulty
Millender-McDonald
Miller (FL)
Parker
Payne
Pomeroy
Rangel
Rogers
Royce
Sanchez
Smith (TX)
Waters
Watkins
Watt (NC)
Wicker
Young (AK)

□ 1409

The Clerk announced the following pair:

On this vote:

Mr. Edwards for, with Mr. Green against.

Mr. FOLEY and Mr. CRAPO changed their vote from ''aye'' to ''no.''

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 1998.

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

DEAR MR. SPEAKER: Please accept this letter as my formal resignation from the House Committee on Small Business.

With best wishes,

Sincerely,

JOHN E. BALDACCI,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 400) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 400

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

To the Committee on International Relations: Lois Capps of California.

To the Committee on Science: Lois Capps of California.

To the Committee on Transportation and Infrastructure: John Baldacci of Maine; Marion Berry of Arkansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Texas for the announcement of the schedule for next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce we have concluded legislative business for the week. The House will next meet on Monday, March 30, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. Members should note that we do not expect any recorded votes before 6 p.m. next Monday.

On Monday, we will consider the following bills under suspension of the rules: House Resolution 398, a resolution urging the President to provide three Blackhawk helicopters to the Colombian National Police to eliminate the production of illicit drugs; H.R. 2186, a bill to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming; H.R. 3113, the Rhinoceros and Tiger Conservation Reauthorization Act of 1998; H.R. 2574, a bill to consolidate certain mineral interests in North Dakota; H.R. 2686, the Iran Missile Protection Act of 1997; H.R. 3485, the Campaign Reform and Election Integrity Act, the Illegal Foreign Contributions Act, the Paycheck Protection Act, and the Campaign Reporting and Disclosure Act.

On Tuesday, March 31, the House will meet at 11 a.m. On Wednesday, April 1, the House will meet at 10 a.m. to consider the following legislation:

The 1998 Emergency Supplemental Appropriations Act, H.R. 10, the Financial Services Competition Act of 1997, and H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997.

□ 1415

Mr. Speaker, we hope to conclude legislative business for the week by the evening of Wednesday, April 1. As with the start of any district work period, it is difficult to predict an exact getaway time, but I imagine we should be done with our work by 6 or 8 o'clock on April 1.

Thursday, April 2, marks the beginning of the spring district work period from which the House will return on Tuesday, April 21. We expect recorded votes to be after 5 o'clock on that day.

Mr. Speaker, I would also like to discuss the funeral arrangements for our late colleague from New Mexico, Steve Schiff. A ceremony will be held on Monday, March 30, at 10 o'clock a.m. in Albuquerque, New Mexico. A funeral delegation is scheduled to leave the House steps at 6 o'clock a.m. and return to the House steps at 5:45 p.m. Members desiring to attend the funeral services should contact the Sergeant at Arms office.

I thank the gentleman for yielding me the time.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I would inquire of the leader, are we expected to have any late nights next week, and how late would we go on Monday night?

Mr. ARMEY. I thank the gentleman for your inquiry. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Mr. Speaker, we should expect that we could conclude our business between 7 and 8 on Monday night, and Tuesday night we might be prepared to go late in order to accommodate a completion of work on Wednesday evening.

Mr. FAZIO of California. If I can reclaim my time and ask of the leader, is there a commitment to complete H.R. 10, the Financial Services Act, before we go into recess?

Mr. ARMEY. I thank the gentleman.

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Yes, we intend to consider that on Tuesday of next week. Completed.

Mr. FAZIO of California. In addition, if I could ask of the leader, the Speaker has promised a vote on campaign finance reform by the end of March. I note that we have what appear to be four individual bills; I do not know the content of all of them. But is this the

fulfillment of that commitment? Are we finished with campaign finance reform when we vote on the four bills that seem to be, at least in the past, part of one campaign finance reform bill?

Mr. ARMEY. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Next Monday is March 31, and we do have the four bills that we indicated will be up on suspension. That does include the large bill that the gentleman from California (Mr. THOMAS') committee reported out, and then some selections within that bill.

Mr. FAZIO of California. Well, in order to get more information about this, because obviously it is of great interest to the Members, we have been waiting for this for a number of months. Let me yield to the gentleman from California (Mr. FARR) who is a leader in this effort on the House Democratic side.

Mr. FARR of California. I thank the gentleman very much for yielding. And my question pursuant to the campaign finance reform: Are any of those bills democratic bills?

Mr. ARMEY. I appreciate the gentleman's inquiry, and if the gentleman from California will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. They are all bills that have been worked on in the House by a number of people from both sides of the aisle. They have all been under consideration in the Committee on House Oversight, and we are of course confident that Members from both sides of the aisle, especially those Members who have so often expressed their hope and their desire to have this vote by the end of March, will have an opportunity to make the votes that they would find useful in advancing their concerns about election reform.

Mr. FARR of California. So there are no Democratic authors. Is Mr. SHAYS', the Meehan bill, one of the bills?

Mr. ARMEY. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield to the gentleman.

Mr. ARMEY. I am sorry, I just do not know the sponsors of the separate bills.

Mr. FARR of California. And do I understand that on suspension it requires a two-thirds vote in order to pass any of those bills?

Mr. ARMEY. The gentleman's understanding is correct.

Mr. FAZIO of California. I am happy to yield to my friend from Texas.

Mr. DOGGETT. Do I understand from the majority leader, then, that the only discussion of campaign finance scheduled after these many months, and committee comments from both sides of the aisle in favor of it, will be under a procedure that permits no amendments and only 20 minutes to a side to debate each bill and that no bill that passes by a simple majority will become law or be passed by this House?

Mr. FAZIO of California. I am happy to yield to the gentleman.

Mr. ARMEY. I thank the gentleman, and I appreciate the inquiry from the gentleman from Texas.

Obviously, we have been receiving an enormous amount of requests, a sense of urgency that would suggest that perhaps in order to respond to those people who have been so vocal on this matter that haste was more important to their concerns than the substance of the matter, and in this case we believe that we have addressed the critical issues before the electorate in this country, including, and especially, the issue of protecting the paychecks of working men and women of this country, and the opportunities to vote on them will be available, and certainly for those of my colleagues who are so anxious to have this opportunity, I look forward to watching them as they vote for this.

Mr. DOGGETT. Well, if the gentleman will yield further?

Mr. FAZIO of California. I am happy to yield.

Mr. DOGGETT. Haste was very important to us last September when the gentleman told us this issue was going to be coming up, but I missed the answer to my question. Is it correct that the only debate that will be permitted next week on campaign finance will allow 20 minutes to a side for debate, no amendments, and none of this legislation will pass the House if it only secures a majority vote?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I thank the gentleman for yielding. To the gentleman from Texas' inquiry, the answer is yes.

Mr. DOGGETT. I thank the gentleman. It would appear, then, that the last bill that leadership offered is not the only one that has been killed by this House. Campaign finance is as dead as a door nail.

Mr. FAZIO of California. I am happy to yield at this time to one of the cosponsors of the leading bill, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman from California for yielding, and I just would like to clarify a few points.

Our distinguished majority leader says that haste is more important than substance, and I do not understand why he feels that way. Would he please explain to me why he thinks haste is more important than substance?

Mr. ARMEY. I thank the gentleman.

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I thank the gentleman from California for yielding, and I thank my colleague for his inquiry.

The leadership of this House is prepared to deal with this issue and to deal with it in the most judicious way, through the efforts of the committees of jurisdiction, and to do so in a manner that does in fact give us an opportunity to comprehensively understand and measure all the concerns of the American people and appropriately respond to them.

I might say, if the gentleman would continue to yield, I am particularly proud of the work that has been done by the Committee on House Oversight, and I believe that the first of the bills that we will consider is very comprehensive, very responsive, very inclusive, and should provide each and every Member of this body with a wonderful opportunity to vote for campaign finance reform in the best interests of honest elections for the American people and all of the American people.

I am very pleased to have the opportunity to put this forward, and for those Members who felt so insistent that it ought to be done by the end of March, I would only suggest that obviously it is those Members that place the emphasis on haste as opposed to substance. The committee of jurisdiction was perfectly prepared to take that time which was necessary to do this job thoroughly, completely, and correctly, and given the strictures of time under which they operated, I think they are to be commended for the thoroughness of their work.

Mr. FAZIO of California. I am happy to yield further to my friend from Connecticut, if he wishes.

Mr. SHAYS. With all due respect to the majority, I never stood in 11 years and questioned my majority leader, and I do not do this lightly, but I am having a difficult time understanding what is being said and what will happen, and I would like to have that clarified for me.

Are you saying that we are moving in haste and that these bills are not substantive? Or that we are not moving in haste?

I would like a clarification.

Mr. FAZIO of California. I am happy to yield further.

Mr. ARMEY. I thank the gentleman for his request, and I appreciate him.

In order to be clear what it is, in fact, that we are saying here, we are saying that on Monday, March 31, under the suspension calendar we will take under consideration the Campaign Reform and Election Integrity Act, a comprehensive campaign finance reform bill that has been reported by the committee of jurisdiction, the Committee on House Oversight. We will then, after that is considered, move on to consideration of a bill that is written for the purpose of stopping illegal foreign contributions in American elections, I am sure a matter of great importance to all Americans, on a bill that should attract a very high vote count in this body.

In addition to that, we will look at the opportunity that has been made available to us to vote, through the Paycheck Protection Act, to protect the paychecks of every working man and woman in this country from mandatory use of their revenues, their incomes, by unions for political purposes without their consent and permission. I believe that too would be a very important vote, desirable by most of us.

And then finally, the Campaign Reporting and Disclosure Act will be considered, an opportunity for all of us to see to it that all of America knows promptly and thoroughly and completely who receives what campaign contributions from which sources and how those campaign funds are used as the day-by-day operations of the campaign go on.

I believe these represent opportunities for every American to have a greater confidence in the honesty and integrity of our American elections, and I am sure that all Members will look forward to the opportunity to vote on them.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Connecticut (Mr. SHAYS), and I would hope that he would inquire as to whether or not we are going to have a vote on Shays-Meehan, because I could not tell.

Mr. SHAYS. I intend to, but I thank the gentleman, and I thank the gentleman for yielding. I am trying to understand that we began this session last year, we waited all year long for a debate on campaign finance reform, at the end of that year of our legislative session, we asked the leadership if and when we would be having a debate on campaign finance reform. Our leadership, my leadership, said we would have a fair and open debate in February or March, and I am interested to know if this meets the leadership's definition of a fair and open debate on campaign finance reform.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman from California for yielding me the time, and I appreciate so much the ongoing interest of the gentleman from Connecticut.

As the gentleman knows, we have worked diligently on this whole issue in committee and in leadership, and with a great deal of commitment and conviction to the purposes at hand, that of securing honest elections, with great integrity on behalf of the American people.

We believe that we are bringing to the floor next week, under suspension, all opportunities of merit that could not be available to the American people to provide them that assurance, and we are very excited and proud for the opportunity for all of our Members to have the opportunity to express their commitment to that by a yes vote.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Connecticut.

Mr. SHAYS. Will you tell me who has decided that we brought all bills of merit? Who has made that decision?

Mr. ARMEY. If the gentleman will yield, again I appreciate the gentleman from Connecticut. This has been a decision that has been made through the entire leadership team in consultation with the committee of jurisdiction, and I appreciate my colleague's interest.

Mr. FAZIO of California. I am happy to yield to the gentleman from Connecticut.

Mr. SHAYS. Were any Democrats consulted on whether there would be bills that they think deserve debate and discussion? Was anyone on the other side of the aisle considered before the leadership made the determination to come out with these bills?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I appreciate the gentleman from California yielding to my good friend and colleague from Connecticut. I should, of course, feel reassured, and as it should be, we have bipartisan activity in the committee of jurisdiction, and we are very proud of the work that the committee reported out.

Mr. FAZIO of California. I am happy to yield further to the gentleman.

Mr. SHAYS. Mr. Leader, I asked a sincere question, and I would appreciate a sincere answer. And the question was: Was anyone in leadership on the other side of the aisle consulted before it was decided to bring out four Republican bills?

Mr. ARMEY. If the gentleman will yield, I thank the gentleman for yielding, and again I appreciate the gentleman from Connecticut for his interest, and the answer is no.

Mr. FAZIO of California. I am happy to yield further.

□ 1430

Mr. SHAYS. Then, Mr. Leader, how can that be a fair and open debate if we have not allowed people with differing views to present their bills and to make their arguments before this Chamber? How does that meet the requirement of my leadership, who I like to believe is telling the truth.

Mr. FAZIO of California. Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. ARMEY) for response.

Mr. ARMEY. Mr. Speaker, under these circumstances, I appreciate the extraordinary generosity of time of the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, it is reminding me of a tennis match. The ball is in your court.

Mr. ARMEY. Mr. Speaker, to my friend, the gentleman from Connecticut (Mr. SHAYS), let me just say, we are perfectly prepared to continue any further consideration of this subject as the year passes by. But certainly we feel we have identified, through the efforts of the committee on a bipartisan working basis, the key crucial issues that are under concern before the American people. We are very excited about the opportunity we have afforded the body to vote on these next Monday, March 31.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for giving me the opportunity to ask just one or two more questions. I would like to know if our leadership has made a determination to bring up the McCain-Feingold bill that was voted on in the Senate; and if so, when they intend to bring that up for a vote.

Mr. FAZIO of California. Mr. Speaker, I would be happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and I appreciate again the interest of the gentleman from Connecticut. And these are the decisions that have been made with respect to what will be brought to the floor next week.

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, has the leadership made any determination on whether or not they are going to bring McCain-Feingold to the floor of the House?

The SPEAKER pro tempore (Mr. HOBSON). The Chair will remind the gentleman from California that the customary extended 1 minute has expired, and the Chair believes that Members have explored this at some length.

Does the majority leader have any unanimous consents that he wishes to continue with?

Mr. SHAYS. Mr. Speaker, has the Chair made a ruling that I may not continue?

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Does the majority leader have unanimous consents that he wishes to continue with?

Mr. ARMEY. Mr. Speaker, point of clarification: If the Speaker is asking if the majority leader would be willing to ask unanimous consent to continue, the answer is no.

Mr. HOYER. Mr. Speaker, may I ask unanimous consent to speak out of order?

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

Mr. CASTLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, has objection been heard?

The SPEAKER pro tempore. Objection was heard by the gentleman from Delaware (Mr. CASTLE).

PARLIAMENTARY INQUIRIES

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, obviously I have not had an opportunity to review the precedents, but I have been here for many years, and rarely, if ever, have I seen a Speaker determined that the unanimous consent for 1 minute, while the schedule was being discussed, and the substance of that schedule being discussed——

Mr. BURTON of Indiana. Mr. Speaker, this is not a parliamentary inquiry.

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

Mr. HOYER. Mr. Speaker, my question is, under what precedents or practices does the Speaker make such a ruling, and on what does the Speaker rely in terms of what a reasonable time for such inquiry is?

The SPEAKER pro tempore. The Chair was trying to have a reasonable time of recognition. The Chair granted an unusually long period of time for discussion. The calendar was no longer really under discussion. The Chair has ruled. The House has important business to move on to.

Mr. BURTON of Indiana. Mr. Speaker, parliamentary inquiry before we go to that.

We have on the schedule a number of 5-minute special orders and 1-hour special orders, and I just wonder, do the 1-minutes that are now being requested take precedence over that?

The SPEAKER pro tempore. As is customary the Chair intends to recognize 1-minutes first.

Mr. BURTON of Indiana. Thank you, Mr. Speaker.

ALLOWING SECRETARY OF THE TREASURY GREATER DISCRETION WITH REGARD TO INSCRIPTIONS

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill, (H.R. 3301) to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program, and ask its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. WEYGAND. Mr. Speaker, reserving the right to object, I do so for the purpose of an explanation from the sponsor of the bill and a description of the bill.

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

Mr. WEYGAND. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Rhode Island for yielding. This will be very brief.

At the request of the administration, this bill was introduced to authorize the Secretary of the Treasury and the Mint to move statutory wording on the State quarters from one place to another as required by design considerations.

You will recall, we are going to have 50 State quarter bills in the next 10 years. No statutory wording such as ''In God we trust'' will be removed from the coins or any other statutory wording that is on the coins now. The bill simply grants more freedom for individual States that propose designs of their own choice.

It is a noncontroversial, technical bill that has been discussed with the minority. You have no objection. It complements the 50 States Commemorative Coin Program Act of 1997 that was passed and signed into law last year.

Mr. WEYGAND. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5112(l)(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(C) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during the 10-year period referred to in subparagraph (A) in which—

''(i) the inscription described in the 2d sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the 3d sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.''.

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

PARLIAMENTARY INQUIRY

Mr. FARR of California. Mr. Speaker, parliamentary inquiry.

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

Mr. FARR of California. Mr. Speaker, I am inquiring regarding the Suspension Calendar. It is my understanding, Mr. Speaker, the Suspension Calendar requires a two-thirds vote; is that correct?

The SPEAKER pro tempore. The gentleman is correct for passage of measures under suspension of the rules.

Mr. FARR of California. Mr. Speaker, is my understanding that the Suspension Calendar is done usually on a travel day when most of the Members are in the process of getting to Congress, and that is why the vote is not scheduled until 6 o'clock? Is that correct?

The SPEAKER pro tempore. That is not a parliamentary inquiry. That is a matter of scheduling.

Mr. FARR of California. Mr. Speaker, is it my understanding that under suspension——

The SPEAKER pro tempore. Is the gentleman stating another parliamentary inquiry?

Mr. FARR of California. Yes, Mr. Speaker, the parliamentary inquiry is that the debate is limited to 20 minutes?

The SPEAKER pro tempore. That is the Chair's understanding, 20 minutes on each side.

Mr. FARR of California. Mr. Speaker, and it is my understanding that this is——

The SPEAKER pro tempore. Is the gentleman stating another parliamentary inquiry?

Mr. FARR of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. FARR of California. Mr. Speaker, is this how the House normally debates substantive legislation?

The SPEAKER pro tempore. Under the standing rules of the House, at the Speaker's discretion motions to suspend the rules are in order on Mondays and Tuesdays.

Mr. FARR of California. Thank you, Mr. Speaker.

MEMBERS SHOULD SIGN CAMPAIGN FINANCE DISCHARGE PETITION

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

Mr. STENHOLM. Mr. Speaker, with regard to the last discussion regarding the schedule for Monday and the question of whether or not we should have a true discussion of campaign finance reform, let me remind all of my colleagues that we have a discharge petition at the Clerk's desk. It has 187 signatures on it.

If we can get to 218 Members of the House who wish to see campaign finance reform, all ideas, the Shays-Meehan and all other ideas of serious debate on campaign finance reform, all we have to do is line up here at the Clerk's desk and get 218 signatures, and the regular order of the House will prevail, and we will be able to have the kind of discussion for campaign finance reform that I believe the overwhelming majority of Members on both sides of the aisle really would like to see.

But it is up to us now. Since the leadership has ruled, rather arbitrarily, on how we shall proceed, it is up to Members of the House to use regular House order and sign the discharge petition.

CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, in a Congress that has been full of outrageousness, what we have seen here this afternoon represents by far the greatest outrage of all.

To imagine that the Republican leadership, as announced by the majority leader, could get together in a secret meeting and plot to deny the American people an opportunity to have a bipartisan discussion and debate about how to clean up our corrupt campaign finance system is incredible.

The majority leader has placed this matter on the docket for action on a

day that many Members of this body will be at the funeral of a distinguished statesman, a Republican colleague, the late Honorable Steve Schiff in Albuquerque.

Unfortunately, on Monday, it will not only be Mr. Schiff who is buried, but campaign finance, an incredible action in which Members are denied any opportunity to offer an amendment, any opportunity to debate beyond 20 minutes per side, and in which, if after all those contortions to defeat campaign finance, if that is not enough, if only a simple majority of this body should vote for campaign finance reform, it would be defeated because they demand a two-thirds vote. A disgrace has occurred here today.

CAMPAIGN FINANCE REFORM

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

Mr. BURTON of Indiana. Mr. Speaker, I was going to take a 5-minute special order, but because of all the tactics that have been employed today, I will not have that time to get into the details.

I would just like to say that the outrage that has been expressed regarding the campaign finance reform bill should also include the dilatory tactics employed by the White House in keeping the Independent Counsel from getting information that is necessary to conclude his investigation into illegal campaign finances and into the allegations that took place down at the White House regarding Ms. Lewinsky.

Now the White House is claiming executive privilege to drag this investigation out and drag it out and drag it out and keep Mr. Starr from getting to the bottom of it. They have done this on four separate occasions here in the House of Representatives by claiming executive privilege. It did not work. They have done it three times in the courts, and it did not work. It will not work this time.

But the White House continues to drag it out and drag it out. And the President continues to take these trips abroad to try to take attention away from this scandal that is taking place. It will not work.

But the President should make a clean breast of this and stop this from going on and on and on as he has over the past several months. He should not claim executive privilege. It has not worked in the past, and it will not work now.

PARLIAMENTARY INQUIRY

Mrs. CAPPS. Mr. Speaker, as the newest Member of Congress, I have a parliamentary inquiry.

I am very interested in campaign finance reform, and I wish to know how to sign the discharge petition which will bring this discussion to the floor.

The SPEAKER pro tempore. The petition resides with the Journal Clerk at the desk.

Mrs. CAPPS. I thank the Speaker. May I sign it now?

The SPEAKER pro tempore. Yes.

CAMPAIGN FINANCE REFORM

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

Mr. MEEHAN. Mr. Speaker, I cannot believe what we have just heard from the other side of the aisle here, the substance of which was pathetic. Can you imagine trying some way, somehow to excuse the outrageous behavior of the Republican leadership on the floor of House of Representatives right now?

Every major newspaper in the country was outraged at the fact that they had a rigged rule. If that was not bad enough to have a rigged rule, they took that off, because the McCain-Feingold-Shays-Meehan bill was about to pass this House. Now they are going to bring up the campaign financial reform suspension, unprecedented, that requires a two-thirds vote before anything could pass.

The leaders of campaign finance reform in this institution are outraged. The American people get what is going on. It is an outrage that this leadership is going to, after promising campaign finance reform, is going to bring this up when one of our Members is being buried and other Members want to be out at the service.

I cannot believe the total disregard to the public interest that we have seen here this afternoon, an absolute outrage. I have never seen it this bad before. The American people see what is going on here, and it is a disgrace.

□ 1445

SHAMEFUL LEADERSHIP PLAGUES HOUSE OF REPRESENTATIVES

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

Mr. WEYGAND. Mr. Speaker, I am a member of the freshman class, a freshman class that came in here on the role of amending our campaign finance laws to make it better for all citizens to participate in this Congress. It was a bipartisan commission of freshmen, freshmen Republicans and Democrats, who crafted a bill, who worked hard all last year and this year.

So what does the Republican leadership do here today? It says, to heck with all that you have done, to heck with the people of America, do not consider what is a bipartisan, good-faith effort to revise our laws with regard to an open government. We are going to close it down. We are going to take what we have done in a smoke-filled back room and put it before you and try to jam it down the throats of America. That is what the Republican leadership has said here today.

We should be ashamed of what they have done, we should be ashamed of the leadership that they have shown America, and we should vote down anything they present to us next week; and I ask my fellow colleagues, particularly the freshmen, to oppose what they are doing to us next week and oppose what they are doing to America.

REPUBLICANS CANNOT STAND OPEN DEBATE ON CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, after 15 months, after 15 months and campaign scandals across this country, the best the Republican leadership can come up with is to give Members in the House of Representatives 20 minutes of debate on hand-picked, hand-selected pieces of the campaign finance reform issue.

It is an insult to the American people, it is an insult to the membership of this House, it is an insult to the constituents that we represent, because we tell them that we can come here and debate the great issues that confront this country, but NEWT GINGRICH and the Republicans have decided they cannot stand an open debate on campaign finance reform. They cannot stand a little bit of sunshine on an issue that plagues our democratic institutions, scandals that are across this country, scandals that beset every officeholder in this country, but we cannot debate it in front of the American people.

While Members are away at a funeral, they are going to debate it and then vote later that night. It is an insult. It is no wonder, 20 minutes after 15 months, 20 minutes. That is the best that Speaker GINGRICH can come up with. What a fraud, what a deception. No wonder we are adjourning on April Fools Day.

No wonder we are adjourning, because the fools are going home without doing campaign finance reform.

REPUBLICANS SHOULD RECONSIDER SHAMEFUL TACTICS

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

Mr. HOYER. Mr. Speaker, I serve on the Committee on House Oversight. It was said that this legislation was brought to the committee. Let me disabuse any of my colleagues on the theory that this got any kind of thoughtful consideration in committee. It certainly will not receive any thoughtful consideration on the floor under the procedures that have been devised by the majority.

A bill was noticed to the members of the committee less than 24 hours before we marked it up in committee. We met, we offered some substantive amendments; they were rejected on a straight party line vote, and without

further discussion, this bill was adopted. It was supposed to come to the floor this Thursday.

We thought it was going to come to the floor with a motion to recommit so we could have offered McCain-Feingold. However, the Republican majority was even afraid of that procedure, limited though it was, so they have now devised a procedure which will allow not one single suggestion other than that which has been written in the back room by the Republican majority.

What a travesty. Not only will we not get campaign finance reform, but we will have a procedure that will further denigrate the democratic process that this House likes to pride itself on.

Mr. Speaker, I would hope that cooler, more rational heads would prevail, and that the Republican majority would reconsider this shameful process that they are foisting on the American public.

OUR DEMOCRACY IS DYING

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

Mr. DEFAZIO. Mr. Speaker, our democracy is dying under a flood of special interest campaign dollars, and it is a problem on both sides of the aisle, I admit that, and it needs to change. But the Republican leaders today, instead of tossing the American people and our democracy a life preserver with real campaign finance reform, tossed out a big lead sinker.

The debate on Monday will require a two-thirds vote to pass any tiny part of what they have deemed to be campaign finance reform, which does not even go to the heart of the issue, the soft money to the so-called ''issue ads,'' and why is that? Because apparently, for now, according to the New York Times, there is a majority in the House to pass an overhaul bill that would ban political parties from taking unregulated money known as ''soft money'' and would also curb issue ads by outside groups. It is fiercely opposed by the Republican leaders whose party generally has a fund-raising advantage.

Fiercely opposed, they did more than fiercely oppose it; they gutted democracy here today on the floor with this travesty. That will be nothing but a travesty of a debate on Monday.

It is disgusting, the worst thing I have seen in 11½ years in this House of Representatives.

REPUBLICAN TACTICS ARE A SHAM

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

Mr. FARR of California. Mr. Speaker, I rise today to show my shock at this House's procedure in bringing up campaign finance reform.

Let us recall a little bit of history. When the Democrats were in control of this House, we passed out campaign finance reform in every session. The bill was vetoed by President Bush, the bill that we passed out was filibustered by the Republican Senate, and now, when the President of the United States comes to this hall and asks the Republican leadership to give a campaign finance reform bill to him, last year and they failed, they have now scheduled it the same day that they are sending half the House to New Mexico for a funeral, they are limiting debate to 20 minutes, and they are requiring a two-thirds vote.

Now, if we do not need some reform of the reform, then we are crazy. This is a sham, and the American public will know it is a sham and demand campaign finance reform in a true fashion, such as the Democratic bill or the Shays-Meehan bill, be voted on in this House with a good, solid debate.

ORDINARY CITIZENS NEED A FAIR CHANCE TO GET ELECTED

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

Mr. ABERCROMBIE. Mr. Speaker, I was first elected to the State house of representatives in the State of Hawaii in 1974, when we had campaign expenditure limitations. I found myself in a contest with very wealthy people and a high-ranking bank official; I had to depend upon the goodwill of many of the young people who supported me. We did grass-roots efforts.

I would like to have the opportunity for any citizen to be able to run for office, as I did, and have an opportunity to be elected. That is why it is so important for us to take up these various forms of campaign finance reform. I do not pretend to have the final answer, and I do not think that the final answer necessarily exists in all of these bills, but surely we deserve the opportunity to vote on it.

In this particular instance where campaign finance reform is concerned, we have seen over and over again the press saying that the Congress failed to do it, or the House failed to do it. In this instance, I hope it will be noted by the public and by the press that takes this information to the public that it is Mr. GINGRICH and the Republican leadership which is thwarting the opportunity for us to be able to vote on campaign finance reform.

Please give us that opportunity. Let the ordinary, average citizen have a chance again in this democracy.

TIME TO KEEP THE PROMISES

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

Mr. VENTO. Mr. Speaker, next week we have got time for some things to do on this floor. For months we have had floating around here a bill called H.R. 10 that deals with modernization of financial services and, lo and behold, next week, in that week when we do not have time to deal with campaign finance reform, we have this 400- or 500-page bill, and we have the time, thanks to the House leadership.

A full-page ad in the paper today to deal with the problems of American insurance, the Council of Insurance Agents, the investment bankers, J.P. Morgan, we have time for that next week; but what about trying to reform the process around here in which we can get a people's bill on the agenda like campaign reform? That is what is important. But this bill has a priority over that, Mr. Speaker, and I think it ought not to have that priority. I think we ought to get our act together and do it right.

This can wait. This does not have to be jammed down our throats next week. What we need to do is deal with the campaign reform problem. It is 15 months past due. It is time to face up to this and meet the promises and commitments that were made around here last week.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state it.

Mr. MILLER of California. Mr. Speaker, if the debate is held on campaign finance reform during the day, is the House going in at 12:00, first of all?

The SPEAKER pro tempore. That order has not yet been set.

Mr. MILLER of California. Mr. Speaker, if the debate is held during the afternoon, are procedural votes in order during the debate, before and after the suspensions?

The SPEAKER pro tempore. The ordinary rules of the House will apply.

Mr. MILLER of California. Mr. Speaker, a further parliamentary inquiry. Would a motion to adjourn be in order?

The SPEAKER pro tempore. Yes, during the legislative session.

Mr. MILLER of California. Mr. Speaker, would a quorum call be in order?

The SPEAKER pro tempore. No, not by way of a point of order. Where a question has not been put to a vote.

Mr. MILLER of California. Mr. Speaker, it would not be in order, so a motion to adjourn would, at a minimum, be in order.

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. MILLER of California. I thank the Speaker. I would just say that the cloakrooms ought to inform Members that if campaign finance reform is brought up, they should expect procedural votes on Monday.

DEMOCRACY DENIED IN HOUSE OF REPRESENTATIVES

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

Mr. TURNER. Mr. Speaker, the effort in the House of Representatives to reform campaign finance laws in this country has died today without a single word of debate being spoken. It died by a procedural move on the part of the Republican leadership to place this very critical issue on a suspension calendar, a calendar normally reserved for bills that are not of great controversy, that require two-thirds vote for passage, bills that normally would be heard in an uncontested manner. Yet, the most important issue of campaign finance reform was placed on that calendar for this next Monday before the House of Representatives.

It is a tragedy that with hundreds of thousands of hours of effort being put in in the last 15 months in this Congress to study the abuses of campaign finance, committee hearings that have taken place in the committee I serve on, the Committee on Government Reform and Oversight, hearings in the Committee on House Oversight, and the pledge by the Republican leadership to allow this House to have an open and bipartisan debate, that has been denied by a procedural move that will not allow this House to completely debate that bill.

MCCAIN-FEINGOLD CAMPAIGN FINANCE REFORM BILL A DISASTER FOR AMERICA

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

Mr. DOOLITTLE. Mr. Speaker, I would like to praise the House leadership unabashedly for making the decision they did and allowing this to go before the House on a suspension calendar. I wholeheartedly endorse that decision. All of this folderol about the McCain-Feingold bill, it is a disastrous concept. It would hurt America. It would destroy our constitutional right to free speech.

I hear such moral indignation from the other side, but when we see the myriad of campaign abuses written about, engaged in by one branch of government in particular, everything is so muted.

I would submit, Mr. Speaker, that we have not properly diagnosed what the problem is in our campaign system. It is severely flawed, and we need to correct it, but rushing out here with a bill that everybody is afraid not to support, although I am happy not to support it, and many others, more than some might think, would be happy not to support it, I think we would be premature in bringing it up in that fashion.

This needs to be thoroughly discussed. The procedure of the leadership, as adopted by the supermajority, is entirely appropriate because the subject of this bill would hurt our constitutional rights.

□ 1500

GENERAL LEAVE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2515.

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

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 30, 1998

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

THE 65TH ANNIVERSARY OF THE FARM CREDIT ADMINISTRATION

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

Mr. STENHOLM. Mr. Speaker, I would like to take this opportunity to remind our colleagues that today, March 27, marks the 65th anniversary of the creation of the Farm Credit Administration by the executive order of President Franklin Delano Roosevelt.

The FCA is the independent arm's length reporting of the $78 billion Farm Credit System. It provides credit and financial services to this country's farmers, ranchers, and agricultural cooperatives.

The FCA is charged with a highly challenging mission: to promote a safe and sound, competitive Farm Credit System by creating an environment that enables System institutions to serve rural America as a dependable source of credit and financial services within the authorities established by Congress.

The FCA is ably led by a distinguished three-person board chaired by the Honorable Marsha Pyle Martin, who hails from the great State of Texas. In addition to her significant roots, Ms. Martin is the first woman chair of the FCA board and, together with fellow board members Doyle Cook and Ann Jorgensen, directs the regulatory activities of a small cadre of highly qualified professionals.

While the FCA is a small agency with only 300 personnel nationwide, it is an impressive group of dedicated professionals, possessing insightful knowledge about how to ensure that sound financial institutions thrive to better serve agriculture. It is an agency with a rich history of profound service to agriculture, and is one of the surviving entities of FDR's New Deal.

I would like to share a brief bit of FCA history with the Members today, because I believe it demonstrates how well government can work, and points clearly to the importance of those institutions which will maintain our Nation's position as the world leader in agriculture as we move forward into the next millenium.

Shortly after President Roosevelt was inaugurated in 1933, he issued an executive order that established the FCA as an independent credit agency and consolidated under it all the fragmented programs previously created to improve the availability and deliverability of agricultural credit.

The 1930s were not a good time for agriculture. Farm prices had hit an all-time low and hundreds of thousands of farmers were finding it impossible to produce enough income to pay their debts. One of the FCA's first major responsibilities was to implement the Emergency Farm Mortgage Act of 1933, designed to halt the wave of farm foreclosures by refinancing farmers' debt.

Through radio broadcasts, President Roosevelt told farmers to write or wire Washington if their farms were threatened by foreclosure. The response was an avalanche of wires, letters, and phone calls, totaling 43,000 in less than 4 months. The newly formed Farm Credit Administration moved vigorously to intercede with creditors, asking them to wait long enough to see if farms could be refinanced. Most of the farms were refinanced, and the FCA's history of dedicated service to agriculture had begun.

More recently, the FCA was instrumental in helping the Farm Credit System and its borrowers survive the severe disruption of agriculture that occurred during the 1980s. Like the 1930s, the 1980s were not a good time for agriculture. I think we all remember when land values spiralled downward and the devastating impact on the many farmers and financial institutions that financed the legitimate credit needs of those farmers.

The FCA was there again, but in a different role, this time as the independent regulator of the Farm Credit System. In this new role the FCA ensured that farmers who had been devastated by economic circumstances were afforded the opportunity to restructure their loans, thereby enabling them to remain in farming.

The FCA also ensured that cooperative financial institutions took proper management action to financially strengthen their operations so they could remain as a viable source of credit to their farmer borrowers. Though the FCA role had changed over time, the outcome of fulfilling their role remained the same, and the needs of individual farmers were met.

Moving to the present, the FCA has become one of the more stellar performers to emerge from implementing the Administration's program to reinvent government. The FCA has reduced its expenses by nearly 15 percent since 1995, and has slashed its work force by nearly 30 percent since 1993. The agency is almost 25 percent below Office of Management and Budget's established personnel target for the FCA under the Administration's program to reinvent government.

The agency is at the forefront of developing increasingly efficient and innovative programs that not only ensure that the safety and soundness requirements are adhered to by the Farm Credit System, but also result in minimal disruption to the vital business activities of the institution it regulates.

The Farm Credit System today is financially sound, and stands on the threshold of making innovative progress at better meeting the credit and financial needs of farmers and ranchers and their cooperatives. The FCA has played a key role in the system's success, and is there to ensure that these institutions exercise safe and sound banking practices that comply with the law and regulations, as new endeavors take form. Over time, farmers, ranchers, cooperatives, and the public have all benefited from the professional activities of the FCA.

Mr. Speaker, the FCA record reflects a deep commitment to agriculture. It is a record of exceptional performance from 1993 to the present. I am proud to recognize it here today.

REFORMS NEEDED IN THE AGRICULTURAL COMMUNITY

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

Mr. GUTKNECHT. Mr. Speaker, nearly 2 years ago Congress approved landmark legislation giving farmers the freedom to farm. Supply management and command control agricultural policy had failed our farmers. The safety net that was intended was acting more like a ceiling, so farmers, locked arm in arm with consumers and taxpayers, changed the course of agriculture policy in this country.

Today, instead of talking about expanding the acreage reduction program and conceding critical world market share, farmers are now asking Washington for fast track. Today farmers are talking about the need to keep a lid on their out-of-pocket expenses, especially those imposed by Uncle Sam by way of taxes and regulations.

In short, our farmers do not want to depend on the government to merely survive. Rather, our farmers want the tools and the global markets necessary to actually succeed. Improved research and the development of more effective risk management tools, such as crop revenue coverage, are good examples.

Unfortunately, the progress I have just described does not characterize Federal dairy policy, where regional divisions have prevented any kind of meaningful reform. Instead, price-fixing, whether by regional compact, cartels, bogus price floors, or an irrational order system, is still fashionable.

I think it is ironic that this Congress, which never misses a chance to champion market-oriented reform, growth, and opportunity, still clings to a dairy policy that has fallen out of fashion, even in Moscow. When I see so many folks championing the status quo, I wonder if I have missed something.

Since 1985, my home State of Minnesota has lost more than half of our dairy farmers, over 11,000. That is a rate of three per day. Nationally the U.S. has lost over 152,000 dairy producers under the very system which today so many are attempting to save.

I hope when all the dust settles, we will put aside our regional bickering, abandon the failed policies of supply management and command control economics, and embark on a new path. We should not be striving for a policy that simply slows down the hemorrhaging, but we should work for a policy that puts our dairy farmers on the road to recovery.

We can start by creating a more market-oriented order system, rejecting harmful regional compacts and price floors, implementing a dairy options pilot program that can eventually become national in scope, authorizing forward pricing to shift risk away from the producers, and by developing a kind of market-oriented insurance program which farmers, taxpayers, and consumers can all support.

On this note, I seriously doubt that anyone in Congress would ever deny our grain farmers the right to forward contract to protect against price volatility. Yet, we do exactly that to our dairy farmers. It is bad policy, and we have the power to stop it.

Tax and regulatory relief, better research and risk management tools, and expanded global markets for U.S. agricultural products offer our Nation's dairy farmers real opportunity, but price floors and supply management only offer a frustrating ceiling thinly disguised as a safety net. The difference is as stark as saving and investing for your retirement, or relying on Social Security to bring about the good life.

Mr. Speaker, when the Kremlin collapsed, a newspaper editorial commented that ''Markets are more powerful than armies.'' Because history has demonstrated this time and again, I am convinced that fluid milk will be sold according to the dictates of supply and demand. If Members do not believe me, just look at the editorials in the Washington Post, the New York Times, and the Wall Street Journal. It is only a matter of time.

The question before us today is, will we in the agricultural community accomplish reform on our own terms and at our own pace, or will change be forced down our throats after we have surrendered yet more farmers and more potential markets? The choice, Mr. Speaker, is ours to make.

CAMPAIGN FINANCING AND THE NEED FOR REFORM

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

Mr. MILLER of California. Mr. Speaker, over the last 15 months many, many Members of the House of Representatives and Members of the Senate, on a bipartisan basis, have worked to try and see whether or not we could reform the campaign finance system in this country.

The gentleman from Connecticut (Mr. SHAYS) worked very hard on the Republican side, the gentleman from Massachusetts (Mr. MEEHAN) on the Democratic side, the gentleman from California (Mr. FARR) on the Democratic side, and many, many others, to see whether or not we could present a system of campaign finance to the American public that would start to restore their faith in how we elect people in this country; that the race just does not go to the person with the most money, that the race just does not go to the person with the most special interest money, that the decisions are not made here based on campaign contributions and who gave money to whom. If you give $10,000, you get more say than somebody who gave $1,000, and more than somebody who gave you $5; and try to see if we could return this system, that has become awash in money, that has distorted the basic decision-making process in the House of Representatives and in the United

States Senate and in the administration.

Our basic democratic institutions are threatened by the vast amount of money that is now finding its way into campaigns. It comes in straight-up contributions to individual Members, it comes from Political Action Committees, it comes from soft money, it comes from independent expenditures.

We are having a primary in California. The primary is in June. This is only the end of March. Three candidates have already reported almost $25 million being spent for the Governor's race. One candidate has reported $18 million being spent.

□ 1515

Pretty soon, this will be a hobby for rich people, or this will be a place where only those who have the money of the special interests will come to work, and the people will take second best.

Mr. Speaker, we all know, those of us who serve here, those of us who go through campaigns, we all know that the influence of money is getting more and more pervasive in every decision made in the Congress of the United States; that it is distorting the decision-making process; that it is corroding the underpinnings of the democratic institutions. And we cannot allow it to continue.

But what did we find out today? After many, many disruptions last year in the House of Representatives to try to get the Republican leadership to give us a vote, to give us a fair and open debate on competing plans, to debate this subject in front of the American public, what did we find today? That Speaker GINGRICH has decided that we will get 20 minutes on each side of an issue to decide campaign finance reform.

Mr. Speaker, we just spent 5½ hours here debating a bill of no urgency, a bill that was eventually defeated. We could have debated it all day today. We could have debated it in the weeks where the Congress has only worked 1 and 2 and 3 days a week. We get paid for 5 days a week, we get paid for 7 days a week, but most of this year we have been working 2 and 3 days a week. We could have debated campaign finance on any one of those days. But they waited right until we get to the Easter break, and then they said we will give 20 minutes.

Why did they give us 20 minutes and why did they hand-pick the bill that we would vote on? Because they know that that bill does not have enough support to pass. They know there is in this House a bipartisan bill that will reform this system, that will pass, and they will not let us vote on that. Twenty minutes or no 20 minutes. They are cooking the books, they are rigging the game, they are tilting the field, all against reform.

Even those huge majorities in this country want the current system of finance, of campaign finances reformed and changed and made more democratic. But the Republican leadership does not even want to let us debate the bill. They do not want to let us amend the bill. They do not want to let us change the bill. They want to put a bill out here that they know will not pass, and force us to kill it, and then they can blame Democrats or Republicans or liberals and conservatives and say, ''They killed campaign finance reform.''

No, Mr. Speaker; NEWT GINGRICH, the Speaker of the House who sets the agenda, who sets the calendar, he killed campaign finance reform because he was afraid of the debate. He pledges allegiance to the flag every day. He talks about democracy. And he is afraid of the debate in front of the American people.

Mr. Speaker, how cynical can one become when they cannot trust the American people and cannot trust their representatives, so they have to schedule the debate so they can get an outcome that a majority of the House does not want? It is a terrible, terrible day for democracy and it is a terrible day for our democratic institutions, and it is a terrible day for the American voter because the race will continue to go to the people that accept more special interest money and the most money and not the best candidate in the race.

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

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

CAMPAIGN FINANCE REFORM GIVEN SHORT SHRIFT IN HOUSE

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

Mr. DOGGETT. Mr. Speaker, as I listened to this afternoon's disgraceful announcement given to us, I gather, with some glee by the Majority leader, that the American people would be denied any free and fair debate on the issue of campaign finance reform, I could not help but reflect on how this Congress began back in January of 1997.

Mr. Speaker, we assembled here on this floor to begin the people's business. We have come now through the full year of 1997 and well into 1998. It was on that very first day in January of 1997 that we cast a vote on the issue of campaign finance reform and were denied an opportunity to move forward on it in this Congress. And repeatedly, over the course of 1997 and 1998, there have been those of us, both Democrats and Republicans, who have come to this floor asking not to have it exactly our way, the way we would write a campaign finance bill, but to have a free and fair debate of this issue that goes to the core of the problems that surround this institution, the Congress and the Government of the United States and the way that it operates.

Over that time period, we first were told by some that we could accomplish the issue of campaign finance reform in time for our Nation's birthday, on July 4 of last year. That time came and went. I think some looked to that date, because a couple of years earlier Speaker GINGRICH went up to New Hampshire and shook hands and smiled with President Clinton and said that they would move forward on real campaign finance reform. That was in 1995. He delayed for a year and then engaged in the kind of sham maneuver we have seen this afternoon in order to kill campaign finance reform in 1996.

So we came to the fall of last year, after many speeches and many demands for action on campaign finance reform and, lo and behold, the majority leader, the same gentleman from Texas who stood before us today to kill campaign finance reform, he announced that we would have action on campaign finance reform last fall before the Congress recessed. Of course, as we all know, that time went by and no action occurred. No debate on any proposal was permitted.

But we heard, with some degree of incredulity I suppose, as we listened to the discussion on the last day of that session, the Republican leadership assembled upstairs in front of the press and they announced a great task force. They had all of these proposals they were going to put together and they were going to put a Republican fix on the campaign finance reform system and they were going to be ready to debate that when we gathered here in 1998.

Well, now we are in 1998, and we reached the day yesterday when they were going to present their great proposal, and they have since found now that they have presented it, that it is being rejected by the majority of Republicans. And so they have decided to pull down that proposal and to deny us full and fair debate of that, because if we began debating that fully and fairly, we might be able to offer a motion to recommit it to the committee and get some genuine reform of the campaign finance system.

So, Mr. Speaker, on a day when many Members of this Congress will be traveling to New Mexico to honor our distinguished colleague, the late Steve Schiff, at his funeral, on that day they have scheduled the debate in which any of the Members who will be traveling to the funeral will be unable to participate. And should they get back here in time to vote on Monday night, if only a majority of this body votes to approve campaign finance reform, it will be defeated because Speaker GINGRICH and Majority Leader ARMEY and, to hear the gentleman from Texas (Mr. ARMEY) say it, all of the Republican

leadership has agreed on one thing: The only way they will permit any Democrat or any Republican to discuss and debate the issue of campaign finance reform is in a contrived procedure designed for one purpose and one purpose only, and that is to ensure that campaign finance is dead and gone for this session, that nothing will happen.

Mr. Speaker, why is this issue, which frankly, as we travel around the country, we do not hear on the tips of the tongues of the ordinary working people of this country, why is it so important? Well, the reason that it is so critical that we have a full debate is that it goes to every other issue that occurs in this Congress. Because increasingly, there are Americans out there who say that in this Congress we do not decide issues, whatever they might be, in terms of what is good for America. Rather, we decide them principally on the basis of who gave how much to whom and how often they did it.

It is that kind of corrupting influence in our democracy, to the extent it actually occurs, and more importantly perhaps to the extent that that is the way the American people feel about this system and they lose faith and confidence in our democracy because of the role of big money and corrupting this system, that this is so critical.

Perhaps some in America are concerned with our tax system or with Social Security or education or child care. If we are to deal with any of those issues constructively, we have to reform this system, and that is why today's action is so disgraceful.

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

(Mr. TIAHRT 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. SAXTON) is recognized for 5 minutes.

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

WHO ARE WE REALLY PUNISHING: THE TOBACCO COMPANIES OR PEOPLE WHO CAN LEAST AFFORD THE TAX INCREASE?

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

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to remind my colleagues of those Americans who are being pushed aside in our zeal to punish the tobacco companies and curb youth smoking. The rhetoric and demagoguery waged against tobacco gives new meaning to the ''politics of fear.'' If only there was the same commitment to wipe out illegal drugs, violence and illegitimacy, the hypocrisy of this campaign would not be so blatant.

Yes, Mr. Speaker, here we go again. From no new taxes to lining up for pushing to the limits the most regressive tax in America. Mr. Speaker, let me say it once and say it loud and clear: A tax is a tax is a tax.

The Senate Budget Committee resolution to raise tobacco excise taxes by $1.50 is far from an act of courage and wisdom. Rather, the decision is borne out of fear, expedience, and illusion. This tax is income redistribution at its worst, pure and simple. The very defenders of our poor and middle-class citizens prefer to ignore the ugly truth of the proposed excise tax increase. Instead, they have convinced themselves that they know what is best for Americans. Once again, these Members of Congress will look the other way because they know that already over 50 percent of the Federal cigarette excise tax is paid by American taxpayers who earn less than $30,000 a year. Even worse, only 7 percent is paid by folks with incomes over $75,000.

Mr. Speaker, we cannot hide from the burden that this huge tax increase will have on our lower-income families. For someone who smokes a pack of cigarettes a day, our Federal Government will be taking an additional $550 a year, and this is no small change if someone is making less than $20,000 a year.

And where is all the money going? For starters, the antitobacco trial lawyers are lining up at the trough, when and if the States ever receive their portion of the new taxes and direct payments from the tobacco companies. But that is not all. We also have the Conrad and Kennedy bills, among others, that are ready to launch a new era of big government with hard-earned dollars from low-income taxpayers.

Even worse, there are some Members who believe we can use this tax increase on smokers and pay for other Americans to enjoy a tax cut.

Mr. Speaker, I will be among the first to support a much-needed tax relief bill. But the excise tax is an income transfer, not a tax break. Who are we really punishing? The tobacco companies? Or people who can least afford the tax increase?

The fact is that this new cost will be passed on to the consumer by the companies, whether it is from a tax or a national settlement. Twenty-five percent of American adults who choose to buy a legal product, albeit one that causes serious health problems, may soon be lining the pockets of trial lawyers and funding new Federal programs that have precious little to do with stopping kids from smoking.

We are told that smokers must be held accountable for the increased medical cost brought on by smoking-related illnesses. There is a myth that smokers impose higher medical costs on society and this justifies the increase in our Federal excise tax. A study published in the New England Journal of Medicine tells us otherwise. The uncomfortable truth is that the lifetime medical costs of smokers are smaller than those of nonsmokers.

No doubt that many of us have encountered the suffering of a friend, a relative or a loved one who has been diagnosed with lung cancer or perhaps emphysema. I believe there are more effective ways, however, that will help us convince young and older Americans alike that smoking does have dire consequences for them, and for themselves and for the people that care for them.

One young man from Murray, Kentucky, said it best during his recent testimony to the House Committee on Commerce. The answer to reducing teen smoking lies with the family, and I quote, ''This can be done in the home, not in Washington.'' His answer is hard to argue with, but I would add that our Federal Government can play a valuable role in supporting this message at home by helping to educate our youth through the media and the classroom.

We have made tremendous progress in this country in reducing the prevalence of smoking, and we can do even more with realistic constructive policies. Are we going to further punish adults who choose to smoke with higher taxes? Or is it time to embrace an imperfect but comprehensive settlement that, in the words of the Louisville Courier Journal Editorial Board, seeks an opportunity to make smoking more expensive and less attractive, especially to kids?

Congress must find the courage to adopt sensible national tobacco legislation. Ample evidence here at home and around the world shows the folly of taxing cigarettes out of the marketplace. Look no further than to our Canadian neighbors to understand the very real possibility of black market imports of cigarettes that will elude high Federal tax. Despite the fact that Canada doubled its tax on cigarettes in 1983, the increased levy has failed to reduce youth smoking and may have even made it more difficult to control because of smuggling. In our own Nation's history, we need to look no further than the era of prohibition to see how our government can create black market windfalls for criminals.

If we follow the mad rush towards another new tax, we will begin to destroy the livelihood of thousands of small family farms. Yes, we can spend millions of dollars to retrain these farmers, but I assure my colleagues that Congress cannot replace the way of life and culture they have cherished in our State for generations.

Once again, Mr. Speaker, Americans and people throughout the world will continue to smoke for years to come despite all our efforts to tax tobacco to death. I urge my colleagues to seek a solution that strives for prevention and cessation, not the punishment of fifty million Americans and thousands of tobacco farmers and workers.

□ 1530

OPPOSING THE MAKAH WHALE HUNT

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

Mr. METCALF. Mr. Speaker, recently one of the television networks presented a new production of Herman Melville's Moby Dick. As we all know, this is a drama about a whale hunt in the 18th century. In this drama, Melville gives a detailed and gory account of a whale hunt.

Now, two centuries later, whaling has become one of the things that just is not done anymore. Because the world's whaling ships hunted whales almost to extinction 100 years ago, whales occupy a special place in our conscience. Protecting whales has become one of our civilization's most noble undertakings. But the struggling to protect these special animals is not over yet.

I regret that it is in my State, the State of Washington, that an Indian tribe has announced its intention to hunt whales again. The Makah tribe, backed by the U.S. Government, is preparing to repudiate rulings of the International Whaling Commission and kill four California gray whales each year.

Furthermore, it is evident that the tribe, with the backing of the United States Government, is willing to set a trend which will lead to a resurgence of whaling around the world. And here is the reason: If they are allowed this hunt, 13 bands and tribes of Indians in British Columbia say that they will also begin to hunt whales.

Earlier this month, the Makahs met with other aborigines around the world to talk about whale hunting. They attempted to keep the meeting quiet by staging the meeting in Canada and avoiding the press. They intend to assert a ''cultural subsistence'' right to hunt whales. But here is the danger.

If a cultural subsistence is recognized, then what do we say to Japan and Norway, two nations that we have for years tried to get them to stop whale hunting but still hunt whales? If anybody has a cultural right to hunt whales, it is Japan and Norway. Whether or not the Makahs are justified in these claims, the real danger in allowing their hunt to go on is the encouragement it will give to others around the world.

Mr. Speaker, this is a slippery slope. Once aborigines around world are whaling again, will that not give encouragement to nations who want to continue commercial whaling?

I have already mentioned Japan and Norway, and they continue to practice commercial whaling in violation of the International Whaling Commission. I have just learned that the Japanese and Norwegians were both represented at the Makah meeting in Canada earlier this month with the other aborigines. It is unimaginable that this killing could start up again on a commercial scale, starting in our State of Washington.

The gory drama in Moby Dick cannot be repeated in the 20th century. For the Nation, it will be a horrible spectacle certain to be televised. As the Makahs set out in their canoes, a media event will be created. The tribe's reputation and our Nation's reputation will be sullied as the Makahs pursue and kill their four gray whales. The gray whales swim together, and it is certain that more than four gray whales will be wounded or will die for the four that the tribe will take back to shore. Because they do not kill each whale; they have a lot of misses too and injuries.

But the worst aspects of the Makah whale hunt are the worldwide ramifications, the possible resurgence of commercial whaling. The 18th century killing described in Moby Dick will be repeated many times around the world. I shall continue to oppose the Makah hunt or any other killing of whales.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 25, 1998

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

TRIBUTE TO HONORABLE STEVEN SCHIFF

Mr. DIAZ-BALART. Mr. Speaker, the Speaker of the House of Representatives just a few hours ago had the sad duty to report to us the death of one of our colleagues, the gentleman from New Mexico (Mr. SCHIFF). So I would like to begin my remarks this evening expressing my sincere condolences to the Schiff family and letting them know that my prayers go out to them in this very difficult moment.

We will miss in this House STEVE SCHIFF. He was a great man. But I would say that he was really a great man, above all else, because he was a good man. He was a man of extraordinary integrity as well as great intelligence. He possessed a brilliant legal mind that he put to use serving not only this House but our country.

And so, I will certainly miss my friend and colleague STEVE SCHIFF. I will always recall with much affection how, based on the fact that he was of such discipline of mind, he was, for example, teaching himself Spanish and he would enjoy conversing in Spanish; and it was remarkable that just literally months after beginning his Spanish classes he had achieved a great fluency.

Anyway, we will miss, I will certainly miss my friend STEVE SCHIFF.

Mr. Speaker, in just a few days, and I think it is important for the American people to realize it, the Pentagon, the Department of Defense, is scheduled to make public a report, an assessment, of the security risks, the danger to the national security of the United States posed by the Cuban dictatorship just 90 miles from our shores.

A number of us here in Congress have received preliminary reports with regard to that assessment that will be made public in just a few days by the Department of Defense, disturbing reports, because we are of the understanding, we have been led to believe that the Pentagon is about to say that there is, in essence, no threat from the Cuban dictatorship. That is a grave mistake if, in fact, that is the assessment that is made of the threat.

It is a grave mistake and it is really unfortunate. Because the only way in which the conclusion can be reached that there is no threat from the Cuban dictatorship 90 miles from our shores is based on a political decision, an imposition by the White House upon the Department of Defense with regard to the report, its threat assessment, of just a few days.

So if it is the case then, the preliminary reports that we have received, that in effect the Pentagon will say in a few days that there is no threat coming from the Cuban dictatorship, if that is the case, we, those of us in Congress who had received these preliminary reports are of the belief that a political decision is motivating that report.

Just a few days ago, a number of us wrote to the Secretary of Defense and Secretary of State with regard to this very issue. And if I could, I would like, Mr. Speaker, to be able to read this letter:

''Dear Mr. Secretary,

''We are writing to express our concern about the ongoing national security threat from the Cuban dictatorship. Specifically, we are convinced that the Castro dictatorship is a major enemy of our efforts to shield America's frontiers from the drug threats, and we are additionally concerned about Castro's ability to develop biological and chemical weapons. Castro is technically capable of many of the same types of things we know Saddam Hussein is doing, and the Castro dictatorship is the only rogue regime that is 90 miles from our shores.

''We are appalled about current attempts to downplay the Castro threat and are deeply disappointed that the Department of Defense refuses to acknowledge Castro's ongoing threats to the United States. We have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list. Despite Cuba's economic situation, Castro remains a dangerous and

unstable dictator, with the intentions and the capability to hurt U.S. interests.

''Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots trained for air strikes against military targets in south Florida. Five years ago a Cuban air force defector in a MiG–29 fighter aircraft, flying undetected until just outside Key West, Florida, confirmed that he had received training to attack the Turkey Point nuclear power facility in south Florida.

Two years ago, Castro ordered Cuban MiG–29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 2100

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination.

When considering the potential threat from Castro, the following must be noted.

Despite the end of the Cold War, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

Castro maintains one of Latin America's largest militaries with capabilities completely inconsistent with Cuba's economic reality and security needs.

Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves he maintains in hidden foreign accounts. Forbes magazine has calculated a minimum of $1.5 billion that Castro has in such foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shootdown operations in international airspace just outside the United States.

Castro is training elite special forces units in Vietnam who are prepared to attack United States military targets during a final confrontation, according to Janes Defense Weekly.

Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist nations. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously these days in Colombia.

Castro continues to coordinate and facilitate the flow of illicit drugs through Cuba into the United States. We will talk more about that later. Castro continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the Department of Justice.

The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept of highly classified Persian Gulf battle plans in 1990–1991. Castro is working with Russia, which recently extended a $350 million line of credit for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor at Juragua.

Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite Cuba's failed economy, Castro has constructed a secretive network of sophisticated biotechnology labs, fully capable of developing chemical and biological weapons. These labs are operated by the Military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. Castro has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

Tyrants are most dangerous when they are wounded and dying. Given Cuba's proximity to the United States and Castro's proven instability, it would seem to be an unacceptable and potentially tragic mistake to underestimate his capabilities. We request that Castro be kept on the State Department's list of terrorist nations and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities, as the Castro dictatorship moves towards its final stage.

This letter was sent by nine Members of Congress just a few days ago as I stated, Mr. Speaker, to the Secretary of State and the Secretary of Defense. The evidence with regard not only to what we mentioned in that letter but specifically with regard to narcotrafficking is extensive. The really sad aspect of this, in addition to the fact that it takes place, is that there is an undeniable pattern on the part of the Clinton administration to cover up and deny every single piece of evidence existing linking Castro and his regime to narcotrafficking into the United States. A number of colleagues and I sent a letter back in November of 1996 to General McCaffrey, the Director of the Office of National Drug Control Policy in the White House. We stated, after some introductory paragraphs, ''There is no doubt,'' we told General McCaffrey, ''that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA Administrator Tom Constantine testifying before the House International Relations Committee in June said that 'there is no evidence that the government of Cuba is complicit in drug smuggling ventures.' On the contrary, there is no doubt that the Castro dictatorship is in the drug business.''

We continue in our letter to General McCaffrey: ''Your appearance before the committee that day was also very disappointing on this critical issue. Castro and his top aides have worked as accomplices for the Colombian drug cartels and Cuba is a key transshipment point. In fact, just this year sources in the Drug Enforcement Agency's Miami field office stated to the media that more than 50 percent of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba. Since the 1980s, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narcotrafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling into the United States. They were Aldo Santamaria, Fernando Ravelo, Gonzalo Bassols and Rene Rodriguez-Cruz. In 1987 the U.S. Attorney in Miami won convictions of 17 south Florida drug smugglers who used Cuban military bases to smuggle at least 2,000 pounds of Colombian cocaine into Florida with the direct logistical assistance of the Cuban armed forces. Evidence in this case was developed by an undercover government agent who flew a drug-smuggling flight into Cuba with a MiG fighter escort. In 1988, federal law enforcement authorities captured an 8,800-pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States.''

''Prior administrations,'' we wrote to General McCaffrey, ''have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 1982, Tom Andrews, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'we now have also detailed and reliable information linking Cuba to trafficking narcotics as well as arms.' On April 30, 1983 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee, his remarks validated prior findings. 'The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. They have done so by developing a relationship with key Colombian drug runners who on Cuba's behalf purchased arms and

smuggled them to Cuban-backed insurgent groups in Colombia. In return the traffickers received safe passage of ships carrying cocaine, marijuana and methaqualone through Cuban waters to the United States.'

July 1989. ''Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'there is no doubt that Cuba is a transit point in the illegal drug flow. We have made a major commitment to interdicting this traffic. Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'

''We are sure,'' we continued in our letter to General McCaffrey, ''that while in Panama as Commander of the U.S. Southern Command, you (General McCaffrey) became aware of General Noriega's close relationship with Castro and of Castro's intimate relationship with the Colombian drug cartels.

''Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy, no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

''In April 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted and prepared an indictment charging the Cuban government as a racketeering enterprise and Cuban Defense Minister Raul Castro as the chief of a 10-year conspiracy to send tons of Colombia cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators and the Defense and Interior Ministries cited as criminal organizations.''

We continued in our letter to General McCaffrey, In the last few months, the prosecution of Jorge Cabrera, a convicted drug dealer, has brought to light additional information regarding narcotrafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine into the United States, sentenced to 19 years in prison, and fined $1.5 million. Cabrera made repeated specific claims confirming cooperation between Cuban officials and the Colombian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip under Coast Guard surveillance that would proactively implicate the Cuban government.

''Overwhelming evidence points to ongoing involvement of the Castro dictatorship in narcotrafficking. The Congress remains gravely concerned about this issue and we are deeply disappointed that the administration continues to publicly ignore this critical matter.''

We ended our letter to General McCaffrey stating, ''We appreciate the opportunity to share these concerns with you and can assure you that further administration inaction on this matter will be met by serious congressional concern as well as investigation as to its cause.''

Administration inaction has continued for the over 1 year after this letter. The letter in reply that we received was a form letter, totally unacceptable. Even more unacceptable has been the continued cover-up of the administration of this evidence and much more that exists directly connecting the Castro regime to the narcotrafficking of cocaine and other deadly substances into the United States. This is a situation that the American people have got to become aware of. The Clinton administration is covering up the connection, covering up the reality of the Cuban dictatorship's cooperation with the drug traffickers, conspiracy with the drug traffickers to import narcotics into the United States. There is a cover-up of this issue by the Clinton administration. Every time that we hear the President and the drug czar and other leaders of this administration talking about this issue, the cover-up continues, the cover-up is intensified, the cover-up is magnified. There is absolute silence with regard to this evidence.

But there is more. There is a spy center, an espionage center in the outskirts of Havana that picks up every single telephone conversation in the eastern United States. The Clinton administration systematically ignores the existence of that espionage center and is doing absolutely nothing about it. It is a Russian espionage center that has remained from before the collapse of the Soviet Union, and the Russians maintain it. Even though the Soviet Union collapsed, that espionage center continues to pose a threat to the national interests of the United States.

It is the Lourdes espionage center. It was built in Cuba, according to a secret agreement between former Soviet and Cuban special services, in the early 1960s. The station is controlled and operated by the GRU, the Russian Military Strategic Intelligence Agency, and establishes a radio and electronic intelligence field over the southeast United States and the Atlantic region, collecting intelligence cyberdata in close cooperation with Russian intelligence stations and field offices, military spy satellites, Navy reconnaissance and Air Force reconnaissance. This information came from a high ranking Russian defector who recently came to the United States.

The main mission of the Lourdes espionage station is registration and penetration through coded and ciphered radio, radio-technical/electronic, micro-waves and cellular signals in the eastern part of the United States, disclosing American nuclear missile submarines' combat patrol routes throughout the Atlantic. The station routinely provides to Moscow's military-political leadership extremely important strategic military and economic, commercial and private information about the U.S. and other countries in the Atlantic Basin.

The station is capable of compromising the United States Government's secrets, commercial and private communications, monitoring all American military movements throughout the Atlantic region. This is something that was just confirmed. During Desert Storm, in that extraordinary effort led by President Bush and the United States of America in 1990–1991, when this Nation's military demonstrated to the world not only its technological prowess but the genuine superpower status of the United States of America and liberated Kuwait, during Desert Storm in 1991, in the Lourdes espionage center in Cuba, Russian specialists obtained and disclosed to the Iraqis the U.S. military plans of the battle against Iraq, thus directly compromising American and allied troops in Saudi Arabia and in Iraq.

□ 2115

That has been confirmed by a Russian defector. The plant that Castro is running in cooperation with the Russians not only was able to obtain in Desert Storm all of our military plans, but made it available to Saddam Hussein. The same thing without any doubt is happening now with regard to the plans that we have in case we have to go back into Iraq.

And what are we hearing from the Clinton administration with regard to the Russian espionage center in Havana? Nothing.

I see my friend from California here.

Mr. ROHRABACHER. I would just like to commend my colleague for not only this speech, but the diligence that he has shown over the years in alerting us and the American people to what Fidel Castro is all about. I do not know why, but there seems to be a romance with this bearded fascist down there in Havana, and people do not want to admit the horror that he has brought to the people of freedom all over the world. He has been one of the strongest enemies of freedom anywhere in the planet in the last 40 years, and his dirty deeds; you, know I could see back in the 1960s when people were idealist, they would overlook the fact that when he came to power he just cleared jails out and went out and shot people, you know, just summarily executed people; said those were Batista-ites or something. But as time went on, it seems that the liberal left in this country seems to bend over backwards never to acknowledge the wrongdoing of Fidel Castro.

You mentioned, for example, his drug dealings. We know about his drug dealings. I mean, it is clear that this man and his cohorts down there have been involved up to their necks in drug dealings for decades. Robert Vesco, who we know as probably the fellow who went down and organized the modern drug movement in Latin America, where was his headquarters all of these years?

It was in Cuba. Yet when we try to confront our administration with facts about who or where, you know, where are the drugs coming from and who are the kingpins, you never hear Fidel Castro mentioned.

And some of the things you are bringing up tonight about what he has done, and even a few years ago in Desert Storm, that threaten our national security, put the lives of our young men and women in the military at risk; why is it that LINCOLN DIAZ-BALART has to be the one talking to an empty Chamber here and trying to gain the attention of the people of the United States? Where is our administration? Where are the people who are supposed to be watching out for our security? Well, they are making overtures to try to think, well, now is the time we should loosen these restrictions on Castro.

It is beyond me.

Mr. DIAZ-BALART. Mr. Rohrabacher, it is worse than that. Not only are we not hearing anything from our administration, from the Commander in Chief whose responsibility under the Constitution is to protect the security of the American people, not only are we not hearing anything, but in a few days we are going to hear something officially coming from the Pentagon, politically ordered, saying in effect that there is no threat coming from Castro's Cuba.

And what is really sad is that you and I and most of the men and women in this Congress are extraordinary admirers of our men in uniform and our women in uniform, and they are great professionals. But the reality of the matter is that there are sometimes, sometimes examples of undue influence of political decisions made in the White House that are imposed upon the agencies of the executive branch, including the Pentagon.

So I urge, and a number of us have sent in writing our concerns to the Secretary of Defense and the Secretary of State with regard to this upcoming whitewash. This will simply be unacceptable to publicly say that a drug trafficker who maintains that Russian espionage center, and we have not gotten into the nuclear power plants yet, the Soviet-designed nuclear power plants that Castro is doing everything in his power, and he just received a $350 million line of credit from the Russians to complete less than 200 miles from the United States these Soviet-designed nuclear reactors. Defectors that worked in the initial stages of their construction have sworn here under oath in congressional committees and have stated to our intelligence community that, even beyond the inherent dangers of those nuclear plants, all of which, by the way, of that design have been closed in the former Soviet Union and in the former Communist countries of Eastern Europe. Each of those former Communist countries, now liberated, has shut down those, they are called DD–440 Soviet nuclear power plants, because of their inherent dangers. But over and above the inherent dangers, defectors have stated that there were so many mistakes made in the initial stages in their construction that they are literally ticking time bombs. And we are hearing absolutely nothing from our administration with regard to those nuclear plants.

I think it is indispensable. I think it is the constitutional duty of the President of the United States to say those plants are not going to become operational, period. Because that madman, that tyrant, if he is able to blackmail the President of the United States with refugees, imagine with Soviet-designed nuclear power plants. We are not only talking about a Chernobyl-type accident possibility, and I have the records in my files that within 72 hours as far north as Washington, D.C. would receive the radiation, the disaster would be without parallel, without precedent in this country. Not only an accident, but an incident manufactured or threatened by the Cuban tyrant with those nuclear power plants. Simply unacceptable. We are not only talking about the Cuban people being wiped out in the case of a Chernobyl, it is less than 200 miles from the United States. We are not talking about Chernobyl in the Ukraine. We are talking about Soviet-designed power plants less than 200 miles from the United States of America.

And where is the administration?

Mr. ROHRABACHER. Well, this administration, if the gentleman will yield, is a horrible record. This is totally consistent with what the administration did the last time we were out on vacation. What did they do? They moved to eliminate the final impediments to any type of trade with Vietnam. This administration which, by the way, has of course been involved in a scandal dealing with campaign donations that may have come from Red China, has done more to eliminate those people, the efforts by people to confront the Red Chinese on their human rights abuses.

So, should we be surprised that in this vicious dictatorship in Cuba that they overlook all of the evil that is so apparent to anyone who gives an honest look at the situation?

You know, I used to think these people were, you know, they just briefed in peace and they were so blinded by some desire for peace, but this is not a desire of peace. This is something pathological that when Communist countries and enemies of the United States are doing these type of things that you have outlined today, that we in some ways should try to befriend them and in some way that the threat to us is going to be less because we are befriending this type of monstrous regime.

Mr. DIAZ-BALART. The gentleman is correct in his analysis. The reality of the matter is that just a few days ago, March 20, a Fox News Service release which was distributed, I do not know how many newspapers in the United States picked it up, but nevertheless there was a release, a news release specifying this new commitment by the Russians of a $350 million line of credit to Castro for the completion of the nuclear power plants. This was in the news wires. And reading from that news wire, the scenario could not be more dire.

A nuclear disaster in Cuba that would send a plume of radioactive fallout across Florida and as far as Texas, the likes of which have not been seen since the 1986 accident at Chernobyl in the Ukraine. And it also could not be more plausible, say some Cuba experts now, that Cuba and Russia have announced plans to resume work on two long-stalled nuclear reactors located in the island Nation's western province of Cienfuegos, 180 miles from the United States.

The announcement came in the wake of Russia's decision just a few weeks ago to free up $350 million in credits offered to Cuba last year.

Quote, ''This is a Chernobyl-like disaster just waiting to happen right off of our shores,'' end quote, said Roger Robinson, former senior director of international economic affairs at the National Security Council. Quote, ''Anything could happen given such horrendous deficiencies in design and safety,'' end quote.

''So concerned is the U.S. Department of Defense,'' here is the reaction of the administration, ''So concerned is the U.S. Department of Defense over the plant's safety that it plans to build a radiation detection facility in Florida that would alert residents'' in the United States along the entire Gulf of Mexico and as far north as Washington, D.C. ''of leaks from the two reactors.''

The 1998 defense budget approved by Congress provides $3 million for the early warning system. That is not the solution. It is too late. If this warning, if this detection facility ever picks up radiation coming from those Chernobyl-style plants, it is too late. They cannot be permitted to come on line.

I would ask the gentleman from California, knowing of his leadership and his interest in the national security of our country to join me in forming a coup de grace caucus in this Congress to educate our colleagues with regard to these nuclear reactors, the first one that is scheduled to come on line being at Hidalgo that Castro was so desperate to complete. We have to educate our colleagues and the American people with regard to the fact that those nuclear power plants are being systematically ignored by the Clinton administration and that we in Congress, since the administration is not doing anything about it, we cannot let them come on line.

Mr. ROHRABACHER. I would gladly join with my colleague from Florida, and let me just say that if we are committed to protecting our people from this nuclear catastrophe that could

happen, we have the means to prevent this from happening. We have the leverage on the former Soviet Union now. They must deal with this issue if we put it on the top of our list in dealing with Russia. And they have no money in Russia. We have the ability, even right now with just a concerted economic commitment, to tell the Russians they will not do this or we will bring them down, and we could do that even with our economic power. And for us to sit by and let them just transfer this $300 million nuclear plant is unconscionable.

And again it is commendable that you, like Paul Revere, are riding through the dark, warning of the coming danger, and the American people have got to wake up. They cannot be lulled to sleep by the images of an old man with a gray beard meeting with the Pope. This is not an old man with a gray beard meeting with the Pope. This is the Pope, unfortunately, meeting with Satan.

I mean, Fidel Castro has committed every evil that we can imagine on this planet, and the fact that he is willing to put nuclear reactors that are unsafe for his own people and put them on his island threatening the existence of every man, woman, and child on his island shows you the evil that is still in his heart.

There is nothing that motivates Fidel Castro except the hatred of the United States of America, and he is willing to sacrifice even the lives of every man, woman, and child on his island.

□ 2130

Mr. DIAZ-BALART. I thank the gentleman from California, and we will work very intensely in the coming months on this caucus in the Congress to educate our colleagues and the American people with regard to simply the unacceptable reality of the construction of those plants and that they cannot be completed.

With regard to the point made by the gentleman from California with regard to Castro's hatred of the United States, just the day before yesterday, a dear friend of mine, a former Cuban political prisoner, spoke by phone with one of the most respected and leading dissidents inside of Cuba.

There is an extraordinary story going on unreported in Cuba. I have a list of 500 activists in my office, in the streets of Cuba, in all the provinces who are disarmed, and they are seeking, they are fighting for democracy day in and day out peacefully, in the midst of that totalitarian system and suffering extraordinary repression.

Of course, there are thousands in prison. But just the day before yesterday, perhaps one of the most respected of those dissidents, a young lawyer, 33 years old, who we in this Congress nominated for the Nobel Peace Prize when he was in prison last year, and the gentleman from California joined in that petition to the Nobel Peace Prize Commission, because that young man certainly deserved it, and we hoped to see if we could help him in his physical integrity and protection while he was a political prisoner last year. He has now been released.

He was able to speak to a former political prisoner and very good friend of mine the day before yesterday. I would like to read the remarks and answers in his reply to the questions posed by this gentleman who is now in exile, because one of the points he makes is precisely about Castro's hatred for the United States.

But if I may, Mr. Speaker, the question was, what is Leonel Morejon Almagro, this renowned and respected dissident, what is he doing presently for his country?

''We are working,'' he answered. ''Working and asking God to end this nightmare. We continue working on the plebiscite; we have a good number of signatures.'' Under the Cuban Castro constitution, theoretically, you can put something on the ballot if you have 10,000 signatures. Of course, they never recognize those signatures. He is working on that. He is thrown in jail on that, but nevertheless, he is working on it, trying to find unity, a consensus of the people to achieve something important in this country.

In everything else, trying to grow each day in the people, which is what is vital, to be able to perform a civic action that has real repercussions and can create a movement with the strength of the people, to make the government sit down and talk to us. Or to change the political map of the country, That or any other project that can bring about a consensus among the opposition, and in the end mobilize the masses of the people, the opposition, the dissidents with a common goal. That is the solution. I believe that revitalizing the Cuban Council at this point is important.

What are the changes that Castro has made?

Castro has made absolutely no change. Please, let us not make mistakes, let us not get happy, let us not have futile fantasies, nor celebrations in vain. Because Castro was very clear in his last speech. In his love to talk and talk, he said the following: ''If they lift the embargo, those who are saying that if they lift the embargo we are going to change, we tell them,'' Castro said that if they lift the embargo, ''we will create true socialism.''

Please, Castro has not changed in the least. Castro has played a political hand, gentlemen. A pardon, to forgive some people. We are happy because here are our brothers such as Alonso Romero, Omar del Pozo, et cetera. They have not left Cuba, but they are supposed to, they are being held in Villa Marista. Each time a political prisoner is freed, we are happy, but that is not the solution. What do we gain if one political prisoner is released when tomorrow 20 others are arrested? The punishment is still there.

I am threatened with a 20-year prison sentence. They have told me this to my face, that if I continue working for democracy, they will put me away for 20 years. They do not let me speak, they shut me up. How can I possibly believe in a change in Fidel. Do not believe that, because if Castro fools you, then you are really dumb.

Question: How do you see the U.S. capitalist sectors who wish to invest in Cuba?

Until now, the United States has, more or less, been able to hold back Americans from investing in Cuba. I think that if they allow this to happen, this would be a great lack of respect toward the Cuban people. Not only do they want to invest in Cuba, they want to come here for the ''mulatta,'' to be with the ''Caribbean mulatta'' or the tanned boy. The investors who are already in Cuba are paying trifles. We are like the Indians. They are buying us with necklaces, with glass beads. That is immoral. It is indignant.

If they are able to achieve their wishes of investing, where does that leave us; where does that leave the Cuban people who have been kicked around for years, insulted; where does that leave the people who have suffered beatings, the disrespect, the intolerance? Where does that leave us?

I believe in democratic capitalism, in the one that helps man. If they come here to invest, it is going to be a disaster, because the Cuban people are not ready at this time, under these circumstances. Because the Cuban people are a slave people. The Cuban people are slaves.

And under those conditions we cannot win, because nobody who respects himself, for a little bag at the end of the month and for $148 a year is going to work in this country, nobody is going to do it. And those who do it are unhappy doing it.

For this country to take off economically, there needs to be economic freedom. Cubans have to be able to invest. The people need to live. The people need to prosper, the people need to be able to buy a car when they want to, save money whenever they want to, and Castro is not going to allow that, because that is the way to losing power. Because for Castro to remain in power, he needs the CDR, the Committees for the Defense of the Revolution, militants among the youth, among the party. He needs to have the people hungry and the people under control.

Everyone knows that I am in favor of the Helms–Burton law.

We are talking about a brave man, talking by telephone to the United States. Everyone knows that. He says that he is in favor of the Helms–Burton law.

What I want is for Castro and the Cuban Government to give my people rights, to me, to my daughter, to my wife, and everyone.

The embargo is not a Cuban problem. I remember when I was in high school, in 12th grade. During that time, petroleum was being thrown away. Petroleum and gasoline were wasted, were used for no reason. Because 13 million tons were received each year. There was too much for an island such as this. To the point that oil was sold to Nicaragua, to Africa, and the Caribbean.

At that time, Fidel Castro didn't even remember the embargo. My God, it is not a blockade problem. Fidel Castro uses it as a shield, but when Castro does not have an embargo, he is going to have a conflict with the United States to say, well, the gringos lifted the embargo, but now we cannot leave our one party, nor can we abandon socialism.

And then he will say to those who come to invest that they have to be very careful, because they are our eternal enemies. The speech will then be that it is a strategy to threaten him, Castro. It is a strategy so that we open up and lose power. And then he will ask more than ever not to lay down arms. They will celebrate the lifting of the embargo as a political victory, and everything will remain the same.

Question: What policy should be followed?

Until there is a real opening in democratic Cuba, until we have the possibility of publicly debating the country's problems, until

there is the possibility for real change, there can be no softening of the sanctioning of the government, with regard to the pressure on the government, acting as though it were a normal government. If the embargo is lifted, we are lost. It will be a great defeat for the country.

Question: In Europe they say that if the embargo is lifted, Castro will be forced to make changes.

No, not true. The economic avalanche will not have any effect because, in Cuba, there is no will for change. There is no entrepreneurial spirit in the regime. The economic avalanche, whatever it may be, is going to be calculated, controlled by the government. Precisely to avoid change. Because the Cuban people are under a strong economic, political and social control.

The world may open up for Castro, but Castro is not going to open up for the world. Because Castro is only going to open up to his interests or for the benefit of the Communist Party's interests.

Tomorrow the blockade or embargo can be lifted, and the Europeans want to invest in Cuba. But to invest in Cuba, they need to go through the government's commercial filters, because in Cuba there is no commercial freedom, it does not exist in an external or internal sense.

In Cuba, every internal investment needs to go through a commission which decides what is going to be done. Foreign investors cannot meet with Cuban partners.

What do you think motivates those who wish to save Castro? The underlying envy of Europe and the rest of the Americas towards the United States. Castro has utilized that very well. They see Castro as the symbol of anti-Americanism, the anti-yankee, and they want to save him. They want to save his legend.

But Castro has used that legend to hurt the Cuban people, to hurt you, and to hurt me. I cannot have a normal life. What I want most is to enjoy my life. I do not want to be president or even a councilman from Marianao.

What I want is democracy in Cuba. Then after that, I want to write poetry, study piano, I want to travel, I want to study ecology, dedicate myself to my wife and to my daughter. I want to dream. I want to write a book. I want to live, damn it. And that is impossible in Cuba, just impossible.

I am not a politician. What I am is an idealist. And, in Cuba, one cannot live. It is impossible. Because, in Cuba, one cannot live under this system. In Cuba, our dreams have been castrated, there is a castration of the Cuban youth.

What do you recommend be done at this time?

It is necessary to help the opposition. The opposition needs real and concrete help, not just in heart and soul, it is needed in every sense. Much can be done, but there are too few resources for everything. There is nothing here. There is not even a Crayola to paint.

The Cuban Council is hope. And what people do is flee, leave the country. That takes away from us. It takes away from us and we leave the solution in the hands of that man, of this man who is a monster, who is delirious, who is paranoid, a lunatic, whatever he is. Who has ruined our lives, who has ruined my life.

Are you scared of anything?

Yes, I am. I do not want to walk alone at night. I am worried because my wife is very nervous, due to threats I have received. I do not want a bus to mysteriously run over me. I am 33 years old, I do not want to be crucified. I aspire to live the happiest moment of my life, the moment of meeting again with you, with the good that you are, not the bad. The good that can be found in Cuba, to meet again and breathe, breathe in a free country. I want that. That will be the happiest moment of our lives.

I have a 6-year-old daughter. I sleep in one room with my wife and my daughter. She is growing. And I would like to offer her a better life. I am an attorney, I did well in my career, the time that I was working. I lost my career, I lost the possibility of practicing because I thought, and I think, that it was my duty as a man to tell the truth in court and not remain quiet before injustice. I have lost, not lost, but gained years lived in prison, because they have given me the honor of being able to tell my daughter and my grandchildren tomorrow that I suffered in prison for opposing Castro.

I do not want to lose my life, but if I have to lose it, I'd do it happily to destroy a hateful dictatorship in my country. But truly I want to live. I want to live. I want to be able to live. Look, in Cuba, one does not live, people leave Cuba because you cannot live here.

In Cuba, there is no future. Cuba is a country condemned to a totally indecent present. A hateful present. And somebody has to do it. It is my place to speak in the name of those Cubans who are afraid, very afraid, who have many responsibilities, what they cannot say.

Is there hope?

In Cuba, there are thousands of people who are waiting for the opportunity. We can really destroy this in a matter of months, but we need to see the formula. What the people need to understand is that the solution is within us. Let us see how we get there. I have been trying to figure out how to do it. But we have on top of us the entire intelligence apparatus. We are a people controlled by the yoke.

What is the future of the Cuban opposition?

I can guarantee you something. Perhaps tomorrow we cannot call upon a million people to show strength among the people, but I can tell you that no matter what they do to us, they will not be able to get rid of us, to eliminate us. The Cuban opposition was born, grew, and here to stay. Fall who may, and do what they do, we will be here.

What would you say to those who wish to invest while Castro is still in power?

We have to tell them not to get desperate to invest in Cuba because they will lose more investing today than waiting for tomorrow. They should invest in a country with full economic rights and guarantees.

That is the message that we have to give the Americans who are dying to invest in Cuba. We have to tell them to remain calm. They will have opportunities to invest in a country that really has economic potential, with security, and peace. Because Cuba right now is a time bomb, because a people such as this, is not going to, even if it is dormant, even if it is in a long lethargy difficult to wake from, it is not going to resign itself to live as slaves. Because Cuba, at this time, is a country of people who are tired and sodomized. Castro has simply sodomized the Cuban people.

And we must tell those investors not to get desperate, help more by pressuring the government, more so that it opens up, more to make a safe society, a pluralistic society, a society with all its social dynamics, its freedom, and its capabilities open so that they may prosper.

Leonel Morejon Almagro, from Cuba, the national coordinator of the umbrella of 140 dissident and independent press and professional and workers organizations. This is the Cuban people speaking.

In addition to that, you know that the three Cuban American Members of Congress, both Republicans and Democrats speak like this man speaks, because we know what the Cuban people feel.

Our friends in Congress here, who are all of you, coincidentally, who are here this evening, from both parties, the friends of the Cuban people respect the Cuban people and want free elections for the Cuban people, and they listen to the Cuban people's representatives like Leonel Morejon Almagro. I thank the representatives.

On behalf of Leonel Morejon Almagro and the Cuban people, I thank the representatives of the American people and the American people for standing on the side of Cuba's right to be free.

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Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I think that it is vital that we understand that if we do what is right now, and we have the courage, as this man suggested in the reading, that we discipline ourselves and not rush in to try to invest in Cuba before Castro is gone.

Castro will some day be gone, whether it is natural causes or otherwise, and the Cuban people will have a chance to be free. But I fear that American businessmen, as they are doing in China and as they are doing in other dictatorships, are rushing not to try to have a positive influence, but instead, are looking at the quick buck and are establishing economic ties with these totalitarian regimes which will give life to those regimes.

In other words, I believe that once American businessmen invest in Cuba, we will find that Communist Cuba has a whole new group of advocates in the United States, as we have seen in China, as we have seen people who are supposed to be talking about democracy in China because they are Americans and they are investing in China and up spending all of their time trying to do what? Trying to lobby us not to be tough on China because of the abuses of human rights there. This same thing could happen in Cuba.

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, at the very least, even though we have not been able to prevent what I personally consider an immoral policy with regard to the Chinese Government, because the real matter is that the Chinese Government uses slave labor and the multinational corporations are investing in that market and benefiting from the slave labor of the Chinese people. We have not been able to stop that because it is a billion people and it is too strong for us to have stopped it.

But at the very least we can say in this hemisphere, this is a hemisphere of democracy and this is a hemisphere of freedom and the Cuban people are

not the only people that should be condemned to live in tyranny in this hemisphere; no, they deserve to be free.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. PALLONE), my colleagues that are here. They are representative of the overwhelming majority of the Congress of the United States in both parties who stand with the right of the Cuban people to be free.

We are, in the next few days, going to celebrate the 100th anniversary of the resolution passed by this Congress that said Cuba is and it ought to be free and independent, as we told the Spanish colonialists, who invented the concentration camp under General Wahler. By the way, interestingly enough, Castro's father was sent to Cuba to fight the Cuban insurrection as a Spanish soldier under General Wahler and General Wahler invented the concentration camp, and he put entire segments of the Cuban population in concentration camps to defeat the insurrection.

Mr. Speaker, it was the American people, and the American people alone, that stood with the Cuban people, and Cuba was free and independent. The United States withdrew from Cuba after helping the Cuban people defeat Spanish colonialism in 1888 and the United States withdrew in 1902.

The relationship between Cuba and the United States has always been friendly, except for this madman who represents the anti-Cuba and who will soon be gone from the face of the Earth and will be in the dust bin of history.

I thank the Congress of the United States; I thank the leaders who are here who represent the majority opinion of the Congress and of the American people, and I thank the American people for time after time after time standing with freedom, standing with democracy, two times in this century, saving the world from tyranny. This is a noble people, and what an honor to be able to stand in this Congress of this great Nation of the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERRY (at the request of Mr. GEPHARDT) for today, on account of attending a funeral in the district.

Mr. BRYANT (at the request of Mr. ARMEY) for today, on account of his wife's surgery.

Mr. ROGERS (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. LEWIS of Kentucky) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on March 30, 31, and April 1.

Mr. TIAHRT, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. KIND.

Mr. MENENDEZ.

Mr. STOKES.

Mr. HOLDEN.

Mr. EVANS.

Mr. MCDERMOTT.

Mr. SERRANO.

Ms. SLAUGHTER.

Ms. LOFGREN.

Mr. BLAGOJEVICH.

Mr. KLINK.

Mr. LANTOS.

Mr. VENTO.

Mr. ENGEL.

Mr. SCHUMER.

Mr. DELAHUNT.

Mr. VISCLOSKY.

(The following Members (at the request of Mr. LEWIS of Kentucky) and to include extraneous matter:)

Mr. WALSH.

Mr. FRELINGHUYSEN.

Mr. ARMEY.

Mr. HAYWORTH.

Mr. GILMAN.

Mr. BEREUTER.

Mr. PORTER.

Mr. MICA.

Mr. FRANKS of New Jersey.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 30, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8273. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Assessment Rate and Establishment of Late Payment and Interest Charges on Delinquent Assessments [Docket No. FV97–930–1 FIR] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8274. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Voluntary Shell Egg Regulations [Docket No. PY–97–003] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8275. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Extension of Tolerance for Emergency Exemptions [OPP–300630; FRL–5779–1] (RIN: 2070–AB78) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8276. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Drug Products Containing Quinine for the Treatment and/or Prevention of Malaria for Over-the-Counter Human Use [Docket No. 94N–0355] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8277. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins [AD–FRL–5988–5] (RIN: 2060–AH47) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8278. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Colorado; PM10 and NOx Mobile Source Emission Budget Plans for Denver, Colorado [CO–001–0022 and CO–001–0023; FRL–5981–4] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8279. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Deficiency; State of California; San Joaquin Valley Unified Air Pollution Control District [CA 207–0068b; FRL–5987–3] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8280. 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: Oregon [OR–69–7284a; FRL–5984–7] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8281. 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 and Redesignation of California's Ten Federal Carbon Monoxide Planning Areas [CA 041–0067b; FRL–5983–9] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8282. 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 059–0011; FRL–5988–9] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8283. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Reporting Regulations Under TSCA Section 8(d) [OPPTS–42188B; FRL–5750–4] (RIN: 2070–AD17) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8284. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emission Standards for Locomotives and Locomotive Engines [FRL–5939–7] (RIN: 2060–AD33) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8285. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a copy of a report entitled ''District's Department of Public Works Improperly Collected and Retained Millions In Parking Ticket Overpayments,'' pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

8286. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department of the Army's Civil Works Program Strategic Plan FY 1999—FY 2004, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

8287. 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.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment (Rept. 105–467 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 3579. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–469). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 3580. A bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–470). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on the Budget discharged for further consideration. H.R. 2400 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. DOYLE, Mr. MASCARA, Ms. CARSON, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 3571. A bill to amend title 38, United States Code, to extend through December 31, 2001, the period for the provision of priority health care to Persian Gulf War veterans; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS (for himself and Mr. KLINK):

H.R. 3572. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce.

By Mr. DINGELL (for himself, Mr. MURTHA, and Mr. REGULA):

H.R. 3573. A bill to impose certain limitations on disbursements from the Exchange Stabilization Fund to certain countries, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3574. A bill to permit increased local management and control of Fullbright Park, a city park in the City of Union Gap, Washington, that was purchased in part with monies from the land and water conservation fund; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3575. A bill to preserve the integrity of the Kennewick Man remains for scientific study, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KIND of Wisconsin:

H.R. 3576. A bill to amend title 31, United States Code, to prohibit the inclusion of legislative provisions and nonemergency spending in emergency appropriation laws; to the Committee on Government Reform and Oversight.

By Ms. LOFGREN (for herself, Mr. NADLER, Mr. CONYERS, Mr. WATT of North Carolina, Ms. DELAURO, Ms. ESHOO, Ms. HOOLEY of Oregon, Mrs. LOWEY, Mrs. MINK of Hawaii, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. DEFAZIO, Mr. FAZIO of California, Mr. HASTINGS of Florida, and Mr. MILLER of California):

H.R. 3577. A bill to provide parent-child testimonial privileges in Federal civil and criminal proceedings; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. PALLONE, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, and Mr. TRAFICANT):

H.R. 3578. A bill to provide for a judicial and administrative remedy for disputes arising under certain agreements with foreign entities; to the Committee on the Judiciary.

By Mr. FAZIO of California:

H. Res. 400. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. COBURN and Mr. GOSS.

H.R. 8: Mr. ROHRABACHER and Mr. COX of California.

H.R. 44: Mr. SPENCE.

H.R. 726: Ms. DELAURO.

H.R. 775: Mr. KUCINICH and Mr. LUTHER.

H.R. 815: Mr. JOHN.

H.R. 1047: Mr. NADLER.

H.R. 1134: Mr. MURTHA and Mr. DUNCAN.

H.R. 1151: Mr. LAHOOD, Mr. POSHARD, and Mr. ADAM SMITH of Washington.

H.R. 1240: Mr. KUCINICH and Mr. SHAYS.

H.R. 1415: Ms. KAPTUR.

H.R. 1526: Mr. BEREUTER.

H.R. 1715: Mr. GEJDENSON, Mr. BILBRAY, and Mr. PETERSON of Minnesota.

H.R. 1861: Mr. BERMAN.

H.R. 1951: Mr. KANJORSKI, Mrs. TAUSCHER, and Ms. DEGETTE.

H.R. 1995: Mr. RAHALL, Mr. PICKETT, and Mr. TOWNS.

H.R. 2113: Ms. PRYCE of Ohio, Mr. LOBIONDO, Mr. MASCARA, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. PICKERING, Mr. SMITH of Texas, and Mr. ENGEL.

H.R. 2151: Mr. RANGEL.

H.R. 2187: Mrs. KELLY.

H.R. 2224: Mr. MARTINEZ and Mr. GUTIERREZ.

H.R. 2228: Mr. HINCHEY.

H.R. 2431: Mr. RAMSTAD, Mrs. MORELLA, Mr. HASTINGS of Washington, Mr. ABERCROMBIE, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SAXTON, Mr. ROGERS, and Mr. BLAGOJEVICH.

H.R. 2454: Mr. TRAFICANT.

H.R. 2457: Mr. TRAFICANT.

H.R. 2489: Mr. BARCIA of Michigan, Mr. HOUGHTON, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. HAMILTON, Mr. REDMOND, Mr. ABERCROMBIE, and Mr. BLAGOJEVICH.

H.R. 2671: Mr. FRANK of Massachusetts.

H.R. 2789: Ms. RIVERS, Mr. KENNEDY of Massachusetts, Mr. LUTHER, and Mr. PASCRELL.

H.R. 2792: Mr. ENGLISH of Pennsylvania.

H.R. 2829: Mr. LAFALCE and Mr. SCOTT.

H.R. 2840: Mr. ARCHER.

H.R. 2849: Mr. LAFALCE, Mr. HINCHEY, Mr. FILNER, Ms. SLAUGHTER, Mr. OLVER, Ms. KILPATRICK, Mr. METCALF, Mr. HUTCHINSON, and Mr. BLUMENAUER.

H.R. 2888: Mr. CASTLE.

H.R. 3000: Mr. SMITH of Oregon.

H.R. 3043: Ms. MILLENDER-MCDONALD.

H.R. 3048: Mr. TORRES and Mr. MARTINEZ.

H.R. 3107: Mr. GALLEGLY and Mr. STUMP.

H.R. 3121: Mr. LAMPSON, Mr. RUSH, and Mr. KUCINICH.

H.R. 3150: Mrs. FOWLER, Mr. GOODLATTE, Mr. BOEHNER, Mr. FROST, Mr. CUNNINGHAM, Mr. FAZIO of California, Mrs. MYRICK, Mr. PEASE, Mr. HILLEARY, Mr. CALVERT, Mr. BLUNT, Mr. ENSIGN, Mr. JENKINS, Mr. CHRISTENSEN, Mr. BOEHLERT, Mr. ADAM SMITH of Washington, Mr. CLEMENT, Mr. METCALF, Mr. SESSIONS, Ms. FURSE, Mr. GOODE, Mrs. KELLY, Mr. GRAHAM, Mr. KING of New York, Mr. EHRLICH, Mr. DEAL of Georgia, Mr. COOK, Mr. GOODLING, Mr. SHAYS, Mr. BLUMENAUER, Mr. BARR of Georgia, Mr. COOKSEY, Mr. LIVINGSTON, Mr. HUTCHINSON, Mr. HALL of Texas, and Mr. CAMP.

H.R. 3181: Mr. PETERSON of Minnesota.

H.R. 3206: Mr. MCDADE.

H.R. 3261: Mr. CAMPBELL.

H.R. 3269: Mr. DELAHUNT.

H.R. 3279: Mr. CRAMER and Mr. STENHOLM.

H.R. 3281: Mr. WHITFIELD and Mr. ROGERS.

H.R. 3292: Mr. HINCHEY, Ms. LOFGREN, Mrs. CLAYTON, and Mr. KENNEDY of Rhode Island.

H.R. 3331: Mr. COX of California.

H.R. 3396: Mr. CLAY, Mr. CALLAHAN, and Mr. LOBIONDO.

H.R. 3400: Mr. STARK, Mr. RODRIGUEZ, and Mr. GUTIERREZ.

H.R. 3433: Ms. SLAUGHTER, Mr. SHAYS, Mr. CRANE, and Mr. CAMP.

H.R. 3462: Mr. BARRETT of Wisconsin.

H.R. 3475: Mr. ENGLISH of Pennsylvania.

H.R. 3494: Mr. ENSIGN and Mr. ENGLISH of Pennsylvania.

H.R. 3503: Mr. BLILEY, Mr. SCHUMER, and Mr. ENGEL.

H.R. 3514: Mrs. THURMAN and Mr. MCGOVERN.

H.R. 3526: Ms. WOOLSEY and Mr. SHERMAN.

H.R. 3557: Mr. COOK.

H.R. 3568: Mr. STARK.

H.J. Res. 99: Mr. WHITFIELD, Mr. LEACH, and Mr. MASCARA.

H.J. Res. 102: Mr. BISHOP, Ms. BROWN of Florida, Mr. COLLINS, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Ms. DEGETTE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHRLICH, Ms. ESHOO, Mr. GEPHARDT, Mr. GILCHREST, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HEFLEY, Ms. HOOLEY of Oregon, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCDADE, Mr. MCINTOSH, Mr. MCKEON, Mr. MARTINEZ, Mrs. MYRICK, Mr. OBEY, Mr. PAYNE, Mr. PITTS, Mr. RANGEL, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. STEARNS, Mr. TORRES, Mr. VENTO, Mr. WAMP, Mr. WEYGAND, Mr. WYNN, and Mr. YOUNG of Alaska.

H. Con. Res. 154: Ms. SLAUGHTER.

H. Con. Res. 203: Ms. MILLENDER-MCDONALD.

H. Con. Res. 210: Mr. COOK.

H. Con. Res. 211: Mr. GREENWOOD.

H. Con. Res. 214: Mr. WAMP.

H. Con. Res. 228: Mr. PRICE of North Carolina.

H. Con. Res. 229: Ms. CARSON, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. FROST, Mr. MASCARA, Ms. SLAUGHTER, Mr. TORRES, and Mr. WEYGAND.

H. Con. Res. 233: Mrs. KELLY and Mr. CALVERT.

H. Res. 45: Mr. FOX of Pennsylvania.

H. Res. 212: Mr. CRAMER and Mr. STARK.

H. Res. 353: Mr. WELDON of Florida, Mr. BONIOR, Mr. HASTINGS of Florida, Mr. ADAM SMITH of Washington, Mrs. MEEK of Florida, Mr. WOLF, and Ms. FURSE.

H. Res. 387: Mr. TORRES, Mr. STARK, and Mr. ENGEL.

H. Res. 392: Mr. GILMAN and Mr. KOLBE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: Lois Capps.

The following Member's name was deleted from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: Walter H. Capps.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, FRIDAY, MARCH 27, 1998 No. 37

Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of judgement and grace, tomorrow we commemorate the death of Katherine Lee Bates 69 years ago. Many of us may not recognize her name but we all know the words of the beloved prayer she wrote as part of what is now a favorite hymn.

O beautiful for patriot dream
That sees beyond the years.
Thine alabaster cities gleam
undimmed by human tears.
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

Father, cleanse any prejudice from our hearts and help us press on in the battle to assure equality of education, housing, job opportunities, advancement, and social status for all, regardless of race or creed. May this Senate be distinguished in crowning good with brotherhood in the ongoing challenge to extricate people from the syndrome of poverty and in the effort to assure life, liberty, and the pursuit of happiness for all people. Crown our good with a renewed commitment to You as our Father and one another as equal sisters and brothers. Through Him who taught us that how we care for the poor and disadvantaged will affect where we spend eternity. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alabama, is recognized.

SCHEDULE

Mr. SESSIONS. Mr. President, this morning the Senate will immediately proceed to executive session for a rollcall vote on the confirmation of the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit.

Following that vote, the Senate is expected to begin consideration of the budget resolution. Under the statute, there are 50 hours of debate on the resolution. However, I hope we could yield a good portion of that time back. On Monday, if an adequate amount of time is yielded back on the budget resolution, then it would be the leader's intention to postpone any votes on Monday until Tuesday. As always, all Senators will be notified when that is worked out.

Next week, in addition to completing action on the budget resolution and the Coverdell A+ education bill, we may also take up and finish the emergency supplemental appropriations conference report, if available. Colleagues are warned in advance that next week will be a hectic week as we work toward the Easter recess.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF M. MARGARET MCKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDENT PRO TEMPORE. The clerk will report the nomination.

The legislative clerk read the nomination of M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDENT PRO TEMPORE. The question is, Will the Senate advise and consent to the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. FORD. I announce that the Senator from Maine (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—80

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Frist	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grams	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchison	Roth
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Sessions
Cleland	Johnson	Shelby
Cochran	Kempthorne	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kohl	Stevens
Craig	Landrieu	Thomas
D'Amato	Lautenberg	Thompson
Daschle	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wyden
Durbin	Lugar	

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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NAYS—11

Allard	Grassley	Santorum
Ashcroft	Kyl	Smith (NH)
Coats	McConnell	Warner
DeWine	Nickles	

NOT VOTING—9

Bennett	Gramm	Hutchinson
Enzi	Hatch	Inhofe
Faircloth	Helms	Kerry

The nomination was confirmed.

THE NOMINATION OF EDWARD F. SHEA, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Pursuant to the previous order, Executive Calendar No. 504, Edward F. Shea, of Washington, is confirmed as United States District Judge for the Eastern District of Washington.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand both nominees are now confirmed?

The PRESIDING OFFICER. That is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

THE CONFIRMATION OF JUDGES MARGARET MCKEOWN AND ED SHEA

Mrs. MURRAY. Mr. President, this is really a great morning. After 2 years, I have the immense pleasure of voting with the majority of my colleagues to confirm two judges that I have worked very hard to get through this often difficult process. I thank my colleagues for their support of these two fine individuals, Ms. Margaret McKeown and Mr. Ed Shea. In particular, I thank our chairman, Senator HATCH, our ranking member, Senator LEAHY, and my colleague, Senator GORTON, for their perseverance on behalf of these two individuals.

I would first like to tell my colleagues about the newest judge to the Ninth Circuit, Ms. McKeown. Before coming to the Senate, I had heard across the spectrum that Ms. McKeown was one of the finest business lawyers in the northwest. Now that she and I have spent time together, I have come to understand why she had that reputation: she is tenacious, does outstanding work, is an accomplished advocate, and has the patience of Job.

Let me summarize some of the high points of Ms. McKeown's career:

She was the first woman partner at the 70-year-old, prestigious firm of Perkins Coie;

She has served for 11 years on the Perkins Coie executive and management committees;

She is a nationally recognized litigator who was named in Top Players in High Tech Intellectual Property;

Her range of litigation is amazing: one day she is litigating about the typeface in personal computers, the next day she is defending a securities case, the next day she might be litigating avionics in military aircraft;

She was president of the Federal Bar Association for the Western District of Washington and a lawyer representative to the Ninth Circuit Judicial Conference;

She has worked as an aide to United States Senator Cliff Hansen of Wyoming, as a special assistant under President Carter to Interior Secretary Andrus, and as White House Fellow under President Reagan;

She is on the executive committee of the Washington State Council on International Trade; and

She has served as counsel for the Downtown Seattle Business Association.

While who you know is important, and what you do as a lawyer is critical, where you put your priorities is also vital. One of the reasons I so strongly supported Ms. McKeown's nomination is because of her commitment to her community and family.

I am amazed that the same person who represented Boeing in a multi-billion dollar merger and who has successfully defended Citibank in a complex leverage buy out case has also served in virtually every position in the Girl Scouts. She has been a Brownie leader, troop consultant, committee member, and for nine years, member of the National Board of Directors of Girl Scouts of the USA and a member of the Executive Committee. Even with her national commitments, Ms. McKeown makes time for the girls themselves, leading her daughter, Megan's, Junior Girl Scout Troop #1091.

Ms. McKeown is active in other arenas as well. She volunteers in the schools, with YMCA, with the Children's Museum, and on abused children projects. I want to point out something else special about Ms. McKeown: She has received the Good Housekeeping seal of approval. That magazine several years ago named Ms. McKeown as one of the ''100 Women of Promise in America.''

Mr. President, Margaret McKeown is a highly-qualified lawyer with a diverse background, who has demonstrated her commitment to community and family. Now, finally, after surviving the political and judicial battles for two years, she will take her seat on the Ninth Circuit and become an outstanding judge. Congratulations, Margaret, we finally made it!

Mr. President, I also want to thank my colleagues for confirming Mr. Shea this morning to serve on Washington's Eastern District Court. While Mr. Shea's road to confirmation has not been as filled with hurdles as Ms. McKeown's, it is a great pleasure to see this fine lawyer move onto the Federal bench.

Mr. Shea will make an excellent judge. He is a highly respected member of the legal profession. He has served with distinction as a trial lawyer, including national recognition as a Fellow of the American College of Trial Lawyers.

The five superior court judges in Benton and Franklin counties, where Mr. Shea has lived and practiced for more than 25 years, have written a letter describing him as having a ''well-earned reputation, not only in our community but throughout the Northwest, as an outstanding trial lawyer.'' His fellow Washington state lawyers honored him by electing him president of the Washington State Bar Association, where he served with distinction. Many of them have approached me to congratulate me on my role in promoting Mr. Shea's judicial candidacy.

While we must look first to his legal qualifications, I believe the best judges are those who have worked in their communities to make them better places. Mr. Shea is well-qualified in that arena, too. He has been an advocate of equal access to the law, volunteering and working to get free or reduced legal services to local organizations, such as the March of Dimes, the Sexual Assault Response Center, and the Faith Christian Academy.

Mr. Shea also worked hard in an area nearest to my heart: education. He pushed to improve access to education in his community by helping establish a branch campus of the Washington State University in the Tri-Cities. He too has been a stalwart supporter of the March of Dimes, recently being named the Chapter Counsel of the Year by the national March of Dimes.

Mr. Shea is a well-respected member of the business community. He has the unanimous support of the board of the Tri-City Industrial Development Council. Mr. Shea has received two strongly-supportive editorials in the Tri-City Herald. Numerous members of the business community have thanked me for championing his nomination.

Mr. President, Mr. Shea was selected by a bi-partisan Judicial Merit Selection Committee comprised of a diverse group of lawyers and community leaders. I have faith in that selection process and believe Mr. Shea will be an outstanding member of the Federal bar.

Let me close by saying a few words about judicial nominations and the process we have developed in Washington. As I travel around my state, people ask me why we have so many judicial vacancies. I haven't been able to give them a good answer, but can only point to political one-upmanship as the culprit.

After this morning, I can happily report we are finally moving forward and that two excellent judicial candidates have been confirmed.

Let me also add that while I have been the Senator of the same party as the President, I have invited and encouraged Senator GORTON to participate in judicial nominations. I recognize this is a tremendous break in tradition, but I know our citizens are best served when we work together.

I intend to continue working with Senator GORTON to find the very best and most able members of the Washington bar to recommend to President Clinton. I will fight to ensure our citizens have their day in court and that justice is not denied because nominations are delayed.

Mr. President, I appreciate the endorsement of my colleagues for Ms. McKeown and Mr. Shea. There are many other qualified judges waiting to move through the process. I urge the Senate to move quickly to hear and confirm them so the crisis our judiciary faces will come to an end.

Mr. LEAHY. Mr. President, I wish to applaud the distinguished Senator from Washington State. Senator MURRAY has stated the reasons why the Senate voted the right way on Margaret McKeown and on Ed Shea. I would also note for the record that the Senator from Washington has been extraordinarily diligent in working very hard for these two highly qualified nominees. I know the frustration she has felt with the delay, especially on Margaret McKeown and with so many vacancies on the Ninth Circuit and given that this has been 2 years—in fact, 2 years this Sunday.

This delay is the result of a process that has become a little bit crazy. I commend the distinguished Senator, and I thank her for her help on this. I think it would have been impossible for us to be here for this vote without her help, and I applaud her for that.

Mr. GORTON. Mr. President, I am pleased to congratulate the two judicial nominees from Washington state. The federal bench will be enriched by the addition of Margaret McKeown to the Ninth Circuit Court of Appeals, as it will by Edward Shea's presence on federal district court for the Eastern District of Washington.

Both Margaret McKeown and Edward Shea are deservedly respected within the legal community and in the community at large, and well qualified to perform the important jobs for which they have been chosen.

Ed Shea has been in private practice in Pasco, Washington for many years. He has handled a wide range of cases, both civil and criminal, and his experience will have prepared him well for the job he's about to undertake. As testament to the respect he commands within the Washington legal community, Ed served as President of the Washington State Bar Association in 1996. Equally impressive as his commitment to his profession is his commitment to his community. Over the years, he has contributed his time and talent to a host of worthy causes, including the March of Dimes, the Tri-Cities Sexual Assault Response Center, and the Association of Retarded Citizens.

Margaret McKeown also comes to the bench from private practice. She is a high technology litigator of national repute, with a particular expertise in antitrust and intellectual property. She was also the first woman partner at the prestigious Seattle law firm, Perkins Coie, where she practices today. Her remarkable intellect, and the accomplishments that evidence speak to her ability to perform the job with which she has been entrusted. There is no question that Margaret McKeown is familiar with the law. But, as her statement to the graduating class of the University of Washington Law School last year reflects, in this case familiarity did not breed contempt. Her mastery and understanding of the legal process rang through her commencement address. As did her continued respect for the law. She also urged the new lawyers to bear in mind her own formula for survival, a formula composed of five elements: humor, humility, hubris, humanity and home. The formula is one that has made Margaret an excellent lawyer. I am confident it will make her an excellent judge.

I thank my colleagues for joining me in supporting both of these nominees. And I congratulate them again.

THE NOMINATION OF MARGARET MCKEOWN AND THE JUDICIAL EMERGENCY AMONG THE FEDERAL COURTS OF APPEALS

Mr. LEAHY. Mr. President, let me speak a little bit about Margaret McKeown. She was reported favorably by the Judiciary Committee on a vote of 16 to 2. She has the support of Chairman HATCH, a number of Republican Senators, is supported by both Senators from her State. Why this was held up for 2 years, I cannot understand. And then she is confirmed 80 to 11. How many of us have ever won an election with those kinds of percentages? Yet, apparently somebody held her up for 2 years because she was supposed to be controversial. How controversial is 80 to 11? Those are pretty good numbers. Perhaps her secret critics will explain their views, the reason she has been held up for 2 years.

I have been urging action on judicial nominees for many months. This week, faced with 5 continuing vacancies on a 13-member court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified a ''judicial emergency'' and took the unprecedented step of authorizing panels including only one Second Circuit judge and two visiting judges. In addition he has had to cancel hearings.

The Judiciary Committee has reported to the Senate the nomination of Judge Sonia Sotomayor to the Second Circuit, but that nomination continues to sit on the Senate calendar. This is another woman who has sat here and had to wait and wait and wait, while the Senate holds her up. Her nomination was received back in June 1997. She was finally favorably reported by a committee vote of 16 to 2—pretty good odds. She is strongly supported by both New York Senators, one Republican, one Democrat. But the nomination continues to languish without consideration. And three more Second Circuit nominees are pending before the Judiciary Committee, and await their confirmation hearings.

I mention the Second Circuit because that is my Circuit. It is the Circuit to which my State resides. I have been urging action on the nominees for this Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit—to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action. We should consider the nomination of Judge Sotomayor. We should do it today. We should hold hearings on the three other Second Circuit nominees next week and confirm them before the upcoming recess. Our delay is inflicting harm and giving proof to the warning that the Chief Justice of the U.S. Supreme Court gave in his 1997 Year End Report that continuing vacancies would harm the administration of justice. I urge the Republican leadership to proceed now.

Earlier this week, the distinguished majority leader indicated that he feels he has proceeded too quickly with respect to judicial nominations. I strongly disagree. No reference to the number of judges the Senate has begrudgingly confirmed over the past 2 years excuses the delay on any of the nominees pending on the Senate Calendar. There is no excuse or justification for the judicial emergency the Senate is inflicting on the Second Circuit.

The distinguished majority leader says there is no clamor for Federal judges. I recognize that there are no vacancies on the Federal bench in Mississippi, but there are numerous, longstanding vacancies in other places, vacancies that are harming the Federal administration of justice.

The people and businesses in the Second Circuit and other circuits and districts need additional Federal judges. Indeed, the Judicial Conference of the United States recommends that in addition to the almost 80 vacancies that need to be filled, the Congress authorize an additional 55 judgeships throughout the country, as set forth in S.678, the Federal Judgeship Act that I introduced last year.

Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the judicial nominees pending before us? I hope not.

We are sworn to uphold the Constitution, we are sworn to uphold the laws,

and we are paid pretty well to do that. We are failing our oath and we are failing the job the taxpayers of this country pay us to do.

CONFIRMATION OF EDWARD F. SHEA

Mr. LEAHY. Mr. President, I am delighted to see the Senate confirm Ed Shea as a Federal District Judge. I attended his confirmation hearing back on February 4 and found him to be all that his supporters and friends had said he would be. I know that he has the support of the Senators from the State of Washington. He also has the strong support of this Senator from Vermont. Ed Shea was nominated last September for a vacancy that occurred in 1996, over 15 months ago. Mr. Shea was reported by the Judiciary Committee without dissent and without objection. He was rated qualified for this position by the American Bar Association. I spoke of his nomination last week and am now delighted to see this nomination considered by the Senate.

With this confirmation the Senate will have acted favorably on only 14 nominees this year. I am glad that Margaret McKeown is luck number 13 and Ed Shea is number 14, but remain concerned for the other nominees who have been unlucky and remain stalled on the Senate calendar.

I have tried to bring to the attention of the Republican leadership the need to consider and confirm the two judicial nominees for District Courts in Illinois who have been languishing on the Senate calendar without action for the last five months.

It is time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997. Their confirmation are desperately needed to help end the vacancy crisis in the District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. He has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community. For instance, Pat Murphy has served as the court-appointed guardian to a disabled minor since 1990, without taking any fee for his services. The American Bar Association recognized this extensive legal experience when it rated him as qualified for this nomination. Mr. Murphy also served his country with distinction as a Marine during the Vietnam War.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, IL from 1976 to 1988. In 1988, he left the Public Defender's office and the law firm, Pace, McCuskey and Galley to sit on the bench in the 10th Judicial Circuit in Peoria, IL. He has served as a judge of the Third District Appellate Court of Illinois since his election in 1990.

The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day. This is especially true in the Central and Southern District Courts of Illinois, where these outstanding nominees will serve once they are confirmed. Indeed, in the Southern District of Illinois, where Pat Murphy will serve if his nomination is ever voted on by the full Senate, Chief Judge Gilbert has reported that his docket has been so burdened with criminal cases that he went for a year without having a hearing in a civil case. In 1996, 88 percent of the cases filed in all federal trial courts were civil, while 12 percent were criminal. But in the Southern District of Illinois, not one of those civil cases was heard by Chief Judge Gilbert.

The Chief Justice of the United States Supreme Court has called the rising number of vacancies ''the most immediate problem we face in the federal judiciary.'' There is no excuse for the Senate's delay in considering these two fine nominees for Districts with judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

I hope that the Majority Leader will soon set a date certain to consider the nominations of G. Patrick Murphy and Judge Michael McCuskey.

These nominees may well be a case in which a secret hold by one Senator is delaying Senate action. I recall receiving a Dear Colleague letter from the Majority Leader in January 1997, the first day of this Congress. In that letter he proposed to address the frustrations with the hold system and what he termed ''a correction.'' The letter goes on to describe the hold as ''a request for notification of or protection on an unanimous consent request or proposed time agreement.'' The Majority Leader advised a Senator placing a hold ''should understand that he . . . may have to come to the floor to express his objection after being notified of the intention to move the matter to which he objects.''

I also recall last summer when the nomination of Joel Klein to be the Assistant Attorney General for the Antitrust Division was a source of some controversy. I recall then that the Majority Leader proceeded to consideration of that nomination and allowed opponents to debate their concerns and the Senate was able to proceed to a vote and to Mr. Klein's confirmation.

I hope that model will be utilized without further delay in connection with the Murphy and McCuskey nominations. These nominees are strongly supported by their home State Senators. Any Senator outside those Districts who wishes to oppose, speak against or vote no for any reason or no reason is free to do so. What we need to find a way to overcome is the veto of these nominations by a single Senator when a majority of the United States Senate is prepared to confirm them.

We are falling farther and farther behind the pace the Senate established in the last nine weeks of last year. When the Chief Justice of the United States Supreme Court wrote in his 1997 Year End Report that ''some current nominees have been waiting a considerable time for a . . . final floor vote'' he could have been referring to Patrick Murphy, Judge Michael McCuskey, Margaret McKeown and Judge Sonia Sotomayor.

Nine months should be more than a sufficient time for the Senate to complete its review of these nominees. During the four years of the Bush Administration, only three confirmations took as long as nine months. Last year, 10 of the 36 judges confirmed took nine months or more and many took as long as a year and one-half. So far this year, Judge Ann Aiken, Judge Margaret Morrow, and Judge Hilda Tagle have taken 21 months, 26 months and 31 months respectively. Margaret McKeown's nomination has already been pending for 24 months. Judge Sotomayor's nomination has already been pending for 9 months. Pat Murphy's and Judge McCuskey's nominations have already been pending for 8 months. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts.

I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

SPECIAL PROSECUTOR STARR

Mr. LEAHY. Mr. President, every week I wonder just what new step the special prosecutor, Mr. Starr, will find himself carrying out, and each week it seems he does not disappoint.

One week, we will recall, a citizen had the temerity to ask why Prosecutor Starr was using the results of an illegal wiretap, something that had been reported in the press that, without a doubt, he was using an illegal—illegal—wiretap. This citizen had the audacity to question Mr. Starr. Of course,

he got slapped with a subpoena, had to spend as much money on a lawyer as he saved for a year's college tuition for one of his children and was brought into the star chamber, the grand jury, and had to say why he dared question the man behind the curtain.

This was probably as outrageous an abuse of prosecutorial discretion as anything I have seen in a while, but unlike prosecutors who are elected or Senators who are elected or people who are elected, Mr. Starr, the Republican prosecutor, does not have to respond to anybody, and he has an unlimited budget. He sent a very clear signal: ''If you dare question my use of illegal tactics, I'll stop you from questioning me, I'll make you spend so much money that you can't do it.'' And, of course, he has an unlimited amount of money himself so he can do that.

He then topped that outrageous activity by bringing Monica Lewinsky's mother before him and for day after day grilled her on things that her daughter may have told her in confidence. So he set the precedent that a prosecutor will have a mother in there for something that has nothing to do with violent crime or crime against the country or anything else and say, ''You have to tell us what your daughter told you.'' If your daughter dares to confide in you, if your child dares to come to a parent and ask advice or confide in a parent, then Prosecutor Starr will want to know what you said to your parent. This is in between giving paid speeches to groups to talk about family values.

I was outraged as were many others. I have introduced a measure to lead to our reviewing the law on this point. On March 6, I introduced S.1721 to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent conduct or drug trafficking. In addition, the legislation would direct the Judicial Conference to undertake a study and then report whether the Federal Rules of Evidence should be amended explicitly to recognize a parent-child privilege.

Then what was this week's latest outrage? As I said, I keep wondering how he is going to top himself. He did this time by going to a bookstore and saying I want to know what books somebody was buying and reading. Now, the bookstore knows that this is an outrageous request, and the bookstore knows that people ought to be able to come into a bookstore, read anything they want, look at anything they want, buy anything they want without having Prosecutor Starr and his henchmen come right in behind them and see what they read.

The bookstore had it made very clear to them by Prosecutor Starr and his henchmen that ''If you want to fight this, you are going to have to sell one heck of a lot of books to pay the lawyers. You probably won't sell enough books this year to pay what we will cost you for defending the rights of your customers.''

Prosecutor Starr doesn't have to worry because he has already spent $40 million of what we, the taxpayers, have given him, with no end in sight. So he can tell that bookstore, ''Go ahead, make my day, you go on in and try to fight this. I'll bankrupt you. I'll just grind you down into the ground.''

So now there is this idea, Mr. President, that everyone has to think if they go into a bookstore, ''Am I going to have a subpoena in there to see what I read or don't read?''

I remember when Judge Bork was before the U.S. Senate for confirmation. Somebody came into the Senate Judiciary Committee and said, ''We have a list of what Robert Bork has been renting from video stores.'' I was so incensed that anybody would do that, I introduced legislation to make it illegal to give out the lists of what people rented in a video store. To make it bipartisan, my good friend Alan Simpson, the distinguished Republican whip and a conservative Republican, joined me on that, and we passed the Leahy-Simpson bill. What we said in the Leahy-Simpson bill is that it is nobody's business what you rent for videos, and I think the American people agreed with us.

The difference is we had Democrats standing up for the rights of a Republican nominee in that instance and all Americans. Now, of course, we have a Republican prosecutor who says it doesn't make any difference to him, ''I want to know what you are reading.'' Are we going to start with people following us through a video store now and say, ''Well, we can't tell you what he rented, but we know he glanced over at one of the R-rated videos.''

Or are they going to follow us into the library and say, ''He read Chaucer's 'Canterbury Tales,' and you know what they say.'' Actually most people don't, because they never bothered to read it in an English class—but they think something unseemly may be in there.

Or, ''He read 'Catcher in the Rye.'' Woo-wee, there is going to be a field day.

If Prosecutor Starr followed me through a bookstore, he is going to find me reading everything from ''Angela's Ashes'' to ''Batman.'' He can have a lot of fun with this. ''Angela's Ashes'' talks about Frank McCourt going into the library and reading dictionaries, where he looked up words that his parents wouldn't tell him the meaning of. Of course, ''Batman'' is a guy who runs around in a suit with a mask on. Now, that is going to kind of raise some questions.

What about the person who goes into a magazine store to buy Time or Newsweek magazine, but they may have slowed down by the magazines that had pictures of unclothed people or certain sports magazines with their swimsuit editions?

Or what about this—here is something for Prosecutor Starr to look at—check the person who has an average income who goes into the magazine store and picks up the magazine with expensive sports cars that they couldn't possibly afford. They are reading about Ferraris, Maseratis and Porsches. Maybe we better subpoena that person's bank accounts; maybe we better check him out. Why would they be reading about a Maserati and a Ferrari if they only make $40,000 a year? Something is going on here.

New Englanders have asked during witch hunts whether there is any sense of decency. Let's get a grip.

If, as Mr. Starr has indicated in his activities with the Paula Jones attorneys and with other groups, that he wants to get rid of the President of the United States who was elected twice—fine, let him just come forward and say so. Just say, ''Look, I want him out of office; I will do anything possible to get him out of office,'' and maybe people will understand. But let us at least realize the damaging precedents that are being set.

Are we going to have thought control? Are we really going to go to the point where we ask people what they read, what they see? Are we going to next ask, ''Well, what newspapers do you read?'' It is not enough to ask what newspaper do you read, ''What sections of the newspaper do you read? I mean, do you read the sports section or the business section? Do you read the comic page or the gossip page? Do you read the front page or the obituaries, and why those obituaries, what were you looking for?''

We Americans have a sense of privacy. We ought to be able to read anything we want. We ought to be able to look at what we want. We shouldn't have to worry that a prosecutor is going to come in and, basically, threaten a bookstore with bankruptcy if they don't tell you what their customers read or buy.

Just as Senator Simpson and I passed a law so people couldn't ask Judge Bork or any other nominee what videos they rent, we ought to be protecting what people read. This is America. This is not some totalitarian, thought-controlled country.

So let us have a sense of right and wrong. Frankly, this Vermonter finds the idea of asking bookstores what books their patrons read or buy, wrong. I find it chilling, I find it frightening, and I hope that the press and everybody else will consider it. I hope they will, because if they can ask what books you read, they can ask what newspapers you read, what television news programs you watch or radio stations you listen to. It is all one in the same.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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 Senator from Alabama is recognized.

TRIBUTE TO ROY JOHNSON

Mr. SESSIONS. Mr. President, I rise today to recall the contributions made to Alabama and the Nation by Roy Johnson, the district attorney for the Fourth Judicial Circuit of Alabama. Roy's untimely death on February 11, 1998, at age 49, cut short his career and deprived his wife Anita, his son Matthew, and his daughter Gabrielle of a loving and devoted husband and father.

Roy was the friend of thousands, and I was pleased to call him a personal friend. In addition, I knew him well as a professional prosecutor with whom I worked on a regular basis during the years I served as U.S. attorney for the Southern District of Alabama.

Service to his country as a Marine captain demonstrated his love for country, but it also caused him to develop, during his service time, a form of hepatitis that damaged his liver and which ultimately resulted in his having to undergo a liver transplant operation.

There were high hopes for the success of the operation. He seemed to be doing well when there occurred a sudden turn for the worst, and Roy was gone.

After nearly 18 years of service to Bibb, Dallas, Hale, Perry and Wilcox Counties, Roy had made plans to retire from his post as district attorney and to commence the practice of law with his brother Robert W. ''Robin'' Johnson II in his beloved hometown of Marion. And they also have law offices in Birmingham and Washington, DC.

I am pleased today, Mr. President, that his brother Robin is here today to hear these remarks about my good friend, his brother, Roy Johnson. As his long-time chief assistant, Ed Greene said, ''Everything seemed so bright for him.'' His death was truly a shock to me and to many.

Roy had great pride in his circuit and the people in it. He loved them deeply. He worked tirelessly on their behalf. The fourth judicial circuit is located in the heart of Alabama's Black Belt region—a beautiful area of the State in which the people know not only their neighbors, but they know the grandparents and grandchildren of their neighbors.

E.T. Rolison, Jr., supervisory U.S. attorney in Mobile, AL, noted, ''Roy did as much for law enforcement coordination as anyone I have [ever] seen in my 25 years with this office.'' And this was a high compliment from Mr. Rolison, who served for many years in the U.S. attorney's office and worked hard to further coordination between local, State and Federal law enforcement agencies.

Mr. Barron Lankster, himself a district attorney in nearby Marengo County, and an African American, noted that he had commenced his career in Roy's office. Mr. Lankster said, ''He fully integrated his office when he took over and treated everyone fairly and equitably.''

A graduate of Tulane University and the University of Alabama School of Law, Roy was prepared intellectually and professionally for the broad demands of his work. He loved history and he loved the wonderful Antebellum home in which he lived. The home was located right on the parade grounds at Marion Military Institute, an excellent military school. MMI, along with Judson College, have played a key role in making the town of Marion an extraordinary academic and intellectual community.

Roy's love and support for Marion Military Institute was deep and longstanding. Certainly, his career in the U.S. Marines helped shape his belief that we must have a strong national defense. I remember with delight the occasion when Roy's fellow marine, Col. Ollie North, was under great attack in Washington. This was before Colonel North's rebuttal that turned the tables on his accusers a bit. But Roy spoke out for him then. He served with him in the Marines, and he spoke up at a time of great unpopularity. I congratulated him later when it turned out that Colonel North had turned the tables a bit on that circumstance. He stood by his friends. He was indeed forever true.

During the mid-1980s, we worked together on the prosecution of three individuals for voter fraud in Perry County. The prosecution caused a great deal of furor locally and nationally. During that time I came to appreciate Roy's cool head, his innate decency, his legal skills, and his character.

Despite political pressure, this marine never wavered. He stood firm for what he believed to be right, and did so in a fair and just manner. The bond which we developed in that case was never broken.

There is much more that can be said about this educated, caring, fair, strong, loyal and kind son of the South. Certainly he was big in stature and big in spirit.

I am confident that if we were able to accomplish a fully accurate analysis of the many contributions he made to his judicial circuit and his region, the most significant would be his skill and determination during a period of rapid social change. He helped provide equal justice to all and conducted himself and his office in a manner that reflected fairness to everyone.

His leadership and his strength of character provided a framework which allowed for the development of harmonious relations between the races. Sometimes there would be periods of good feeling and sometimes there would be periods of tension and conflict. But whatever the situation, Roy stood firm and strong for justice and contributed mightily to the historic changes that have taken place in this region.

Roy loved Marion. He loved the Black Belt and the people who lived there and the people he represented. I know he is pleased that his strong and effective chief deputy, Ed Greene, in whom he placed such trust over the years, has been appointed to complete his term. I have the greatest respect for Ed's ability and have enjoyed working with him over the years, and I compliment Governor Fob James for his wise appointment.

I have been honored to know Roy Johnson. He was a superior public servant, an outstanding prosecutor. And I thank the Chair for allowing me to place these remarks upon the record and to express my sincerest sympathy to his fine family for the great loss they have suffered.

Thank you, Mr. President.

Mr. President, a few comments on another subject.

SPECIAL PROSECUTOR KENNETH STARR'S INVESTIGATION

Mr. SESSIONS. Mr. President, another Senator in this body made some very strong criticisms of the special prosecutor, Mr. Ken Starr. Judge Starr was appointed to that office some time ago. In recent months he was asked to continue his investigation into matters involving the Monica Lewinsky situation and to the possible obstruction of justice.

It happened this way: Mr. Starr presented information to the Attorney General of the United States, Janet Reno. He told her about the circumstances and what he knew and the evidence that had been obtained. She agreed that a special prosecutor should be appointed. They then went to a three-judge court, and the three-judge court, as the law requires—Federal judges, all with lifetime appointments, above politics—those three judges commissioned Kenneth Starr to be an investigator of this circumstance. He, therefore, has been directed by a court. He accepted that responsibility. As a result of that, he has a duty to perform.

Now, Mr. President, I know that the Chair has served, himself, as attorney general of the great State of Missouri. I have served as attorney general of Alabama. And I served almost 12 years as a Federal prosecutor, a U.S. attorney. I have prosecuted a great many public corruption cases, fraud cases, white-collar-crime cases. They are not easy. The people who have committed those kinds of crimes do not desire that they should be caught. They do not make it easy that they should be apprehended. It would be their preference to be able to get away with whatever they may have committed.

Now, many say Ken Starr as special prosecutor has a duty or responsibility to get someone. I assure you, that is not true. I assure you, with all confidence, because I have served in the Department of Justice with Mr. Starr and I know his reputation, that he has

absolutely no desire to get anyone. But he has been commissioned, he has been given a mandate, he has been given a responsibility to find out what the facts are. Sometimes that requires issuing subpoenas. If you do not get the facts, you have not conducted an investigation, and you have violated your responsibility and the requirements that have been given to you. If you do not interview the secretary sitting outside the office about what went on there, what kind of investigation is that? What kind of investigation is that? That would be like no investigation at all.

What about this circumstance—some say that his attempt to question the mother of Miss Lewinsky is somehow wrong. Congress makes the laws of the United States. I was a prosecutor for nearly 17 years. I know how the law is written. There is no grant of immunity or protection for a mother for confidentiality of communications under these circumstances. It is not there.

If the Senator from Vermont or other Senators in this body want to change the Federal law to create a protection for that, let them introduce the legislation. Let us have it out right here. Let us discuss it. But that is not the law.

So we have, in the special prosecutor, an individual who is supposed to gather the evidence he can legally gather. Presumably he believes the mother of this young lady has information that she ought to give, and he has every right to ask for it. In fact, to fail to ask for that information would be a failure of the responsibility that has been given to him by the courts and laws of this country.

There are a lot of other things being said, such as why would you dig into his books? I saw a report recently about an individual who was charged with poisoning someone. This is not hypothetical but it is an example, I think, of why subpoenas sometimes are issued. Under the subpoena the authorities discovered and uncovered a book the individual had describing how to make poisons.

I had an occasion to personally prosecute, a number of years ago, a doctor. He was the subject of two national television movies and a book. In the course of that, we discovered a book that he had on deadly poisons and how to commit murder. It was relevant to our case, and it was introduced in the case.

So I do not know what it is that Mr. Starr issued that subpoena for. He cannot defend himself. He cannot run in here and say, ''Oh, Senator, let me tell you why we did that. Your remarks are unkind. They're unfair. I had a specific reason for issuing that subpoena. Let me tell you what it is.'' He can't do that. So he is a victim of these kinds of complaints by those who want to undermine his ability to do the job he has been commissioned to do.

I am really troubled by this. I am very, very troubled that we in this body, and, in fact, the President of the United States of America and his staff, are systematically trying to intimidate and undermine the legal and moral authority of the commissioned special prosecutor. To my knowledge, that has never happened before in our country.

If there is nothing to hide, why not let him do his job? They say, why doesn't he finish? If they would be more forthcoming, he would have already been finished. How can you finish when people refuse to give testimony? They claim executive privilege and therefore make you go to court to obtain court orders, which takes months to get, to argue over these issues.

The President committed early on that he would be forthcoming, that he would give all the evidence, and the truth should come out. But, as so often occurs with this President, we are finding that not to be the case.

Mr. President, I will just conclude and say that, if nothing else, we need to respect the rule of law. That great hymn, ''Our Liberty is in Law,'' that is the American form of government. We respect the rule of law. We do not use political power or other efforts to undermine that rule. We trust our system to work. We have multiple opportunities to appeal if the system goes awry at any stage. Ultimately we have to accept that. And if we respect it and give ourselves to it with integrity and ability, I think we can get just results.

We may not ever know the full truth in this circumstance. That is not Mr. Starr's responsibility. Mr. Starr's responsibility is to get as much truth as he can get. He can find the truth within the rule of law. So it is really discouraging to me to see when a subpoena is issued to any institution for a specific piece of information, it is to be compared to some fishing expedition. Because I assure you, that is not true. I assure you that that subpoena would not be issued unless there was a sound basis for it.

THE PRESIDENT'S ACTIONS

Mr. SESSIONS. Mr. President, this President has not defended his actions on the basis that this is a private matter; ''it is something between me and my wife and consenting adults,'' and that sort of thing. He has denied these allegations flat out, and he has placed in dispute, under oath, contradicting statements.

So now we have a mess in this country, and it is a direct result of the actions of the President of the United States. He has gotten himself in a situation in which his statements directly contradicts that of other people's statements, under oath. That is a matter that is not going away lightly.

I will say what is offensive to me and is of concern to me: He has embroiled the Office of the Presidency in this matter. He has used the power, the staff, the people of his office to defend himself and to entwine them into this affair. He has, therefore, during the course of this activity, in my opinion as one Senator—and I had no intention to speak this morning on this subject, but it has been troubling me for a long time—I think he has dishonored the Presidency in that regard. He has not handled it properly. I wish it were not so. It is not good for this country. It is not the right thing for us to have to be going through today.

There is no one who has any responsibility for it but the President. If he thinks he can go around and claim that is the fault of the person who has been commissioned by an objective Federal court to investigate his activities instead of the President—that is what he is suggesting—then that is not accurate. I am very troubled by this matter.

I think what we need to do is simply to allow the special prosecutor to do his job. He may well find there is evidence of wrongdoing. He may find there is no evidence of wrongdoing. He may find there might be some evidence of wrongdoing but there is insufficient proof to bring charges. I don't know what will happen. I hope we get it over with. I hope the President will cooperate. But I think we need to be respectful of the legal process in this country and not attempt to undermine it, because we don't undermine a part of it without undermining all of it.

Every day, by a prosecutor in America, young people are being tried for drug offenses and other offenses, and they have to accept the workings of that system. Police accept the workings of that system. Mothers and fathers accept the workings of that system when their children are charged with a crime. It is a painful, horrible, difficult time for all, but we have to respect the rule of law. I am very, very troubled by those who, in my opinion, make comments and suggestions to try to attack an investigation and, in effect, undermine the law by political power and political influence. This should not happen. I think it is a matter we need to talk more about in this body.

Mr. President, I yield the floor and 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. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISING OUR NUCLEAR STRATEGY AND FORCE POSTURE

Mr. DASCHLE. Mr. President, over the course of the last several months, I have come to the Senate floor 3 times now to discuss this nation's nuclear strategy and forces in the post-cold-war era. In each of those previous statements, I made the central point that I perceive a growing mismatch between our strategy and forces and the

real world considerations they were designed to address. I also used these opportunities to indicate several practical steps I thought we could take immediately to correct this growing imbalance.

I come to the floor today, not to amend my previous observations, but rather to provide new, more compelling evidence to buttress my earlier conclusions.

Let me reiterate the context of this debate.

First, despite the end of the cold war nearly 7 years ago, the United States and Russia together still field roughly 14,000 strategic nuclear weapons—each with a destructive power tens or hundreds of times greater than the nuclear devices that brought World War II to a close. The closest rival, friend or foe, has less than 500 strategic weapons.

Second, both the United States and Russia continue to keep roughly 5,000 of their strategic nuclear weapons on a high level of alert, ready to be launched at a moment's notice.

Third, the United States and Russia continue to adhere to an overall strategic concept known as mutual assured deterrence or MAD. In addition, each side follows operational concepts that permit the first use of nuclear weapons and allow for the launch of weapons after receiving warning of attack but before the incoming warheads detonate.

This set of facts is disconcerting to say the least. It has led the National Academy of Sciences, in an excellent report entitled ''The Future of U.S. Nuclear Weapons Policy,'' to conclude that:

> The basic structure of plans for using nuclear weapons appears largely unchanged from the situation during the Cold War, with both sides apparently continuing to emphasize early and large counterforce strikes . . . As a result, the dangers of initiation of nuclear war by error or by accident remain unacceptably high.

This same set of circumstances moved General Lee Butler, who just 4 years ago as a former commander of the Strategic Command was responsible for setting U.S. policy for deterring a nuclear war and, if deterrence failed, fighting such a war, to observe that, ''our present policies, plans and postures governing nuclear weapons make us prisoners still to an age of intolerable danger.''

Mr. President, I agree with the National Academy of Sciences and General Lee Butler. Our strategic nuclear forces are too large for the post-cold-war period, and our operational procedures carry an unacceptable level of risk.

What are the practical ramifications of this assessment? I have concluded that the United States should seek an agreement to dramatically cut these forces and change the way they are operated. Mutually agreed upon and significant reductions in the numbers of strategic nuclear weapons are in the best interests of the United States. Mutually agreed upon changes in how we operate our forces and systems will increase trust and reduce pressure to launch nuclear weapons on a moment's notice.

As I noted earlier, I have held these views for some time and have seen nothing to convince me otherwise. To the contrary, recent events have only served to strengthen my convictions.

In particular, I am referring to an excellent two-part series from last week's Washington Post entitled, ''Shattered Shield: The Decline of Russia's Nuclear Forces,'' and a study released last Friday by the Congressional Budget Office.

The main conclusion reached in the Washington Post series is that Russia's nuclear forces and its early warning and command and control systems suffer from a lack of resources that jeopardizes their very existence.

According to these articles, knowledgeable experts in the United States and Russia have concluded that, ''regardless of whether the United States and Russia move ahead on bilateral arms-control treaties, a decade from now Russia's forces will be less than one-tenth the size they were at the peak of Soviet power.'' Russia's strategic nuclear arsenal is expected to decline from a cold war high of nearly 11,000 weapons in 1990 to a low of roughly 1,000 by 2007—less than 10 years from now. As evidence, experts point to growing number of Russia's nuclear-powered submarines piled up in port unfit for patrol, her strategic bombers incapable of combat, and a steady deterioration of her land-based missile force.

In addition, they note that Russia is dedicating few resources to address this decline by developing new strategic systems.

In short, Russia's strategic triad could cease to exist within the next 10 years.

If forecasts about this decline are correct, as I and most experts believe, this turn of events presents an opportunity for U.S. and Russian policymakers to immediately push for much deeper joint reductions than currently contemplated under START II or even the START III framework. If the Russians are headed downward, now is the time to lock them in on significantly lower levels.

If we fail to reach an agreement with the Russians on lower levels, future Russian governments will be free to act unencumbered by strict and verifiable limits. Fewer Russian nuclear weapons will reduce the threat this nation faces from intentional, accidental or unauthorized launch. Fewer U.S. nuclear weapons will still allow us to effectively deter any adversary and makes sense in the post-cold-war environment.

In addition, this Post series highlighted a troubling development. Russia's systems designed to give it warning of an attack and command and control of its nuclear forces are facing the same precipitous decline as its nuclear forces for the same reason—lack of resources.

Russia has lost access to many radar sites located on the territory of newly independent states while its system of satellites for detecting missile launches is slowly being depleted. According to one former Russian air defense officer, ''Russia is partially blind.'' And the situation is no better with respect to its command and control structure. About a year ago, then Defense Minister Igor Rodionov observed, ''no one today can guarantee the reliability of our control systems. . . . Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled.''

These developments should not cause anyone in this country to rejoice. Russian problems with their early warning and command and control systems can very quickly become our problem. Russian inability to correctly assess whether a missile has been launched or to properly control all of its nuclear weapons puts our national security at risk. All of this is compounded by the fact that both sides continue to maintain excessively large numbers of nuclear weapons at excessively high levels of alert.

It is in our interest to reduce Russia's dependence on these aging systems. This can best be done by changing the way the U.S. and Russia operate their forces. Each country should lower the number of weapons on hair-trigger alert, and the United States should consider sharing early warning intelligence with the Russians.

A final piece of evidence to back up my conclusions surfaced late last week. The Congressional Budget Office, in a study carried out at my request, concluded that the Pentagon spends between $20 and $30 billion annually to maintain and operate our current level of nuclear weapons—roughly 7,000 deployed strategic weapons and between 500 and 1,000 tactical weapons.

Moreover, if my colleagues on the other side of the aisle continue to reject the advice of many outside experts and prevent us from even reducing to the Senate-ratified START II level of 3,500 strategic weapons, CBO estimates this shortsightedness will cost the Pentagon nearly $1 billion a year in constant 1998 dollars.

If the Pentagon is forced to stay at these excessive nuclear weapons levels, the Defense Department must dump a billion dollars a year on unneeded systems, thereby depriving much more worthy Defense Department programs of much needed resources.

If the Pentagon were allowed to follow a more rational course, this funding could be used to enhance the housing of our military personnel, to improve their quality of life, to increase their readiness and to arm them with the most sophisticated conventional weaponry available. If we are forced to stay on our current track, we will do none of these.

Incidentally, CBO noted that if we were to reduce down to the level the Russians are expected to reach shortly, roughly 1,000 strategic nuclear weapons, the savings could reach as high as $2.5 billion annually.

In summary, Mr. President, I stand by the conclusions I stated in my previous statements on this subject. Our current strategic nuclear policy and force posture is outmoded and in need of major and immediate reassessment. The only change in the intervening period since my first address on this subject is the emergence of new information that has strengthened my case and heightened the sense of urgency on this issue.

As the Washington Post series points out, we have an opportunity and a responsibility to act quickly to change both our policy and our forces.

The decline in Russian nuclear forces provides an ideal opportunity for us to make significant progress on the arms reduction front. The deterioration of Russia's early warning and command and control systems compels us to seek ways to reduce the unnecessary level of risk brought about by how we operate our forces. Finally, CBO's study demonstrates there is a financial cost from inaction as well. Our current defense posture forces the Pentagon to divert billions of dollars of scarce resources from more needed and important defense programs.

Mr. President, now is the time to step into the future. We must dramatically reduce the levels of nuclear weapons and the associated risk levels.

If we act in this manner, we will greatly reduce the risks of nuclear war, enhance our conventional force capabilities, and improve our own national security.

Mr. President, acknowledging the presence of the distinguished Chair of the Senate Budget Committee, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

THE BUDGET

Mr. DOMENICI. Mr. President, might I say that I understand that Senator CONRAD is going to manage the bill for the Democrats. He didn't know exactly when we were going to start. We are calling now to tell his staff, which is observing that maybe he could come down. I say to the Senate, however, that we don't intend to do a great deal today on the budget. We have agreed that when we are finished with some preliminary remarks—and I don't even know how long they will be—the majority and minority have agreed that we would then, by unanimous consent, take 6 hours off the bill, which has 50 hours, as everybody knows. So we would have accomplished a reduction in the time by 6 hours. That is not an exorbitant amount. But we will wait for the Senator before we do that. In the meantime, while we are waiting, we need unanimous consent, and I will wait for his arrival.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1874 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

''SNUB DIPLOMACY''

Mr. NICKLES. Mr. President, I rise today to object to the Clinton administration's continual, I would say, anti-Israel position, but certainly the anti-Prime Minister Binyamin Netanyahu position. President Clinton, during the 1996 Israeli election, was very involved, and he was very involved in favor of the Labor candidate.

U.S. News & World Report quoted an aide in the White House saying:

> If he could get away with it, Clinton would wear a ''Peres for Prime Minister'' button.

He was very involved in the election. His candidate didn't win. Since then, we have seen more anti-Netanyahu, or anti-Israel, statements from the administration that bothers this Senator.

Yesterday there was a report in the paper that the United States was pressuring Israel to give up more of the West Bank. And I am wondering where my colleagues were. I remember when they thought that the Bush administration—and particularly Jim Baker—was putting pressure on Israel. They objected very strongly. They spoke out very strongly against that coercion.

This administration has repeatedly tried to put pressure on Mr. Netanyahu, or repeatedly snubbed the Prime Minister of Israel, our best ally in the region, the only democracy in the region, and they have almost resorted to a philosophy of, Well, we are going to use snub diplomacy. As a matter of fact, an administration official was quoted in the Washington Post as calling the Clinton Administration's actions towards Mr. Netanyahu as snub diplomacy.

There was an incident in November of last year where both planes—the President's plane and Netanyahu's plane—were adjacent to each other, and yet President Clinton couldn't find time to meet with him. This year, in January, Mr. Netanyahu was scheduled to be here in Washington—I will read something that was in the January 20 edition of the Washington Post:

> Having declined to find time for Netanyahu in November, even as the aircraft parked nose to tail at Los Angeles International Airport, Clinton is continuing what one administration official described as a deniable but obvious pattern of ''snub diplomacy.'' Today's schedule includes no breaking of bread, no visit to the Blair House, no joint public appearance, no touch at all of the usual warmth that greets Israeli leaders on visits of state.

The Washington Post article includes this telling quote from an administration official:

> We are treating him like the President of Bulgaria, who is arriving to a modest reception on February 10. Actually, I think Clinton will go jogging with the President of Bulgaria. So that is not fair.

I am embarrassed by this.

Then there was a snub by the Secretary of State, Madeleine Albright, when she returned to Israel in February and expressed publicly that she was ''sick and tired'' of the positions taken by both sides in the peace process. I can understand why she might be upset at the Palestinians, after they continued to embrace violence and refused to change their national charter—which they have agreed to do on at least three previous occasions—that calls for the destruction of Israel, when the Palestinians have yet to reduce the size of their police force, as again they have agreed to do. And when the Palestinians walked away from the bargaining table when Israel was more than willing to work out problems encountered by the first phase of the troop redeployment. But to criticize Israel—for what? They have complied. The Palestinians didn't comply, but yet our Secretary of State treats them as equals.

In the meetings that I alluded to before, the administration went to great lengths in January to give the same amount of attention—which is very little—to Mr. Netanyahu as it did to Mr. Arafat.

I might mention that Mr. Arafat, not long before, was embracing one of the leaders of Hamas who was directly responsible for terrorism and violence and death on innocent women and children in the Middle East—embracing him. Yet they were treating Mr. Netanyahu and Mr. Arafat as equals.

Then the administration remained silent when Mr. Arafat on February 13 was quoted as saying the ''peace negotiators achieved nothing, nothing, nothing.'' And then he goes on a little bit further. I will read this. It says:

> Reuters reported the same day that Mr. Arafat stated, ''We declared the Palestinian state in Algiers in 1988, and we will declare it again in 1999 over our Palestinian land, despite those who wish it wouldn't happen, and whoever doesn't like it may drink from the Gaza Sea or the Dead Sea. We have made the greatest intifada. We can erase those years and start all over again.''

As a matter of fact, Mr. Arafat said he was going to cross out the peace agreements and unleash a new uprising against Israel.

Mr. President, to me those hardly seem to be the words of a man, who is really interested in peace.

Did the administration criticize him for those kind of remarks? Not to my knowledge. As a matter of fact, we searched to see if there was any response from the State Department for

any criticism for such unacceptable comments. There was nothing.

Did they condemn him for those kinds of outlandish statements? No. Did they criticize him for not complying with the peace accord that he agreed to? No.

Now we find the administration dragging its feet to fulfill the commitment that Congress has made—by a bipartisan, overwhelming vote in Congress—to move our Embassy from Tel Aviv to Jerusalem. What has the administration done? Absolutely nothing. Absolutely nothing. Have they spent any money for site selection? Or have they done anything to make it happen that we would move our Embassy, as Congress called for, which we are supposed to be doing next year? The answer is no. This administration has done nothing in that regard.

Now, what has the administration done? In yesterday's paper, the Washington Post, it is reported that President Clinton decided in principle to unveil an American peacemaking package that the Israeli Government categorically rejects. The article reports that the Clinton plan will require Israel to withdraw its troops from about 13 percent of the West Bank, calls for a time-out on Jewish settlements and includes unspecified steps by the Palestinians to address Israeli security concerns. In other words, the administration is trying to dictate to Israel, that yes, you have to give up more land. Our policy, ever since the recreation and recognition of the state of Israel in 1948, has always been to say that Israel has the right—not the United States—to guarantee the security of its land and its people. Yet, this administration is trying to put pressure on Israel.

Are they putting pressure on the Palestinians for not living up to their commitments? For the third time, Mr. Arafat signs a document and says they will eliminate in their charter the section calling for the destruction of Israel. They have not done it yet. Why aren't they calling on the Palestinians to comply? Instead they put more pressure on Israel to give up more land.

I think it is unconscionable that the United States would use our force, our leadership, our power, and our prestige to try to dictate to Israel that they must give up land that might jeopardize its security. I think that is a mistake. This administration has been doing it, certainly, ever since Mr. Netanyahu's election. They have not treated him with the respect that I think he should be accorded as the elected leader of Israel. Instead, this administration seems to think, we weren't happy with the election, so we are going to undermine Mr. Netanyahu. I resent that.

I don't think this President of the United States, or any President of the United States, should be getting involved in Israeli politics and trying to influence elections, as this President did in 1996. Now he is putting continued pressure on the Netanyahu administration and Israel as a country to try to compel or force it to give up additional lands, which might jeopardize its security. Who should make the decision whether it jeopardizes Israel's security, the United States or Israel? Frankly, I think it should be Israel. They are a sovereign nation, and they have the right to defend themselves and to protect themselves. They are willing to engage in the peace process, and that takes two sides to comply. Yes, we can cajole people or encourage participation and compliance. We have encouraged participation, but we haven't encouraged compliance. The Palestinians have not complied with the peace process. They have not done what they said they were going to do on several occasions. So the administration should direct their pressure, their leverage, their leadership on the Palestinians, and particularly Mr. Arafat, to comply and stop this snub diplomacy, and diplomacy by dictating, on a plan that is going to be released, what we think is best, regardless of Israel's security needs.

Mr. President, I hope this administration will have a change in policy, in its attitude, and towards the way it has treated Israel over the last 3 years.

I ask unanimous consent that a March 26, 1998, Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 26, 1998]

U.S. TO PUSH PEACE PLAN ISRAEL REJECTS—SPLIT WITH JERUSALEM GROWS ON WEST BANK WITHDRAWAL

(By Barton Gellman)

Convinced that flagging Israeli-Palestinian talks are near collapse and already doing substantial harm to U.S. regional interests, President Clinton has decided in principle to unveil an American peacemaking package tha the Israeli government categorically rejects, according to senior policymakers.

Palestinian leader Yasser Arafat has yet to commit to the proposal, but he has signaled growing approval as the depth of disagreement between Washington and Jerusalem became plain in recent weeks. Unless averted by a final round of diplomacy in the region beginning today, senior Clinton administration officials say, the initiative will step up pressure on Prime Minister Binyamin Netanyahu by casting him as the lone holdout against his country's strongest ally.

Developed in White House meetings of Clinton's closest advisers, the American package falls well short of a comprehensive peace plan and is intended only to break an impasse and restore productive talks. The initiative nonetheless highlights the Clinton administration's alarm and the extent to which it has interjected itself as a party to Israeli-Palestinian talks begun without U.S. knowledge five years ago.

Though the main elements of the American package already are well known, Netanyahu has strongly opposed its formal announcement. In recent days, the Israeli premier has intensified a campaign to raise the political price for Clinton, dispatching cabinet ministers and friendly American Jewish leaders to tell Washington it is on a collision course. Israeli Communications Minister Limor Livnat, who shared a Capitol Hilton stage Tuesday with Vice President Gore, ambushed him before more than 1,000 Jewish fund-raisers with the rhetorical question, ''Will the United States stand by its commitment that Israel will be the one to decide her own security needs?''

Clinton and Netanyahu spoke at length by telephone on Thursday and Saturday in conversations described as ''very tough'' by U.S. policymakers, with Clinton declining to budge from a proposal combining Israeli withdrawal from 13.1 percent of the West Bank, a precisely stated ''time out'' on Jewish settlement building and a series of concrete Palestinian steps to address Israeli security demands.

Netanyahu, who sought unsuccessfully this month to arrange a meeting with Secretary of State Madeleine K. Albright, urged Clinton to dispatch special envoy Dennis B. Ross for one more Middle East tour. According to accounts from both governments, the premier said he had detailed new ideas in which Israel would give up less land but make it more attractive by choosing portions of the West Bank that would connect scattered Palestinian enclaves.

On Sunday, the morning after his last talk with Clinton, Netanyahu orchestrated a cabinet statement affirming that his ministers unanimously regarded the U.S.-supported 13 percent withdrawal as out of the question. On Monday, he told a parliamentary committee that it was ''unacceptable'' for Americans to impose ''dictates from outside.''

Clinton administration officials expressed skepticism about Netanyahu's new proposals and said they had heard of nothing like the offer of 11 or 12 percent of the West Bank that some Netanyahu allies have been shopping privately to opinion-makers in the United States. Israel's offer to the Palestinians for the present stage of interim withdrawal remains at 9.5 percent.

By temperament and philosophy, according to aides, Clinton is not eager to break publicly with Netanyahu. But he authorized Martin Indyk, assistant secretary of state for Near Eastern affairs, to testify to Congress recently that ''the role of facilitation is coming to its end point'' and that ''the strategic window for peacemaking is now closing.''

If the current round of diplomacy fails, according to aides, Clinton intends to permit Albright to deliver a fully drafted speech she has urged on the president for some time, coupling a public recitation of the American package with a blunt admission that the American efforts have not borne fruit.

''The president is comfortable in his mind with the proposals he put on the table in January, which haven't changed substantially, and he recognizes that if he doesn't get the support of the parties we will have to explain where we came out,'' a senior administration official said yesterday.

The admission of failure is not intended as a hand-washing exercise, officials said. Arafat, under this scenario, is believed likely to come forward publicly and accept the American plan. This would re-create roughly the dynamic that forced Israeli Prime Minister Yitzhak Shamir to accept the U.S.-Soviet invitation to the Madrid peace conference in 1991 after Syrian President Hafez Assad agreed to attend.

In recent days, U.S. Consul General John B. Herbst in Jerusalem gave Arafat a detailed briefing on the American package, which Palestinians disliked initially because it is closer in substance to the Israeli position than to theirs. But Arafat encouraged the United States to present the initiative and spoke positively of its contents without committing himself, according to diplomats familiar with the exchange.

''We would like to have in our pocket a 'yes' from Arafat,'' said one U.S. official, describing that commitment as a principal objective of the trip that Ross begins today. Palestinians are tempted, the official said, using Netanyahu's Israeli nickname, ''because they see Bibi making a big fuss about it, and they wonder if it's in their interest to say yes and watch us duke it out with the Israelis.''

Ross plans a side trip to Egypt to recruit President Hosni Mubarak to press Arafat. Clinton asked for Mubarak's support in a telephone call late last month, but the Egyptian leader has thus far not acted. Jordan's King Hussein told Clinton last week that he will work to persuade Arafat.

In Miami yesterday, where he stopped en route to the Middle East, Ross told Israeli Defense Minister Yitzhak Mordechai that Clinton will make his final decision on the package after returning from Africa on April 2. Mordechai, who is Clinton's strongest ally in the Netanyahu cabinet, told Ross that ''there is not any chance'' that Israel will accept the American package as now formulated, according to an Israeli with firsthand knowledge of the exchange. ''We are trying to convey to the American decision-making process the information that confrontation will not help,'' the Israeli said. ''There are limits that Israel will not cross, whatever will be the decision in Washington.''

American Jewish leaders, meanwhile, have warned Clinton and Gore of repercussions in the event of a public breach with Israel. Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations, said in an interview that the Clinton administration was on the verge of unveiling its package earlier this month ''and I think we've staved it off.''

But David Bar Illan, a top political adviser to Netanyahu, said by telephone yesterday that ''obviously they still have an intention to come out with something.''

''Since for us it's a pure question of security, and since every administration since FORD has said over and over that matters of security are up to Israel and only Israel to decide, we feel this is a departure—let's say in diplomatic language —from a policy that has been honored until now,'' said Bar Illan.

Trade Minister Natan Sharansky, whom Netanyahu dispatched to meet Albright and Gore last week, said by telephone last night that the cabinet is united as on few other subjects against the American demands. ''If there is external pressure, it can only strengthen the resistance,'' he said.

Among the premises of the administration's plan, however, is that Netanyahu has at least as much to lose from a public conflict as Clinton, whose share of the U.S. Jewish vote was high in 1992 and higher in 1996. Management of the crucial U.S. alliance is seen as a central test of Israeli premiers, and Clinton's approval ratings in Israel regularly exceed Netanyahu's.

''If you did a survey either of the American Jewish community or the Israeli people and asked who has been the president who in the last 50 years has done the most to enhance Israel's national security . . . the overwhelming result would be Bill Clinton,'' said Steven Grossman, national chairman of the Democratic National Committee and a former chairman of the American Israel Public Affairs Committee.

Both leaders have suffered, by their own and U.S. government accounts, from the 14-month stalemate in peacemaking. ''Almost all our friends in the region are in a worse position,'' said a senior Middle East policymaker, citing also Morocco, Tunisia, Saudi Arabia and Persian Gulf emirates, including Oman. ''They staked their positions on pursuit of peace, and it is eroding.''

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, what is the current business?

The PRESIDING OFFICER. The Senate is in legislative session.

Mr. KERREY. Mr. President, do I need to ask unanimous consent to speak as in morning business?

The PRESIDING OFFICER. The Senator should seek consent to speak in morning business.

Mr. LAUTENBERG. How much time does the Senator need?

Mr. KERREY. About 10 minutes.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from our side.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized for 10 minutes.

IRS REFORM

Mr. KERREY. Mr. President, the Senate Finance Committee, since last fall, has been holding hearings on the Internal Revenue Service. We now expect to mark a bill up sometime next week, though we have not yet seen the bill.

I appreciate very much the leadership of the chairman of the Finance Committee. However, Mr. President, I must say that I believe we are doing what is commonly referred to as ''making the perfect the enemy of the good.'' In other words, we are taking a good piece of legislation that passed the House last November in a 426–4 vote, which would give taxpayers substantial new powers. Over 100,000 collection notices are sent out every single day. There are over 238,000 incoming phone calls to the IRS every single day and, by some estimates, over 40 percent of them are not answered, and a very high percentage of those calls that are answered are answered incorrectly. The collection notices go out with no concern about whether or not negligence has occurred. So fearful are the American people when they receive a collection notice that former Commissioner Richardson—when she came before the Finance Committee this year, she said that her first paycheck came with an IRS return address and it terrified her to open it. She was the Commissioner of the IRS, and she was practically too frightened to open a letter from the IRS.

About 114,000 collection notices go out every single day. The bill that passed the House would say that, if an error has been made, the taxpayer can recover the cost that they put into trying to defend themselves against the IRS. If the IRS is negligent, the taxpayer would be able to collect up to $100,000 in punitive damages. For the first time, we change the environment in which the IRS sends out its collection notices.

In addition, the IRS would be required to publicly say: Here is the objective criteria for our audits. Today to get that information, you have to put in a Freedom of Information Act request. Thus, in the hearings we have had, both in the Restructuring Committee as well as the Finance Committee, through this Freedom of Information Act request, we had an opportunity to see substantial differentials between the bases of audits in one State versus another State and examples where the IRS agents were actually given quotas and incentives to go out and get more, even though there was no basis for it. There are all sorts of examples of abuses that are corrected in the bill that passed the House.

The chairman of the Finance Committee is trying to improve that bill. I think that is terrific. He has a lot of terrific ideas that he has pulled from the hearings he has had. I think that is all well and good.

Mr. President, I hope the Republican leader will say to the chairman of the Finance Committee that we need a process that will meet the deadline that the American people have. The deadline they have is April 15. That is after we go out of session next Friday. But for 120 million taxpayers, they have to have their taxes paid by the 15th of April. I hope we can put together an expedited process that would have the chairman of the Finance Committee meeting with Ways and Means Committee Chairman ARCHER, the ranking members of both committees, with the administration, sometime early next week, because if we can pass a bill in the Finance Committee and on the floor of this Senate which could be conferenced quickly with the House and signed by the President, we could give the taxpayers of the United States of America a tremendous bonus on the 15th of April—more power, more certainty that, if the IRS sends a collection notice out, they are going to send a notice out to the taxpayer that actually owes additional money rather than one that doesn't.

In addition, this new legislation, again, was passed by the House with some good improvements that the chairman wants to put on this bill, which would give the commissioner authority to manage the agency. This is a terribly important issue, Mr. President. Currently, we have regions, districts and areas, and we organize the IRS geographically. What the Commissioner indicated he wants to do is restructure the IRS so that it is organized around the category of taxpayer—small business, large corporation, individual payers, as well as nonprofit. That way the Commissioner is going to have an opportunity to not only run the IRS more efficiently, but to reduce the cost to the taxpayer to comply with the Tax Code. By organizing it by category of taxpayer, the Commissioner has indicated, and I think quite correctly, that he is going to be able to say to some taxpayers that it costs us more to collect the money than we get from you; thus, we are going to provide regulatory relief,

especially in the area of small business, in situations where the cost exceeds what we are able to collect, be able to manage the problems that large businesses have, that nonprofits and individuals have, in a much different way than we currently see.

Next, with that authority, and especially with an oversight board that is independent from the executive branch, and hopefully a restructured congressional oversight—and, remarkably, some have actually proposed that we strike the consolidation of the oversight in the Congress. We had hearings in the Restructuring Commission with Congressman PORTMAN, a Republican from Ohio, and I for over a year, and almost every witness said problem No. 1 is Congress. Remember, the IRS is not Sears & Roebuck. This is not a private-sector organization. They have 535 members of their board—the Congress. There are six committees that have oversight responsibility over the IRS, and what we were told repeatedly, both with anecdotes and with data, was that they need to consolidate the oversight so the Commissioner, with a new independent board, can meet and achieve consensus on what the vision and the purpose of the IRS is going to be. Why? For a variety of reasons, Mr. President. One is making certain that funding is going to be constant, but, more importantly, to make certain that the investment in technology is done right.

This whole effort started a couple of years ago. Senator SHELBY and I, in oversight hearings on the Appropriations Committee, noted with considerable concern that almost $4 billion of taxpayer money had been wasted in a thing called ''tax system modernization,'' trying to get the computers to operate, to talk to one another so the stovepipes would not prevent the conversations back and forth.

Tax systems modernization, Mr. President, is very difficult to do, unless you have a shared consensus between the executive and legislative branches, with consolidated oversight on the congressional side and with an independent board that is able to act on behalf of the taxpayers. In that kind of environment, it is much more likely that technology investments will be made right.

Most importantly, I hope the majority leader will instruct the Finance Committee chairman, let's get a meeting next week with Mr. ARCHER, Mr. RANGEL, Senator MOYNIHAN, and Mr. Rubin, and whatever we pass in the Senate committee, let's do it in a fashion that enables us to meet this April 15 deadline.

Mr. President, there are important things in this legislation. I have behind me a chart which I call the IRS Reform Index. I will mention some of the things that are on that chart. The date the IRS reform legislation passed the House with 426 votes to 4 was November 5, 1997. The date by which the Senate Republican leadership promised to bring the IRS reform to the floor is March 30, 1998. I think the majority leader understood why it needed to be done then—because we need to set a deadline of April 15 to complete our work, and I very much appreciate that that in fact is what is possible for us.

Still, if we expedite the process, rather than putting something out of committee that has no chance of being conferenced and perhaps won't be signed by the President as well—again, one of the worst mistakes here is making the perfect the enemy of the good. Since November 5 to March 30, over 17 million Americans have received a collection notice. That is a huge number of people who have received a collection notice without the power of the law that has passed the House, as well as some significant new powers the chairman wants to provide. That legislation would pass 100–0 if we brought it up quickly, 34 million Americans called the IRS since November 5, nearly 17 million did not get through and of those who did, over 1 million received wrong answers. We have 40 cosponsors in the Senate, and 14 of the Finance Committee's 20 members are cosponsors of the bill. All this is to say that, if we want to pass good, strong legislation and meet the April 15 deadline, there is absolutely no legislative reason for us not to.

I am hopeful that sometime early next week the majority leader will talk with the Finance Committee chair and say meet with Mr. RANGEL, meet with Mr. ARCHER, meet with Mr. MOYNIHAN and Mr. Rubin; let's have a joint meeting so whatever we pass out of the Finance Committee we can pass here on the floor of the Senate, conference it quickly with the House, get it on to the President for signature, meet the April 15 deadline that 120 million American taxpayers have imposed upon them under current law.

I thank my colleagues and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 86

Mr. DOMENICI. Mr. President, I ask unanimous consent that when we complete our business today there be 44 hours remaining for debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask that when the Senate completes its business on Monday, March 30, there be 34 hours remaining on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 330, the fiscal year 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the Congress budget for the U.S. Government for fiscal years 1999, 2000, 2001, 2002, 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that staff of the Senate Budget Committee, including congressional fellows and detailees named on the list that I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 86 and that the list be printed in the RECORD. Mr. President, the list is for both majority and minority.

I send the list to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list follows:

MAJORITY STAFF

Victor Block, Amy Call, Jim Capretta, Lisa Cieplak, Allen R. Cutler, Kay Davies, Larry Dye, Beth Felder, Alice Grant, Jim Hearn, Bill Hoagland, Carole McGuire, Anne Miller, Mieko Nakabayashi, Maureen O'Neill, Brian Riley, Mike Ruffner, Amy Smith, Austin Smythe, Bob Stevenson, Donald Marc Sumerlin, Winslow Wheeler, Sandra Wiseman, Gary K. Ziehe.

MINORITY STAFF

Amy Peck Abraham, Phil Karsting, Daniel Katz, Bruce King, Jim Klumpner, Lisa Konwinski, Diana (Javits) Meredith, Martin S. Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Barry Strumpf, Mitchell S. Warren.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full floor access and privileges of the floor be granted to Austin Smythe and Anne Miller on S. Con. Res. 86.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators—Senator LAUTENBERG is

present on the floor—we have just agreed that we will relinquish 6 hours of the debate time of the 50 hours that we are allotted under statute. I personally do not intend today to make an opening statement explaining this budget. I will do that Monday evening when I arrive back from a funeral in New Mexico for Representative Steve Schiff. Anybody who would like to come down and speak is welcome. I now yield the floor to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for initiating some movement now. We want to try to get this budget done. We do not, however, want to deprive any of our Members, be they Republican or be they Democrat, from the opportunity of offering amendments in accordance with the procedure as we know it, with the time consumed, again, according to the structure for budget resolution consideration. But I want to make sure for those Members who want to start the process that we give them the courtesy of using time in accordance with their need and that we don't deliberately invade the response time because we want to consume time to be able to get the process really underway.

First of all, I ask whether or not we can start the debate on Monday somewhat later—if we are here late, we will be here late; we are willing do that—whether we can start perhaps at 1 o'clock or 12 o'clock? We are going to consume 10 hours on Monday. I ask the distinguished chairman of the Budget Committee whether that is a problem.

Mr. DOMENICI. Mr. President, let me respond in this way. Normally what time we start Monday would be up to the distinguished Republican leader. I strongly recommend and concur with the Senator that there is no real need to start early. They are going to have plenty of time. I concur with my colleague and want to make sure everybody knows, we are not going to cut off any debate as far as debate on this resolution. As a matter of fact, what is going to happen is unless we fix the process up a little bit, we are still going to have, at the end, 10 or 15 or 20 amendments. I would like to find a way to alleviate that.

But in the meantime, it seems to me, it would be better to start sometime after lunch. We will have somebody here representing me. I think the Senate knows I cannot be here until sometime shortly after 5. The distinguished Senator from New Jersey is not going to be available in the morning either, is he?

Mr. LAUTENBERG. That is true, Mr. President. And we have a designee, a member of the Budget Committee, who will represent us to make the process available, make the resolution available for laying down amendments. There is not going to be any problem with that.

Mr. DOMENICI. I would ask the majority leader, and will do that immediately upon our completing here, that we not be back on this resolution before 1 o'clock on Monday. I cannot agree to that at this point, but I will ask and I think it will be agreed to.

Mr. LAUTENBERG. I appreciate that. At the same time, just to make sure that we have the appropriate, usually competent staff that we always have working with us when we do our committee work, I ask unanimous consent that Sue Nelson and Amy Abraham, who are analysts with the Budget Committee, be given full floor privileges for the duration of all debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2165

(Purpose: To establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2165.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

Mrs. MURRAY. Mr. President, the amendment that we have sent to the desk has to do with education and class size. I ask this amendment be laid aside and have debate at a time to be determined by the ranking member.

Mr. DOMENICI. Let me just state, it has been our precedent around here that we do not have amendments for the first 4 hours we invite general discussion. But we are going to count 6 hours against the bill, and I think it is only fair, under those circumstances, rather than make her wait for 4 hours, that she be allowed to introduce this amendment now.

I want it understood that we have not agreed as to the timing of this amendment in that it has usually been a Republican has an amendment, then a Democrat. This sequencing or chronology of her amendment, the amendment of the distinguished Senator, will be up to the Senator from New Jersey as it pertains to Democratic amendments. Is that acceptable, Senator?

Mrs. MURRAY. That is fine.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for conceding this opportunity for Senator MURRAY. I do not know whether the Senator from New Mexico has any further business. We have nothing.

The PRESIDING OFFICER. As modified, the unanimous consent agreement with respect to the Murray amendment is agreed to.

Mr. DOMENICI. We have nothing further, no further discussion, and we have under the unanimous consent agreement how much time is taken off the bill.

Mr. President, I assume until the leadership decides otherwise, we will be in open session in quorum calls or other business. But if Senators want to speak to the budget resolution, I assume for a significant amount of time the floor is going to be open for them to do that. I have already indicated that I cannot stay here and manage under these circumstances, but I assume that, with the Parliamentarian, things will run pursuant to the unanimous consent agreement.

The PRESIDING OFFICER. It will run pursuant to the unanimous consent agreement.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I ask unanimous consent to such time as I might use from the Democratic side on the budget debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Nation's students deserve modern schools with world class teachers, but too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers and students alike. It is shameful that America's 12th graders rank among the lowest of the 22 nations participating in this international survey of math and science.

Schools across the Nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the Nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair the existing facilities nationwide.

This chart is a good summation as to what the current conditions are. This year, K–12 enrollment reached an all-time high and will continue to rise over the next 7 years. 6,000 new public schools will be needed by the year 2006 just to maintain current class sizes. We will also need to hire 2 million teachers over the next decade to accommodate rising student enrollments and massive teacher requirements. And because of the overcrowding, schools are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. Overcrowded classrooms undermine discipline and decrease student morale.

This chart reflects, again, the kind of crisis we are facing for our 52 million American students: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in their ceilings or walls; 12 million children go to school under leaky roofs; a third of America's children study in classrooms without enough outlets and electrical wiring to accommodate computers and multimedia equipment.

The General Accounting Office has determined that it will take in excess of $100 billion just to repair existing facilities nationwide. We send a very powerful message to the children in this Nation when they are going to substandard schools. The message is this: The parents, or the older generation, don't give education the priority which it deserves.

Politicians of both parties are out there talking about our responsibility to education and to our children and our future, but we fail to have decent facilities with enough classrooms and well-trained teachers and fail to care for children both before they get into school and in the after school hours. Putting children first—when we fail to do that, we send a very powerful message to children that it really doesn't make an awful lot of difference how they perform in school and whether they conform to various rules and regulations. We send a message to children every single day that they go to dilapidated schools or overcrowded schools that education for the children of this country is not our first priority.

We have to ask ourselves as we begin the budget debate, How does this budget reflect our Nation's priorities? This budget, which we are beginning a debate on today and will continue to debate through the course of next week, how is that really going to reflect our Nation's priorities? What are we prepared to do to try to work with States and local communities to improve the schools in our country?

Just throwing money at a problem is not the answer; we have all learned that. But I tell you that the amount of resources you allocate to a particular purpose or policy is a pretty clear reflection about what kind of priority the Nation is going to place on it.

If we are not going to provide the resources that are necessary to reduce class size and enhance educational achievement, if we are not going to try to address the problems of dilapidated and decaying schools, not only in urban areas but in rural areas, if we are not prepared to help recruit additional schoolteachers who are well trained and certified to teach the courses which they are instructing, if we are not going to help provide education opportunity zones to assist communities that are trying to innovate and be imaginative and work with teachers and parents to enhance academic achievement—all of which have been proposed by the President—if we are not going to say we care sufficiently about children when they leave school in the afternoon, the 5 million children that go home to empty houses every single day, we don't care about them—if we don't care enough about children before they go to school in Head Start programs, if we are not prepared to invest in children, then we are sending a very powerful message.

Those speeches that Members are making in here are empty. We are challenging our Republican leadership and Republican colleagues to invest in children, reject what the Budget Committee has done in turning its back on children—and I say ''turning their back on children.'' We will get into the particular details of the budget resolution later.

Now, incredibly, the Republican budget proposal ignores the pressing needs that I have outlined here. The Republican plan cuts funding for education. It refuses to provide key new investments to improve public education. If that anti-education plan is passed, schools and students will get even less help next year than they are getting this year. Let me repeat that: If this budget that is before the Senate now is not altered and changed, then the help and assistance for public schools will be less next year than it was this year. That is the end result, because even if the Appropriations Committee increases funding later on during the course of this Congress, it will violate the budget resolution.

This budget resolution is the time to debate the allocations of resources to enhance the public schools in this country. Under the resolution that is before the Senate this afternoon, there is a real cut, a real cut in support for public education. That is what I find so incredibly offensive in terms of the budget proposal that is before the Senate. The Republican anti-education budget cuts discretionary spending by $1.6 billion below the President's budget. It cuts funding for education and Head Start programs by $1 billion below the level needed to maintain current services.

The Head Start Program had bipartisan support. We have expanded Head Start programs for Early Start on the basis of the Carnegie Commission Report and the wide range of different testimony that has been before our Education Committees: The earlier the kind of contact, as the child's brain is developing, and building confidence and helping and assisting that child through a nurturing experience and expanding their horizons, has a very, very important impact in the ability of that child to expand their academic achievement in the growing years of education. That has been proven. We saw a small allocation—about 4 percent—in the early education programs in the Head Start Program, and it has been successful. We have been trying to expand it. But all of those resources are being cut back in the Republican budget proposal that is out here before the Senate.

As I said, it cuts the Head Start Program. The Republican anti-education budget denies 3.7 million students the opportunity to benefit from smaller class size. It denies 900,000 disadvantaged students the extra help they need to improve their reading and math skills. It denies 400,000 students the opportunity to attend after-school programs, those programs which are so essential.

We know that the best teacher that any child has is the parent—the parent; second, it is the schoolteacher. But we

also know what children do before they come to school in the morning is important, and we know what happens to children in the afternoon is very important. We won't take the time to elaborate on the after-school programs and what it means in terms of helping and assisting a child, working with that child, to help them with their homework, help them with auxiliary programs as I have seen out in Dorchester, MA, just 3 weeks ago in an excellent program. I saw the liveliness of those children in the after-school programs.

You would think a child, after going through a full day of education, would be pretty tired, but the light in those children's eyes as they are involved in doing their homework and involved in artwork, involved in photography, and even in cooking so that they would be of help and assistance in the home—the idea of helping those children get their homework done in the afternoon with help and assistance, so when their parents are at home at nighttime after a full day of work, they can enjoy some common time together and the parents are not going to the child saying, ''You better go off and do your homework.''

These are pretty commonsense recommendations, after school programs. I won't take the time, at least now, to go through the excellent presentations of Paul Evans, our police commissioner in Boston, who talks about the importance of after-school programs in order to reduce crime and violence in a community—eloquent, eloquent testimony. I daresay that we have had a better record in Boston in reducing youth homicide than any city in the country. We went over 2 years without a single youth homicide—over 2 years without a single youth homicide.

If you had Paul Evans here on the floor of the U.S. Senate this afternoon, he would say there are three elements. You need to have a tough kind of action in dealing with the violent youth that are involved in gangs, you have to have an effective program to police the proliferation of weapons, and you have to have an effective after-school program. How many times I have listened to his eloquence. Those three elements are the key.

But an after-school program is key if we are serious in terms of trying to do something about violence in our society, and that case is so powerful. The President has an after-school program. It has been a modest program for the last year. It has been tried and tested. It recognizes that the increase in crime among juveniles rises about 60 percent between the hours of 3 and 4 every single day, just when kids get out. And 70 percent of the illegitimate births among teenagers are caused during the time of between 3 and 6 in the afternoon. It is a key time, Mr. President, when too many of our young people are cast loose out into society, or just into their own homes with a television set, or if they are older, to a street corner. This is an important ingredient in terms of the education component.

Now the President requested that program, and it is effectively zeroed out in the Republican program. So you are going to deny some 400,000 students the opportunity to attend after-school programs.

The Republican budget denies 6,500 middle schools, serving 5 million students, extra help to ensure that they are safe and drug free. It denies 1 million students in failing schools the opportunity to benefit from innovative reforms. It denies 3.9 million needy college students an increase in their Pell grants.

The President requested a very modest increase in Pell grants, which would have a significant impact on students such as those who attend UMASS-Boston. Their tuition may be up now to $1,350 a year. Eighty-five percent of those kids' parents never went to college. Eighty-five percent of them are working 25 hours a week or more. When the tuition is up $100 at UMASS-Boston, they see a 10 percent decline in admissions requests. That $100 makes a difference to those kids. That $100 is a life-and-death thing to those kids. And the President had recommended some $300 on it. The way it works out, in terms of the formula, it would be a little over $100 per kid in the Pell grant program that was lost dramatically in purchasing power over the past years. That is eliminated, Mr. President.

All of these are paid for in the President's program. These aren't add-ons to the budget. They are all paid for under the President's program that moves us to a balanced budget. But no, no, we have to cut those programs investing in kids and provide a $30 billion tax cut for wealthy individuals. Take that money that is going to after school, take that money away from Pell grants, take that money away from children for math and science, take that money away from smaller classrooms and take that money away from strengthening teacher training, and put it where? In a tax break. Now, that is the issue. It is an issue of priorities. It is an issue of priorities. It is who is on whose side? If you want to cut to the meat of it, who is on the side of working families and their kids, and who is on the side of those that need another tax break? It isn't the working families that get a tax break, because the Republicans have opposed any increase in the minimum wage. This isn't even a tax break. These are men and women who are working hard, playing by the rules, and want to provide their kids with food on the table and, after working two jobs, to be able to spend some time with them.

You would think they would at least say that if we are not going to give them a tax break—because they don't benefit from a tax break—at least say let's give them an increase in the minimum wage. No, no, no. That is what we heard last year, but we were eventually able to win it. But we haven't got one single Republican cosponsor of an increase in the minimum wage for this year—not one—when we have seen the most expanding, growing economy, with 320,000 jobs added in the job market last month, and 12,000 in the restaurant industry; they are always complaining about any increase and how it is going to be devastating to the restaurant industry, but they grew 12,000 jobs just last month.

So, Mr. President, these are some of the issues that are in this budget and what we have to address. We must test students early so that we know where they need help in time to make that help effective. We must provide better training for current and new teachers so that they are well prepared to teach to high standards. We must reduce class size to help students obtain the individual attention they need. We must provide after-school programs to make constructive alternatives available to students. We must provide greater resources to modernize and expand the Nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I hope that during the consideration of the budget resolution next week, we will give education the high priority that it deserves.

CIGARETTE PRICE INCREASE

Mr. KENNEDY. Mr. President, I want to take a moment of the Senate's time to talk about another decision and another priority that was made in the Budget Committee in the past 10 days.

The Republican budget would also prohibit using the money raised by a cigarette price increase from being directed to programs that prevent children from starting to smoke and help those who are already addicted to quit smoking. These programs are essential to any effective antismoking effort.

What you have to have, if you are going to be serious about trying to stop the youth from smoking, is a dramatic increase in costs in a short period of time. That is the record. We have examples of it. We can spend some time in going through those various reports. You need to have that. It also has to be accompanied by an effective counteradvertising campaign. If you only rely on an increase, what happens is the tobacco industry goes out and increases their advertising, and that overwhelms the discouraging aspect of a price increase. That is the record of it. We have seen that, and we will have a chance at another time when we go through the whole debate on tobacco.

So you have to find a corresponding action. What the public health community, who studied this for years, says is that you not only have to have counteradvertising of tobacco, which amounts to $5 billion a year—you don't expect to match it with $5 billion a year, but under the Republican proposal it talks about $125 million that they are prepared to authorize but won't even guarantee. Even the last spring settlement, which was deficient in some important areas, provided for the mandatory spending for

counteradvertising. But not this Republican budget, not this Republican budget. No. They said, effectively, no, we won't require that moneys that come in as a result of an increase in price—sure there should be some moneys for the Medicare Program, but let me depart for a moment.

The best way to help the Medicare Program is to get kids to stop smoking. The costs of the Medicare Program are $9 billion a year, approximately. When you stop kids from smoking, you are going to save Medicare billions of dollars. So we allocate, under the Conrad proposal, some resources on Medicare. But we are talking now about the public health measures that have been turned down by the Budget Committee. These public health measures had been included in the first McCain proposal that was offered last fall. He knew they were important. They were included in the Hatch proposal, which also includes these measures, funds to try to deal with the public health aspects of children. They were included in a bipartisan program on Harkin-Chafee. They included that. But not the Budget Committee, not the Budget Committee, well-known protectors of the public health; not the Budget Committee, no, sir.

Zero in terms of counteradvertising; zero in support of local communities for cessation programs to stop kids from smoking in the schools, to try to help local communities, work in local schools, nonprofit agencies, groups that have been working with cessation programs for years, zero for them, no way; zero for studying the problems of addiction to narcotics, and to study the problems with health-related issues that are attached to tobacco, such as lung cancer; effectively zero for any kind of a review, study, or investment in those particular programs; and zero with regard to looking out after farmers who are going to be impacted by this program. I may have my differences on the public policy issue on tobacco, but I am not prepared, like the tobacco industry has done it, to do it on the backs of those tobacco farmers.

If you look back over what those tobacco farmers' increase has been over the past 10 years, when you have had record profits by the tobacco industry, it was pittance for those tobacco farmers. The first thing that happens, if the tobacco industry gets in any problem, they rent those big buses and park them on the mall and let them come up here and ask us why we are against those individuals and their families. How many times have we done that, Mr. President? We will have a chance to go on through that.

But the point that we are making, Mr. President, is that these programs are essential to any effective antismoking effort and education on the dangers of tobacco use, counteradvertising, deglamorizing smoking among children, smoke cessation programs, and medical research to cure tobacco-induced diseases. They should be the first priority for the dollars produced by a cigarette price increase.

All of us agree that Medicare should be protected for future generations. All of us recognize that tobacco imposes a heavy cost exceeding $9 billion a year on Medicare, and that a share of any tobacco revenues should be used for Medicare.

But one of the best ways to keep Medicare strong for the future is to invest in important public health and tobacco control programs that prevent children from beginning to smoke and help current smokers to quit smoking.

But not this budget. Every public health official that has appeared before Republicans and Democrats alike in the House and in the Senate has said these are essential. But not the Budget Committee. But we will have a chance to address that. That is an important priority. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Obviously, it makes good sense to earmark funds for Medicare and smoking cessation programs, for tobacco counter-advertising campaigns, for tobacco-related research and education programs, and for FDA enforcement of provisions to reduce smoking by children.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking. That's unacceptable.

Smoking has inflicted great damage on people's health. It makes sense to use tobacco revenues for these important anti-tobacco initiatives too.

These programs work. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Listen to this. Every $1 invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low-birthweight babies. But there is nothing in this program for that.

The Republican budget offers no help in cases like this, and that makes no sense.

The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year—$5 billion—that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

You would think that we would want to try to do something about that as well. Talk to any serious official in the public health community, and they will say that we need a multidisciplined approach if we are going to have an impact in reducing tobacco use among young people. We have to do all of these things. But not the Budget Committee. And the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare. The country supports, I believe, these fundamental, sound public health proposals, and the Senate should as well.

MEDICARE BUY-IN AND THE BUDGET

Finally, Mr. President, I want to mention just two other areas. One is the area of the Medicare buy-in and the budget.

Mr. President, the President has advanced a proposal to permit those near the age of 65 and those 62 years old to be able to buy into Medicare and do it in a fiscally sound way that will not interfere with the financial integrity of Medicare. These individuals in their early sixties are too young for Medicare but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on. No American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

Three million Americans aged 55 to 64 have no health insurance today. The consequences are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

The number of uninsured is growing every day. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise. In recent years, many who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

The plight of older workers who lose their jobs through layoffs or downsizing is also grim. It is hard to find a new job at age 55 or 60—and even harder to find a job that provides health insurance. For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

And finally, significant numbers of retired workers and their families have found themselves left high and dry when their employers cut back their coverage or canceled it altogether.

Democrats have already addressed legislation to address these issues—and

the budget must provide for its enactment. The legislation allows uninsured Americans age 62–64 to buy in to Medicare coverage and spread part of the cost throughout their years of eligibility through the regular Medicare program. It allows displaced workers aged 55–62 to buy into Medicare to help them bridge the period until they can find a new job with health insurance or until they qualify for Medicare. It requires companies that drop retirement coverage to allow their retirees to extend their coverage through COBRA until they qualify for Medicare.

This legislation is a lifeline for millions of older Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

In the budget there ought be the opportunity for us to debate this issue, and if judgment is made that we are going to move forward on it to ensure that we are going to have the votes and not be blocked from moving forward on it because of the failure of the Budget Act, to at least consider that possibility.

INVESTMENT IN CHILDREN

Mr. President, everyone knows that investments in children pay off, and focusing the attention of the Nation on a central priority for vast numbers of American parents—the availability and affordability and quality of child care and after-school programs—I believe is essential. There is a shocking lack of child care that meets these three basic tests: Affordability, availability, and quality. It is a dramatic fact of life for millions of families across the Nation. Thirteen million children spend all or part of their day in child care. Five million are left unsupervised after school. Their parents are working parents and deserve to know that their children are not just safe but well cared for.

We must make sure that we take care of our children and have child care development programs. We need to expand the child care development block grant and ensure there is mandatory money to invest in our kids. And we have failed to do so in this budget.

EEOC ENFORCEMENT

Mr. President, this year, Congress must commit greater resources to the Equal Employment Opportunity Commission. Although many of my Republican colleagues want to eliminate all forms of affirmative action that have benefited women and minorities, shouldn't everyone—Republicans and Democrats alike—support strong enforcement of our civil rights laws? To do otherwise undermines the promise of equal justice and equal opportunity for all.

The EEOC is the only government agency solely devoted to enforcing our great civil rights laws—the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Equal Pay Act. But, while the agency has received greater enforcement responsibilities, including the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991—its congressionally appropriated resources have decreased.

The Republican leadership must support its anti-discrimination rhetoric and support the work of this agency. The EEOC needs the tools necessary to quickly investigate charges of discrimination against individuals, as well as patterns of discrimination found in the workplace. I hope my Republican colleagues agree with the sentiment of our former majority leader, Bob Dole. Senator Dole said,

> [W]e must conscientiously enforce our antidiscrimination laws. Those who violate the law ought to be punished, and those who are the victims of discrimination must be made whole. Unfortunately, our nation's top civil-rights law enforcer, the Equal Employment Opportunity Commission, is burdened with an unacceptably high . . . case backlog. We must give the EEOC the tools it needs to do its job properly.

The budget must include President Clinton's request for $270 million for the Equal Employment Opportunity Commission. It is the right thing to do for our country.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, am I correct that we are in morning business?

The PRESIDING OFFICER. The Senate is currently considering the concurrent Senate budget resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, first let me say in response to the recent statement by my good friend from Massachusetts about the degree of compassion associated with the Republican Members of the Senate that I disagree. I am sure that the Budget Committee and its able chairman, Senator DOMENICI, will respond in detail to the generalizations that have been expressed by my friend from Massachusetts. But let me just make one specific point.

We have heard that the Republicans and the Republican budget do not invest enough in education; that they have not adopted the two key plans of the President's budget: $5 billion for school construction, and $7.3 billion to hire 100,000 more teachers over the next 5 years.

The facts show that, indeed, the Republicans have kept their word. We have increased education spending by exactly what the President and the Congress agreed to do last year in the balanced budget agreement. We have provided $8 billion in additional discretionary education funding over the 5-year period, and in total we will provide close to $20 billion in kindergarten-through-grade 12 education funding this year. That is a 98-percent increase over the last 10 years.

I would not take criticism relative to the Republicans' commitment to education. It supports exactly what the President has asked for. Again, that is $20 billion for kindergarten through grade 12 education funding and a 98-percent increase over the last 10 years.

I am sure others on the Budget Committee will address other generalizations in more detail.

WARD VALLEY TRESPASSERS

Mr. MURKOWSKI. Mr. President, my purpose in seeking time this morning is to communicate to the other Members of a grievous trespass occurring on public lands, a trespass that would certainly not be allowed in the State of Minnesota or in my State of Alaska.

Today we have a significant standoff in the southern California desert between the Federal Government and trespassers at the Ward Valley site. For several years, the State of California and Governor Wilson have sought to purchase from the Federal Government the 1,000-acre Ward Valley site in southern California out in the Mojave Desert, a pretty inhospitable area. Large transmission lines go over the property. You can hear the buzz of the electrical energy going through those wires. And it has been determined to be a suitable site for low-level waste. California wants to build a low-level waste disposal facility on this Federal property which is located in a federally designated utility corridor, as I have indicated, with the power lines going over it. It is close to an interstate highway. The State of California has proposed to purchase this land from the Department of the Interior. It is appropriate to reflect that this waste has to go somewhere. Nobody wants waste, either high- or low-level, but we have to acknowledge the merits of the technologies that produce the waste. They improve our health. Because most of this waste is biotech, used for the treatment of cancer and other medical uses, x ray and radiological type of medical treatments that we all receive. It lengthens our lives and eases our misery.

Currently this waste is located at just the State of California, over 800 temporary sites throughout the State. Many of these locations are in urban areas, near universities, communities, clinics.

It has been determined that Ward Valley would be an appropriate disposal facility. The State of California, as well as other States, has been given the authority under certain terms and conditions to basically provide long-term waste storage, assuming that the Federal and State criteria are met. In

this case Ward Valley has met the State of California criteria, yet the Department of the Interior refuses to support the selection of this site and move with the land purchase. We have had is a decade of environmental tests. I guess we are stuck with decades and a confirmation by the National Academy of Science—the last word, if you will, in science—that this property is suitable for low-level radioactive waste disposal facility.

It is either this property or leave it where it is, 800 sites throughout California, on the way to schools, churches, shopping centers; facilities that have never been designed to hold this waste. However, the Interior Department still is not satisfied with the tests that have taken place. It is not satisfied with the report from the National Academy of Sciences.

In February of 1996, the Interior Department announced it had planned on conducting additional environmental tests at Ward Valley. Let's do some more tests. These tests were finally scheduled to begin last month, 2 years after the original announcement. That is how long it takes, and I am not sure it is over yet. The tests still have not begun. They have not begun now because protesters at the site have refused to move off the site.

These are protesters, trespassers on Federal land. Last month, the California State Office of the Bureau of Land Management ordered the protesters at the Ward Valley site to relocate by February 18 so the tests could begin. The protesters have been occupying the property for the last couple of years under a land use permit, issued by the BLM. I did not know this, but you can evidently get a land use permit to initiate civil disobedience.

These protesters are already in violation of their original land use permit. They have refused to comply with the February 18 deadline. Incredibly, the protesters, who are clearly trespassing on Federal land, are still there today. February 18 has come and gone. Federal rangers made no effort to evict them from the property. In fact, on February 25 all Federal rangers were withdrawn from the property. The question is, why?

Even more incredibly, over the past 6 weeks the trespassers have now taken control of the property. They now, the trespassers, mind you, refuse to allow the BLM employees access to the property to initiate the testing. The protesters have also refused to allow the U.S. Ecology, the State's licensee who is going to do the test, access to the property for environmental monitoring and refueling of its generators. When the BLM and the U.S. Ecology employees have been allowed to enter the property, they have been frisked by the protesters and all vehicles have been searched by the protesters' so-called security forces.

Isn't that a turnaround? This is Federal property. The trespassers have taken it over and are dictating the terms and conditions by which the Federal agencies can have access to their own property. Where in the world is the Secretary of the Interior? Where in the world is the Attorney General? As chairman of the Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons who are in clear violation of the law to not only occupy Federal land but also control the Federal land by determining whether or not tests can occur. Even more incredible, the Department is allowing the trespassers, who are now outfitted with knives, cans of Mace and handcuffs, to dictate the terms and conditions under which the Federal employees have access to the Federal lands. What message does this send to our Federal employees? What message does it send to our citizens?

The Department of the Interior says they are in negotiation with the trespassers, who include representatives of environmental groups and Indian tribes. However, there should be no room for negotiation with trespassers. They are just holding the Federal government hostage. The trespassers say that they will not leave Ward Valley until the Department of the Interior promises that no testing will occur and the property will not be transferred to the State of California. So they are saying, in effect, it cannot be used.

The Federal government has spent tens of millions of dollars, to date, on Ward Valley. The State of California has spent tens of millions of dollars. California's licensee alone has spent about $80 million in preparation for their license to build the facility. Yet, protesters are dictating the terms and solutions. With such an absolute position, well, there doesn't appear to be much room for negotiation.

I have asked the Secretary of the Interior, Secretary Babbitt, to inform me and advise me how he intends to deal with the trespassers on the Department of the Interior land and how he intends to deal with them on other Federal lands he controls. I also want to know what the Department intends to do if the standoff continues. Does the Department intend to allow our public land to be controlled by trespassers? This is an unacceptable and dangerous precedent.

I have also written the Attorney General, Janet Reno. As this Nation's chief law enforcement officer, I want to know how she plans to handle the trespassing at Ward Valley. Does she condone this illegal activity? Is she prepared to enforce Federal law? Will she fully and faithfully prosecute those trespassers? I hope this standoff can be peacefully resolved, but it needs to be resolved now—now, rather than later. It has already been 6 weeks in the making.

Mr. President, I ask unanimous consent correspondence I have directed to both the Honorable Bruce Babbitt, Secretary of the Interior, and Janet Reno, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: For several years, the State of California has sought to purchase from the Federal Government the 1,000 acre Ward Valley site in southern California for the construction of a low-level radioactive waste facility. Before deciding whether or not to transfer the property, the Department of the Interior plans on conducting additional environmental tests. At present, however, trespassers at the site refuse to allow these tests to begin. As this country's chief law enforcement official, this letter is to determine the extent of the Department of Justice's involvement with the current stand-off at the Ward Valley site.

Last month, the Bureau of Land Management (BLM), which manages the site, ordered protesters on the property to relocate so that the tests could begin. The protesters refused to comply with BLM's February 18th deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the State's licensee—access to the property for environmental monitoring and refueling of its generators. when BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' ''security forces.''

As Chairman of the Senate Committee on Energy and Natural Resources, which has jurisdiction over this nation's public lands, I am extremely disappointed with how this matter has been handled. Persons—in clear violation of the law—have been allowed to not only occupy Federal land but also control whether or not environmental tests occur at the Ward Valley site. Even more incredible, the trespassers—outfitted with knives, cans of mace, and handcuffs—are dictating the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st:

1. Has the Department of the Interior consulted with, or sought assistance from, the Department of Justice on this matter?

2. What must happen before the Department of Justice assumes control over the current stand-off at the Ward Valley site?

3. What is the general policy of the Department of Justice with respect to trespassers on public lands?

Include in your response, the name, title, and phone number of the Department of Justice official with responsibility for monitoring the situation at Ward Valley.

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request. Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your

staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224–4911. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for your cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: In February 1996, Deputy Secretary John Garamendi announced that the Department of the Interior intended to conduct additional testing at Ward Valley before deciding whether or not to transfer the property to the State of California for a low-level radioactive waste disposal facility. The Interior Department's field tests finally were scheduled to begin last month. These tests have now been indefinitely postponed because of the illegal occupation of the Ward Valley site. I write to find out how you, as Secretary of the Interior, intended to proceed with the tests and handle the protesters at the Ward Valley site.

Last month, the California State Office of the Bureau of Land Management (BLM) ordered protesters at the Ward Valley site to vacate the property by February 18th so that field testing could begin. The protesters refused to comply with the deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the States' licensee—access to the property for environmental monitoring and refueling of its generators. When BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' ''security forces.''

As Chairman of the Senate Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons—who are in clear violation of the law—to not only occupy Federal land but also control whether or not tests occur at the Ward Valley site. Even more incredible, the Department is allowing trespassers—outfitted with knives, cans of mace, and handcuffs—to dictate the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st.

1. Is the Department of the Interior negotiating with the protesters? If so, what is the status of these negotiations? When will these negotiations be complete? Include in your response, the name, title, and phone number of the Department official responsible for conducting these negotiations.

2. When does the Department anticipate beginning its field tests? When does the Department anticipate completing these tests?

3. Does the Department intend to enforce the BLM's order to the protesters to vacate the Ward Valley site? If so, when?

4. Does the Department intend to enforce the terms of the BLM permit issued to U.S. Ecology allowing it to collect environmental data at the Ward Valley site?

5. What are the current instructions to Federal rangers regarding surveillance, enforcement of permit conditions, and reports of illegal activities at the site to other law enforcement authorities?

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request, Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224–4971. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

Mr. MURKOWSKI. I thank the Chair and wish the occupant a good day.

Mr. JOHNSON address the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I ask unanimous consent to address the Senate for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with consideration of the concurrent resolution.

Mr. JOHNSON. Mr. President, we have before the Senate today, and will have on into next week, the budget resolution which has been reported from Senate Budget Committee, on which I serve. I commend ranking member LAUTENBERG from New Jersey for his leadership as well as Chairman DOMENICI for his work on the budget resolution. Obviously, we have differences relative to some components of the budget resolution. I think the current resolution is significantly lacking in many serious ways. At the same time, however, I want to acknowledge the extraordinary circumstance that we now find ourselves in as Americans here in the spring of 1998.

Many of us recognize that, upon his election 5 years ago, President Clinton faced a pool of red ink totaling around $292 billion per year, a pool of red ink that had exploded through the 1980s. When President Carter left office, this nation had accumulated a national debt of around $1 trillion. At the end of the 1980s, the accumulated debt of this country was four times that, in the $4 trillion range, and growing beyond sight.

After five successive years in reducing the annual budget deficit, we now find ourselves, in this fiscal year, with a budget surplus as measured under the unified budget-scoring system. We are in the black for the first time in 30 years. The last time the Federal Government had a unified budget surplus was in 1969 during the Lyndon Johnson administration when taxes were raised in order to pay for the Vietnam war. We slipped back into deficit again and then drowned in red ink through the 1980s.

So, we find ourselves in an extraordinary time. We must decide what kind of framework our Federal Government should have, and what kind of framework our budget should have, going on into the next millennium. After 5 years of budget discipline—in no small measure as a consequence of a very difficult vote on the 1993 budget reconciliation bill, which laid much of the groundwork for this progress—we find ourselves with record low inflation, record low unemployment, one of the highest levels of housing ownership that we have seen in decades, record low levels of crime and, again, the first budget surplus, at least under a unified budget, that we have seen in 30 years.

Where do we go from here? That is the question that the pending budget resolution asks. This is not just a budget issue. This is one that really reflects the values and the priorities and the philosophy of the American people. It has enormous ramifications for us all.

There are some very fundamental areas where the two political parties are in agreement on the budget resolution. I am thankful for that. I am pleased we have found common ground, first of all, in deciding that the budget resolution should sustain and continue the budget discipline mechanism that has been a factor in producing a budget surplus for the first time in 30 years. We will continue on a pay-as-you-go basis. No more new spending unless the cost is offset by spending decreases or revenue adjustments; no more tax cuts, even in an election year, unless those cuts are paid for by reduced spending or revenue increases somewhere else in the budget.

This is the kind of discipline that one would have thought should have been present in our Government for 200 years but, in fact, has been present for just this past decade. It is the kind of discipline that we must sustain. While there are some who, I think, are expressing some sense of giddiness over a budget surplus, we need to recognize that that surplus will remain only with continued budget restraint and discipline; that we must face the question of budget priorities; and that the election year Christmas trees that took place in the past are no longer an accepted part of budget strategy in this day and age.

Secondly, there is agreement between the parties, at least in the Senate Budget Committee, that the so-called budget surpluses ought to be preserved for the purpose of strengthening Social Security. We ought not to run off in any number of directions with tax cuts or spending increases premised on utilizing those particular

dollars. These so-called surpluses are really surpluses only if the Social Security trust funds are included in the budget, which is the nature of the unified budget.

We have an agreement on the budget resolution that has emerged from our committee that those two underlying principles will be continued. I acknowledge the very great importance of those two underlying principles.

There are some great differences, however, that I am hopeful can be addressed with amendments during the course of debate this coming week.

One of the most fundamental differences, frankly, is how to utilize any resources that might be generated by a tobacco settlement. We all understand that a tobacco settlement is still only a possibility—it may occur or it may not—and the terms of any tobacco settlement ought to be driven by the merits of that issue itself. We should not see the settlement as simply a revenue generator for other purposes, regardless of how worthy they might be.

Nonetheless, the President in his budget and Democrats in their alternative budget recognize that we do need to be thinking about how to utilize most constructively additional resources if they are, in fact, made possible by a tobacco settlement. Therein lies one of the most fundamental differences between the two parties.

We are in agreement on preserving the Social Security trust funds; we are in agreement that we need to shore up Medicare. I think few people have done more to protect, preserve and strengthen Medicare than my colleagues on the Democratic side. We are pleased, however, to have support from our Republican colleagues on an issue that ought not to be partisan and one where we should be able to find common ground.

The budget resolution that is coming to this floor, over the objections of the White House and over the objections of Democrats on the Budget Committee, sees to it that none of the potential new resources from a settlement will be used for health care for children; for schools; for child care; for expanding the National Institutes of Health research on cancer, heart disease, and so on; for rural development, or for deterring youth smoking. That is not to say that there are not attempts in other areas of the budget to touch on some of these issues, but certainly none of the tobacco funds could be used for these purposes.

I have to say, simply being candid and looking across the political landscape in the Budget Committee, that what we have here is not so much a concern about the long-term viability of Medicare—we all share a concern for that. It seems to me that those who are making certain that none of the tobacco money may be used for many of the other problems created by use of tobacco, or for child care or education, are less concerned about Medicare, than they are simply opposed to creating a better partnership among the Federal, State, and local governments, and public and private entities, to address the problems of education and child care and health care in general.

Mr. President, we have some enormous needs that the Federal Government cannot fix by itself, nor should it attempt to fix by itself, but where a constructive partnership makes a lot of common sense.

We have found over the last several budget debates that the American people are not terribly ideological in the sense that they are far right or they are far left, they tend to be fairly pragmatic and down the center. That is why Democrats on the Budget Committee attempted to pass an alternative budget. In doing so, we recognized that replacing and renovating schools has always been and will always be primarily a function of local school districts and local citizens, taking it upon themselves to determine whether a particular school needs to be replaced or renovated. Those are local decisions and will remain so. But we have suggested that a small portion of these resources ought to be used to help buy down interest rates for the bond issues that are supported at the local level.

Because of the enormous backlog of school repair and renovation work that is out there—it is in small towns, it is in large cities, suburban areas, rural and urban alike. As we head into this next millennium, we understand that those countries which focus on quality education and developing the brain power of the next generation are nations that will do well; those nations that neglect those resources, those nations that think these needs will somehow take care of themselves will slide backwards.

We need a new commitment to education and to providing the resources for education, not simply for the intrinsic value of increasing the intellectual capability of our young people—although that certainly is the principal goal—but also from even a purely dollars-and-cents point of view. Our economy cannot thrive, our communities cannot prosper, unless we do better at making sure that every young person in this country has an opportunity to develop his or her God-given talents to the maximum extent possible, and that the resources are there to make it happen. We must have a public and private, a Federal, State, and local partnership that can make it happen.

So it is with some frustration that I view this budget resolution, in its current form, as a wasted opportunity.

I am hopeful that we can restore some of these priorities in the context of a balanced budget in a way that does, in fact, make some of these key investments in other areas as well.

In the area of child care, we have an increasingly stark reality of more and more children being unsupervised, not having constructive after-school programs, that they are getting along on a latchkey basis. More and more often we have single-parent households. We also have more dual-income households, not necessarily because they want that to be their circumstance but because economic reality dictates that circumstance.

Yet, at the age when children have the greatest brain development, when it is determined how well these children will succeed in their later years in terms of their fitting into society and being constructive citizens, that is the one age where we make the least commitment, where we have the greatest patchwork system, where quality is uneven, where affordability is uneven.

I have held child care meetings all around my State with parents and child care providers and other concerned citizens. I am pleased that the Republican Governor of my State is very supportive of strong new initiatives for after-school programs and for child-care. We ought to be able to bridge this nonsensical partisan gap and look after the needs of our kids and the future generations of this country. That means, again, some level of partnership, not a system that is micromanaged out of Washington or that involves a new bureaucracy out of Washington. We do none of that in the Democratic alternative budget. We allow the decisionmaking to be made at the local level. We allow the initiative to be there. We allow tremendous innovation at the State and local level, but we believe there is a partnership needed for those communities and for those nonprofit organizations and for those schools to make a viable investment in our children.

Mr. President, there is no funding for President Clinton's education initiatives in this budget resolution. There is no help for school construction. Fourteen million children currently attend classes in buildings that need major renovations; 7 million kids in our country go to school in buildings that currently have safety code violations; 16 million children are in classrooms without proper ventilation, heating, or air conditioning.

This is where we get on to a particular concern of mine involving Native American children. We have currently 60 BIA schools that need complete replacement. We are replacing them at the rate of one per year. I thank Chairman DOMENICI for his sharing a concern with me about this. We haven't really reached an entirely satisfactory solution to this problem, but I do appreciate that we have joined together in the inclusion of report language expressing our concern to the appropriators that additional funds be allocated for these Indian schools. These schools have some children from the most difficult circumstances imaginable, with 40 percent studying in portable classrooms, with dropout rates and other attendant problems of poverty and desperation at such high levels.

I thank the chairman for his work with me on this very significant problem, and I understand his profound appreciation of the challenges we face in that regard.

So, we have a budget resolution, Mr. President, that contains some strong underlying principles, and I am very, very pleased at that, because I think by maintaining a balanced budget, we can do more than almost any other single thing the Federal Government can do to reduce the cost of borrowing money. That makes going to college, buying a house, buying a car, expanding a business, hiring more employees, all more affordable. That will do more to maintain America's role as the world's great economic superpower than any other single thing we can do, and there is strong bipartisan support in that regard.

But we have these other fundamental differences that I am hopeful can be addressed, at least in part, in the course of this coming debate on the Senate budget resolution. We can create a framework for investment in our communities, investment in our kids, in our schools, in health research, in a more meaningful way than the budget resolution that we currently have on the floor allows.

We can do that. We can sustain Social Security, we can sustain Medicare, we can make other needed investments, while keeping the budget in balance. This is a remarkable point in time, one that many people thought would never occur in our lifetime. This, along with the fall of the Berlin Wall and some other events, are things that many people thought would not happen, but they are on the verge of happening. Now it is our responsibility in this body, the U.S. Senate, to make sure it happens in a responsible, sustainable way and we continue to make the key investments that will create the framework, create the foundation, for our country to prosper and to continue to grow, to create greater opportunity for all of its citizens. Not to guarantee success for anyone—that comes only about through their own labor, their own efforts, and their own talent—but to create the tools, the starting point for every American, regardless of his or her background, as an opportunity to prosper and to succeed.

Mr. President, I want to make one additional comment unrelated directly to the budget resolution but on an issue which does impact our overall economy. I wish to express great, great concern over recent action by our colleagues in the other body who have failed to extend the ethanol fuel tax incentives that the Senate, by a large bipartisan majority, included in the ISTEA legislation.

It appears, at this point, that our colleagues on the other side managed in effect to terminate a critically needed tax provision. This provision will not only allow ethanol fuel usage an opportunity to reach critical mass, a substantial benefit to farmers, but also will help clean our air and make this Nation less reliant on unstable Third World nations as sources of petroleum. At this point, however, it appears that there will not even be an opportunity for members of the other body to vote for an extension of the ethanol tax incentives.

I am very concerned about this, and it is certainly my hope and expectation that Senate conferees, in the course of negotiating differences between the Senate and the House highway legislation, will give this a very high priority. It is important that we make the proper investments in our Nation's transportation infrastructure.

It is also important that we move forward with a commonsense, cost-efficient strategy for expanding use of clean, American alternative fuels. That can only be done by the conferees on the Senate side looking after the interests of the American people in that regard when the conference committee comes about.

So, Mr. President, this coming week should be tumultuous but very important for the American people as we deal with the fundamental issues in the budget for the coming fiscal year, as well as transportation and fuel strategy into the next century.

With that, Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). If there is no objection, time will be divided equally between both sides. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Also, Mr. President, I ask unanimous consent that I be allowed to speak for up to 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

SALUTE TO THE 1997–1998 NIT CHAMPIONS, THE MINNESOTA GOLDEN GOPHERS

Mr. GRAMS. Mr. President, I just rise for a few moments this afternoon to pay tribute to the University of Minnesota basketball team—the Golden Gophers of Minnesota.

Just a little over a year ago I stood here on the Senate floor saluting the Minnesota Gophers basketball team for their accomplishment of winning the Big Ten championship. That was the team that eventually went on to the NCAA Final Four.

Mr. President, I want to take time to salute an equally deserving team—and that is the 1998 NIT champions, the Minnesota Golden Gophers, who defeated the Penn State Nittany Lions last night by a score of 79–72.

Now, this team overcame the loss of many key players from last year's Final Four squad, but the leadership from seniors Sam Jacobson and Eric Harris, and the excellent play from Kevin Clark and Quincy Lewis helped the Gophers improve from their slow start this season to finish the year by winning eight of their last nine games.

Every member on the team contributed to the success of this Gopher team, leading to the Gophers' sixth consecutive 20-win season.

Mr. President, Coach Clem Haskins received many coach-of-the-year awards last year. But I must say, the job he did this year is equally impressive and truly deserves recognition today.

So, again, Mr. President, I rise to salute the 1997–1998 NIT champions, the Golden Gophers of the University of Minnesota.

Thank you very much. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time utilized by the Senator from Minnesota will be taken from each side equally, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. I seek recognition as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Thank you, Mr. President.

CHILDREN AND GUNS

Mr. DURBIN. Mr. President, the tragedy which occurred in Jonesboro, AR, this week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who suggest that violent television and violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate at length, and I am sure many of us will come up with a lot of different explanations as to why children reach that point in their young lives when they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. It is a question of, how do children at that young age come to possess lethal weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms—rifles, shotguns, and handguns, and 3,000 rounds of ammunition—went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and shot off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms? They do not buy them. In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, it is reported a 4-year-old showed up at a daycare center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed a childhood access prevention law which is known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

Should we consider this as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society—our children.

Here is what I am proposing. I am proposing Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely. You may buy a trigger lock. Senator HERB KOHL of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator KOHL has proposed, is sensible. It should be required. It shouldn't even be debated. I think that legislation will go a long way toward reducing gun violence. Beyond that, we say to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents' guns. That parent had the guns under lock and key in a vault and they couldn't get to them. So they thought about it and said, wait a minute, my grandfather has some, too; let's go over to his place. And that is where they came up with the weapons and the ammunition.

In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears—and I just say ''appears'' because I do not know all the details—in another case that did not happen.

Now a lot of people will say to me, ''There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights.'' Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbies, screaming bloody murder about the second amendment.

Look at 15 States that have already passed these laws, these child access prevention laws, to protect kids, to say to gunowners ''you have a special responsibility.'' You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas—Texas. The Texas law says it is ''unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it,'' and it is a criminal misdemeanor if you do it.

I am going to ask my colleagues in the Senate to not only return home this weekend, as I am sure we all will, and witness those sad events on television, the funerals in Jonesboro, the tributes, the teacher who gave a life, but to resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people's right to own firearms, but to say ''Own them responsibly, put them securely in your homes, keep them safely, keep them away from children.''

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, ''Oh, they will never look behind my socks, that is the last place in the world,'' or up on some shelf in the closet and believe your child can't reach that, but you know better. You know when you are gone and the house is empty those kids are scurrying around and looking—I plead guilty and did the same thing as a kid, and it helps now with tragic consequences when a gun is involved. So I hope we can address this issue.

First, Senator KOHL's legislation for these child safety devices, these trigger locks, will help. But then take the extra step, follow these 15 States and say as we address the overriding question, the big question, why do children kill, we will come to a conclusion that there are troubled children in America and we should never ignore that fact.

But please, let this Senate and this House, before we leave this year, do something to make certain that those troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being kept so carelessly that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent people in the future.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

CONGRATULATIONS JUDITH M. BARZILAY

Mr. SPECTER. Mr. President, for the Barzilay, Morgenstern and Specter families, it is a great honor for Judith M. Barzilay to become a judge on the U.S. International Court of Trade. She was nominated by the President on January 27 and confirmed by the Senate March 11, 1998.

For her immigrant grandparents, Harry and Lillie Specter and Max and Regina Morgenstern, it is an accomplishment beyond their aspirations even though they knew they came to a land of great opportunity.

In May of 1947, Max and Regina left the bar and grill which they operated on Flatbush Avenue in Brooklyn to visit their son, Arthur, his wife Hilda, her parents in Russell, KS, and, most of all to see their granddaughters, Judith, age 3, and Julia, 3 months old. By then, Judy pretty much presided over her parents' household just as she had

over the household of her Specter grandparents after she was born on January 3, 1944.

Judith was the New Year's baby of Russell for 1944. In New York City, the first born in the New Year probably arrived at 12:01 a.m., but it took 3 days for Russell's first arrival in 1944. She came with a retinue of presents from the town's merchants and to our five-room bungalow at 115 Elm Street.

My sister, Hilda, her mother, was a brilliant graduate from the University of Wichita in 1942, had won a scholarship to Syracuse University to pursue a masters degree in governmental administration. She had met, Arthur Morgensten, a handsome lieutenant stationed at Fort Riley, when he came to Wichita in the fall of 1941 to attend Yom Kippur services. They fell in love. So when he was about to ship overseas to the South Pacific in April 1943, Hilda took the transcontinental train ride to San Francisco where they were married. It was not the typical wartime romance with a weekend honeymoon, because the marriage has lasted 1 day shy of 55 years and is still going strong.

When Hilda came home to Russell, KS, to await Judith's arrival, our family was overjoyed, including me, her little brother, although I took up residence in the scorpion-infested basement and gave up high school basketball to take over Hilda's bookkeeping job at O.K. Rubber Welders I might add—at 50 cents an hour.

For me, Judy was more like a sister than a niece during that time. For my parents, Judy was the apple of their eyes. When our sister, Shirley, took off a year from Oklahoma College for Women to teach country school, my father would leave his junkyard to drive Shirley to school with his virtual constant companion, Judith, sitting beside him in the truck without the modern safeguards of seat belts.

My brother, Morton, returned to Russell to join my father and Arthur in a partnership which moved from junk, that is scrap metal, to used oil field equipment to stripper wells. The Morgenstern children, Judy and Julia, joined by twins Jonathan and Johanna in 1952, were the centerpieces of our close-knit family.

When the children grew older and their parents wanted a Jewish education for them, the Morgensterns moved to Wichita where Hilda took on the job of superintendent of the Hebrew School. Wichita was inadequate so they moved to Denver. Denver was inadequate so they moved to New York City. New York City was inadequate, so they moved to Jerusalem where Hilda and Arthur live to this day.

Meanwhile Judy was a serious and accomplished student receiving a B.A. degree from Wichita State University and M.L.S. and J.D. from Rutgers University. After graduation from law school, she was a staff attorney with the International Trade Office of the U.S. Department of Justice from 1983 through 1986. She then practiced law with the prestigious firm of Siegel, Mandell & Davidson in New York City for 2½ years before joining Sony Electronics, Inc., where she worked from October 1988 to the present attaining the position of vice president of government affairs.

With 16 years of experience as a manager, litigator, and business adviser, she was appointed by Treasury Secretary Robert Rubin in 1995 to the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service. She has lectured on international trade law and its application to business. With this extraordinary background, she is preeminently well qualified for the U.S. International Court of Trade.

While it is customary to make a floor speech on confirmation of a nominee, I have taken a little more time of the Senate and the cost of printing in the CONGRESSIONAL RECORD because I believe it is worthwhile to note the accomplishments and contributions of families of America's immigrants. We debate the immigration issue in Congress in a variety of contexts, so it is important to chronolog how our country has been enriched by the immigrants' families as evidenced by the new judge for the U.S. International Court of Trade: the Honorable Judith M. Barzilay.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

TRIBUTE TO DAVE POWERS—A GIANT OF THE NEW FRONTIER

Mr. KENNEDY. Mr. President, I was saddened to learn this morning of the death of Dave Powers, who was one of President Kennedy's closest friends and advisors throughout my brother's entire political career.

President Kennedy loved Dave Powers like a brother, and so did all of us in the Kennedy family. My brother couldn't have had the New Frontier without him, and we will miss him very much.

Dave had a warmth and wit and charm that were impossible to match. His Irish eyes were always smiling, and almost everyone he met became his ''pal.'' His extraordinary common sense and his down-to-earth genius for politics at its best made Dave Powers at home in the White House and in anyone else's house.

President Kennedy and Dave discovered each other while climbing the stairs of three-decker houses in Charlestown, MA, in my brother's first campaign for Congress in 1946, and they were inseparable ever after.

They both were veterans of World War II, and both were new to politics. The instant bond they formed took them to the House, the Senate, the White House, and around the world, including their most moving and memorable journey of all, to the Ireland of their dreams. Together, they touched and improved and inspired the lives of countless people in this country and many other lands.

In happy times and stressful times, Dave had a special human quality that could bring an instant smile from Jack or Jackie, or a hug from John and Caroline. Dave's total recall made him the unofficial historian of the New Frontier. He loved to regale my brother by reciting the earned run average of a Red Sox pitcher, or the name of a State convention delegate from a decade ago.

Later, Dave's extraordinary energy and dedication in carrying out his labor of love at the Kennedy Library made it a magnificent tribute to my brother and the years of the New Frontier. In a very real sense, Jack's Library became Dave's Library too.

I extend my deepest sympathy to Dave's wife, Jo, his children Mary Jo, Diane, and David John, and all of Dave and Jo's wonderful grandchildren.

''David, we hardly knew ye.''

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 26, 1998, the federal debt stood at $5,546,161,688,949.53 (Five trillion, five hundred forty-six billion, one hundred sixty-one million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents).

One year ago, March 26, 1997, the federal debt stood at $5,377,852,000,000 (Five trillion, three hundred seventy-seven billion, eight hundred fifty-two million).

Five years ago, March 26, 1993, the federal debt stood at $4,224,085,000,000 (Four trillion, two hundred twenty-four billion, eighty-five million).

Twenty-five years ago, March 26, 1973, the federal debt stood at $457,356,000,000 (Four hundred fifty-seven billion, three hundred fifty-six million) which reflects a debt increase of more than $5 trillion—$5,088,805,688,949.53 (Five trillion, eighty-eight billion, eight hundred five million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents) during the past 25 years.

SERIOUS PROBLEMS FACING THE HIGH TECH INDUSTRY

Mr. ABRAHAM. Mr. President, it's painfully obvious that the nation faces a serious problem in providing our companies with the skilled workers they need to grow and create jobs in America. We do not need a report to tell us there's a problem. All one needs to look at are the job ads in newspapers and on the Internet which are

exploding with offers of high tech jobs that cannot be filled. There are even reported shortages of the recruiters needed to recruit other skilled workers.

There is ample evidence that companies face an inability to fill key skilled positions. The Federal Reserve's latest survey of nationwide economic conditions made public on March 19 stated ''shortages of both skilled and entry-level workers worsened.''

The unemployment rate among electrical engineers nationwide is 0.4 percent. Congressional testimony shows that leading American companies like Microsoft and Sun Microsystems have over 2,000 unfilled positions each. CEOS of companies like Dell Computers and Texas Instruments warn that America's global leadership in high technology fields will be threatened if this problem is not addressed. ''We are disarming the economy of the United States if we don't allow skilled workers to come in,'' explained Dell Computer Corp. CEO Michael Dell.

Companies are so desperate for workers they are even hiring teenagers part-time at $50,000 a year, as The Washington Post reported in a March 1st front-page article. The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the U.S. Army, Navy, and Air Force has warned that the current severe understaffing could lead to inflation and lower productivity and threaten America's competitiveness.

And in the last two years, difficulties finding workers, economic growth and the globalization of business has led to a dramatic increase in the use of H–1B visas for skilled foreign-born professionals. The situation has changed so swiftly that the allotment of these visas will be exhausted an astounding four to five months before the end of this fiscal year.

The recent General Accounting Office report is little more than an inside-the-beltway squabble over how to measure shortages that ignores the real marketplace. The GAO report focused on one study by the Commerce Department, a study that was not even raised by witnesses at a recent Senate Judiciary Committee hearing on H–1B visas. In turn, the Commerce Department has responded by criticizing GAO for doing a report that ''contains several inaccuracies.''

The GAO acknowledges it ''did not perform any independent analysis to determine whether a shortage of IT workers exists in the United States'' but merely critiqued the methodology of a Commerce Department study, a critique the Commerce Department critiques. In fact, the GAO does not question that the U.S. economy will create more than 100,000 jobs a year in information technology over the next decade.

There is a legitimate debate about how best to address the supply of needed skilled workers. The legislation I have introduced is a balanced approach that utilizes a combination of college scholarships for young people, training for the unemployed, and an increase in foreign-born professionals on H–1B temporary visas. The legislation, supported by my colleagues Senators HATCH, MCCAIN, DEWINE, SPECTER, GRAMS and BROWNBACK, will be strongly pushed before the April recess. If American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. We do not want that to happen. I encourage my colleagues to support the American Competitiveness Act.

I ask unanimous consent that letters of support for the bill from Empower America's Jack Kemp, the National Asian Pacific American Legal Consortium, and the U.S. Hispanic Chamber of Commerce, as well as recent editorials in the Oakland Press and the Washington Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 18, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, America's high-technology firms are among the most dynamic and innovative in the world today. From the stock market—where the current boom has been fueled, in large part, by high-tech stocks—to the retail market—where consumers benefit from steadily decreasing prices and expanding choices—the success of U.S. high-tech businesses has played an integral role in creating prosperity and opportunity that transcends Silicon Valley.

Despite aggressive recruitment and education efforts, America's high-technology sector faces a severe labor shortage. The unemployment rate among electrical engineers has plummeted to 0.4%. According to the Information Technology Association of America, more than 346,000 skilled positions remain vacant. A shortage of skilled workers is preventing high-tech U.S. firms from growing at their full potential.

By November of 1997, the U.S. issued its annual cap of 65,000 H-1B temporary visas, which allow skilled foreign professionals to work in the United States. This year the cap will be hit at least four months before the end of the fiscal year, shutting the door to thousands of skilled employees and causing serious disruption to high-tech industry. U.S. companies and universities will effectively lose access to a crucial pool of skilled labor within eighteen months unless the cap is expanded. This will devastate many of the most dynamic sectors of our economy.

In public statements by Commerce Secretary Daley, and in Congressional testimony from the Department of Labor, your administration has not only expressed opposition to increasing the cap; it has insisted on vastly expanded regulatory burdens that will dramatically reduce U.S. employers' access to this key source of personnel.

Equally troubling, these so-called reforms are packaged in a way that can only be described as anti-immigrant, and I do not use the term casually. It cannot be lost on Department of Labor officials that the majority of the people entering the United States on-H-1B visas are of Hispanic or Asian Pacific origin. Cypress Semiconductor CEO T.J. Rodgers recently testified to Congress, ''Most of our H–1B hires are individuals of either Asian Pacific or Hispanic descent, just like many other immigrants. Neither these individuals nor anyone who comes through the family immigration or refugee system should be maligned unfairly for 'taking away American jobs.'" I agree.

Mr. Rodgers has also stated, ''We would lose jobs without our immigrant talent. The logic of those who claim otherwise including high-ranking members of the Clinton Administration, borders on folly.''

I have been dismayed to hear nativist appeals to ''protect U.S. workers'' coming from the Labor Department. I urge you t overrule those protectionist sentiments and support an increase in the H–1B cap without attaching new and highly restrictive measures that will harm the H–1B recipients, U.S. employers, and the U.S. economy. These new burdens will ultimately cost American jobs by pushing American firms offshore.

I also urge you to support the American Competitiveness Act, authored by Senator Spencer Abraham. This bill increases the cap on H–1B visas sufficiently to meet the current needs of companies and universities; it provides college scholarships for 20,000 more young people a year to study in math, engineering, and computer science; and it targets enforcement at serious violators of the H-1B program, rather than restricting the ability of law-abiding employers to hire needed employees.

The American Competitiveness Act will allow an additional 25,000 skilled workers to enter the United States this year on H–1B visas. This and its attention to education will help to ameliorate labor shortages in high-tech industry now and in the future. In the interest of encouraging economic growth and expanding employment opportunities throughout the entire economy, I hope that you will instruct members of your administration to end their nativist attacks and support Senator Abraham's bill.

Very sincerely yours,

Jack Kemp.

NATIONAL ASIAN PACIFIC
AMERICAN LEGAL CONSORTIUM,
Washington, DC., March 26, 1998.

Senator SPENCER ABRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: We are writing to you regarding your proposal, S. 1723, which seeks to increase the annual number of H1–B visas to allow U.S. companies to employ additional foreign-born professionals on a temporary basis. First and foremost, we would like to thank you for your leadership in Congress in support of legal immigration. In particular, the Asian Pacific American community recognizes your strong leadership in ensuring the preservation of family immigration during the 1996 debates in Congress.

Your proposal to increase the annual number of H1–B visas further highlights the significant contributions that immigrants make to this country and to the U.S. economy. As you know, 38% of those entering the United States through the H1–B program are from Asian countries, with the largest numbers coming from India, China, Japan and the Philippines. Your proposal, if passed, will help to guarantee that the American economy will continue to benefit from the talents and skills of individuals from Asia.

It has come to our attention, however, that House Immigration Subcommittee Chairman Lamar Smith (R–TX) is preparing to add a provision in the companion House bill which would impose new restrictions on family immigration. Although we support the entry of

more professionals under the H1–B visa program, we would oppose any legislation that contained provisions to limit or further restrict the current family immigration system in any way. We understand that you will strenuously oppose any attempt by Rep. Smith or others to add a ''poison pill'' provision on family immigration, and that you will withdraw your bill if such a provision is in fact added to the final version.

In addition, we hope that you will be vigilant in pushing for all appropriate safeguards and measures to protect the wages and working conditions of H1–B workers, with proper enforcement mechanisms should an employer fail to comply with these measures.

We understand that your bill will be marked up on April 2 before the full Senate Judiciary Committee. We support your bill based on your commitment and continued assurance to withdraw the bill if a provision is added that limits or further restricts family immigration in any way.

Sincerely,

KAREN K. NARASAKI,
Executive Director.

U.S. HISPANIC CHAMBER OF COMMERCE,
Washington, DC, March 26, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the United States Hispanic Chamber of Commerce we would like to congratulate you for introducing legislation such as the American Competitiveness Act. This legislation will help many Hispanic-owned businesses in finding the key personnel they need to grow and prosper in an increasingly competitive global market.

As you know, many companies are finding it extremely difficult to find skilled personnel. Clearly there is a shortage of skilled workers in America, particularly in high technology fields. This has meant that many companies are leaving positions unfilled, which affects their ability to provide new products and services to customers, and to create more jobs in this country. Moreover, many of our members are establishing greater ties to global export markets. To succeed, they often need people who have grown up and experienced the cultures and markets to which these companies are exporting.

The need for skilled people will not disappear soon. And your legislation takes a balanced approach by raising the cap on H–1B visas for foreign-born professionals, while also increasing efforts at education and training in this country.

As you know the USHCC's goal is to represent the interests of over one million Hispanic-owned businesses in the U.S. and Puerto Rico. With over 210 Hispanic Chambers of Commerce across the country, the USHCC has become the umbrella organization which actively promotes the growth and development of Hispanic entrepreneurs.

Sincerely,

JOSE F. NINO,
President/CEO.

[From the Oakland Press, Mar. 19, 1998]

ADMITTING MORE IMMIGRANTS WOULD PROVIDE MORE WORKERS

(By Neil Munro)

Would you believe we're running out of workers in this country?

It's true, especially those capable of serving in our technology industry—computer programmers, for example. Some employers in Oakland County reportedly are having a problem finding enough workers.

But something can be done to ease the squeeze, as they say.

And U.S. Sen. Spencer Abraham is working on it.

He has introduced legislation to increase the number of temporary immigrants who can come here to work in high-skilled occupations. A 1990 law limits their ranks to 65,000 annually.

This year, that is expected to be reached by summer. Just a year or so ago, it came into play for the first time. And if there is no change, the limit will be enforced earlier next year, even sooner the year after that, and so on.

Abraham's bill would increase the cap to 90,000 this year, automatically increase that by 25,000 if it is reached, and automatically keep moving it upward in subsequent years.

The obvious question is why can't employers find such workers in this country?

It seems youngsters aren't being encouraged or trained to enter the field—the old disconnection between education, people's expectations and the real world.

In addition, there have been published complaints that too many employers are unwilling to hire older qualified Americans who say they can't re-enter the high-tech work force they left.

Both those who meet that definition and people who oppose added immigration argue that some employers prefer younger, cheaper workers who are willing to put in more hours than they perhaps should.

Whatever the truth of all this may be, the fact is a significant employee shortage in the computer industry—or any other industry—would likely end the nation's longest-running economic boom. That boom began in 1990.

We really wouldn't want to end up with a lot of Americans lining up for unemployment checks again.

Except for largely rural backwaters and resort areas in which work is highly seasonal, joblessness is all but unknown in Michigan.

The unemployment rate in Oakland County, for instance, is just 3 percent of the work force—about the number of people normally between jobs because they're changing them voluntarily.

Of course, there's nothing bad about immigrants. Except for native Americans, our families all originally are from somewhere else. Abraham's bill no doubt will face opposition for the above-mentioned reasons. But it's hard to imagine that the nation dares do without it.

[From the Washington Times, Mar. 16, 1998]

FRUITS OF THE BUMPER JOB CROP

(By Donald Lambro)

The continuing decline in America's jobless rate to 4.6 percent, the lowest level in nearly 30 years, is welcome news. We added another 310,000 workers to payrolls last month, and more than 3.4 million over the past year.

''It's worker heaven driven by consumer heaven. There are more jobs for more people with more pay and more worker power than in decades. It's stunning,'' economist Allen Sinai told The Washington Post's business reporter John Berry.

Traditionally, economists have viewed full employment to be around 4 percent. That is the normal percentage of people who are at any given time out of work because of layoffs, bankruptcies or job changes. So, with some exceptions (in West Virginia the jobless rate is a bleak 6.4 percent), we are at nearly full employment in the economy right now.

But this good news on the job front masks a serious labor force problem that is not getting the news media attention it deserves: not enough qualified workers to meet the growing demand of America's expanding high-tech industries.

Sen. Spencer Abraham of Michigan put this issue into sharp perspective in a recent speech in the Senate:

''All is not well with this crucial sector of our economy. American companies today are engaged in fierce competition in global markets. To stay ahead in that competition, they must win the battle for human capital. But companies across America are faced with severe high-skilled labor shortages that threaten their competitiveness in this new Information Age economy.''

A study by Virginia Tech for the Information Technology Association of America finds there are now more than 340,000 unfilled, high-skilled U.S. jobs in the information technology industry. And this excludes government agencies, non-profits, mass transit systems and businesses with 100 employees or less.

In this one high-tech field alone, the U.S. Department of Labor projects that American businesses will create more than 130,000 information technology jobs a year over the next 10 years. That's 1.3 million job openings. But our colleges and universities are producing less than a fourth of the number of qualified graduates needed to fill them.

The National Software Alliance, a consortium of industry, government and academic leaders, recently concluded that ''The supply of computer science graduates is far short of the number needed by industry.''

This is a critical problem that threatens to undermine economic growth and new job creation. Computer hardware and software industries have become one of the fastest-growing sectors of our economy and now account for about a third of our economic growth rate. A study by the Hudson Institute, an Indiana think tank, warns that if this shortfall persists, it will result in a 5 percent decline in the rate of economic growth—the equivalent of $200 billion in lost output.

High-tech companies around the country are already reporting that they have had to forgo major new contracts because they cannot find enough skilled workers to fulfill them. This is resulting in untold billions of dollars in lost business and lost employment opportunities.

Mr. Abraham has a short-term solution to this problem and a long-term one as well.

In the short term, he proposes we modestly raise the immigration restrictions on the entry of skilled workers from abroad by about 25,000. The number of allowable skilled temporary workers has been frozen at 65,000 for nearly a decade and last year businesses reached that yearly limit by the middle of August. This year that limit could be reached in May.

His bill, the American Competitiveness Act, also takes a long-term approach to the problem, offering $50 million to pay for more than 20,000 scholarships each year for low-income students in the fields of math, engineering and computer sciences. It also contains some additional funding to train unemployed workers for related high-tech jobs.

No doubt his bill will be attacked by the protectionists and nativists who continue to believe immigrants are a net cost to our economy when, as the declining jobless rate overwhelming shows, they are a net plus as workers and job-creating employers.

But there is a very strong argument against the anti-immigration offensive that every American will understand:

''If American companies cannot find home-grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them,'' Mr. Abraham told his Senate colleagues last week.

Needless to say, his bill has a lot of support among hundreds of high-tech executives like T. J. Rodgers, chief executive of Cypress Semiconductor, Scott McNealy of Sun

Microsystems, and Bill Gates, head of Microsoft, all of whom are desperate for skilled workers. Mr. Gates and Mr. McNealy alone have 4,522 technical job openings right now that they cannot fill.

''Raising these [skilled immigrant] caps . . . would be a good thing for the technology industry and for the country,'' Mr. Gates told the Senate earlier this month.

Not too many years ago the overriding issue in our country was unemployment and job security. Today it is skilled, high-paying jobs going begging and the specter of the mighty American economy turning away business opportunities and markets because it lacks qualified workers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4443. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Veterans' Affairs.

EC–4444. A communication from the Secretary of Energy, transmitting, the report of the Comprehensive Electricity Competition Plan; to the Committee on Energy and Natural Resources.

EC–4445. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4446. A communication from the Executive Director of the District of Columbia Housing Finance Agency, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4447. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4448. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the monetization report for the fiscal years 1993 through 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4449. A communication from the Deputy Director of the Regulations Policy and Management, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC–4450. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC–4451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Labor and Human Resources.

EC–4452. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4453. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4454. A communication from the Staff Director of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4455. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the strategic plan for fiscal years 1999 through 2004; to the Committee on Environment and Public Works.

EC–4456. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 25, 1998; to the Committee on Environment and Public Works.

EC–4457. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Environment and Public Works.

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–372. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

SENATE RESOLUTION NO. 147

Whereas, The Great Lakes are unique and priceless resources. In addition to their importance as the world's most accessible source of fresh water, this network of inland seas plays pivotal roles in transportation and in the economies of the bordering states and Ontario; and

Whereas, A key component of Michigan's maritime infrastructure is our system of small harbors. These harbors are in jeopardy of losing the federal funding that provides for maintenance through the U.S. Army Corps of Engineers. The Corps of Engineers has reportedly informed the Michigan Department of Natural Resources that it plans to eliminate funds for small harbor dredging and maintaining seawalls and docks. For many years, the federal government and the state have operated a partnership in keeping the small harbors. While these are not major contributors to commercial interests, the nearly fifty small harbors presently in jeopardy are very important to boating and fishing activities in this state. Boating and fishing represent as much as one fifth of the state's tourism industry, a fundamental part of our economy; and

Whereas, Another federal program in danger of being eliminated or inadequately funded is the work of combating the sea lamprey in the Great Lakes. This species is a persistent threat to fishing. Individual states should not be required to bear this economic burden alone. The federal government has underfunded the lamprey control program to an extent that forces Michigan to spend much more than it should to deal with a problem facing several states and our neighbors in Canada; and

Whereas, if the federal government abandons its commitments in the areas of small harbor maintenance and lamprey control, the ultimate result will be higher costs and more difficulties for the region's economy and countless communities. To eliminate or seriously cut federal investment in the Great Lakes is a short-sighted approach to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lakes states to join in this effort; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures and governors of the other states bordering the Great Lakes.

POM–373. A resolution adopted by the House of the Legislature of the State of New Hampshire; to the Committee on Finance.

HOUSE RESOLUTION 55

Whereas, the forests of New Hampshire are one of the state's most valuable natural resources, providing wood and timber products, wildlife habitat, recreational opportunities, clean air and water, and scenic vistas throughout the state; and

Whereas, there are more than 80,000 owners of forestland in New Hampshire; and

Whereas, the forest products industry is the third largest sector of the state's manufacturing economy, employing over 15,000 individuals and providing economic benefits to communities throughout the state; and

Whereas, the ice storm of January 1998 had a significant effect upon the forests of New Hampshire by damaging hundreds of thousands of acres of timberland; and

Whereas, the storm caused financial loss to landowners throughout the state estimated in the tens of millions of dollars; and

Whereas, the downed or damaged trees present long-term threats to the state's forests from increased danger of fire and insect and disease outbreaks; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives hereby urges landowners of the State to take all necessary and responsible actions to protect forests from future threats of fire and insect and disease outbreaks; and

That the New Hampshire house of representatives hereby urges municipalities to work closely with landowners, foresters, loggers, and arborists to provide for the removal of storm-damaged timber in a timely, efficient, and safe manner; and

That the New Hampshire House of Representatives urges landowners of the state to utilize wood from the ice storm of 1998 in the State's biomass plants and pulpwood plants; and

That the New Hampshire house of representatives hereby commends the New Hampshire congressional delegation for their efforts to assure federal assistance to the State's landowners and forest industry in the form of low-interest loans and cost-share programs that encourage responsible land stewardship; and

That the New Hampshire house of representatives hereby encourages the New Hampshire congressional delegation to strive to provide tax incentives that recognize the economic loss suffered as a result of the ice storm of 1998; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the New Hampshire congressional delegation, and to the state library.

POM–374. A resolution adopted by the House of the Legislature of the State of New

Hampshire; to the Committee on Rules and Administration.

HOUSE RESOLUTION 53

Whereas, the state of New Hampshire has in place more rigorous statutes for the disclosure of campaign finances than the federal government of the United States of America; and

Whereas, the disclosure of campaign finances is of major importance to the bond of trust between our citizenry and our federal and state governments, and to the deterrence of government corruption; and

Whereas, the gap between federal and state laws in the disclosure of campaign finances and the assertion of federal sovereignty in this area has meant that our state candidates for the federal offices of United States Representative and Senator have not abided by the same high standards we require of state and local candidates; now, therefore, be it

Resolved by the House of Representatives: That the house of representatives of New Hampshire hereby urges the United States Congress to pass, and the President to sign, a bill requiring at least as much disclosure of finances by federal candidates as the state from which the candidate seeks election requires of its state and local candidates; and

That the house of representatives of New Hampshire hereby urges all New Hampshire candidates for federal office to respect the spirit of our laws by voluntary compliance with the state's disclosure laws as spelled out in RSA 664:6–7; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation; and

That copies of this resolution be made available to all candidates for federal office by the secretary of state.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mr. INOUYE, Mr. HOLLINGS, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. LUGAR, Mr. NICKLES, Mr. SMITH of New Hampshire, Mrs. HUTCHISON, Mr. DOMENICI, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. MCCONNELL, Mr. D'AMATO, Mr. KEMPTHORNE, Mr. ALLARD, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. COVERDELL, Mr. SHELBY, Mr. THOMPSON, Mr. BOND, Mr. HAGEL, Mr. FRIST, Mr. ABRAHAM, Mr. KYL, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. ASHCROFT, Mr. MCCAIN, Ms. SNOWE, and Mr. GRAMS):

S. 1873. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome adn Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY SMALL BUSINESS AND INDUSTRY PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of life.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit though enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduce today the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998. This Partnership Enhancement Act removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies, and universities. The bill covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This bill also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This bill amends the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide contract research, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My bill recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. This bill requires that charges to customers for contract research at these facilities be fully recovered, and stops the addition of extra charges by the Department. The bill requires that any customer of

these facilities pay only the direct charges at that facility for their contracted work, plus an overhead rate that is calculated for broad groups of customers. For example, where other federal agencies, companies, or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This will ensure that each class of customers is paying for the services they actually utilize.

The bill provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The bill requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the bill sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and universities in better meeting their goals and missions.

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. 1874

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 ''Department of Energy Small Business and Industry Partnership Enhancement Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) partnerships between contractor-operated facilities of the Department of Energy and small businesses can enhance growth of competitive small business opportunities;

(2) the contractor-operated facilities represent a national resource in science and technology;

(3) capacity for innovation in the United States is enhanced when the capabilities of the contractor-operated facilities are engaged with other providers and users of the Nation's science and technology base;

(4) contributors to the Nation's science and technology delivery system, Federal agencies, private industry, universities, and the contractor-operated facilities can best perform their missions through partnerships and interactions that leverage the resources of each such entity;

(5) interactions of the contractor-operated facilities with industry and universities serve to—

(A) expand the technology base available for missions of the Department of Energy; and

(B) instill sound business practices in the contractor-operated facilities to enable cost-effective realization of the Federal missions of the facilities;

(6) the contractor-operated facilities benefit from university interactions through access to leading edge research and through recruitment of the talent needed to pursue the missions of the facilities;

(7) industry can improve products and processes leading to an enhanced competitive position through simplified access to the science and technology developed by the contractor-operated facilities; and

(8) other Federal agencies can advance their own missions by using capabilities developed within the contractor-operated facilities.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the ability of small businesses, Federal agencies, industry, and universities to work with the contractor-operated facilities of the Department of Energy while ensuring full cost recovery of each contractor-operated facility's expenses incurred in such work;

(2) to encourage the contractor-operated facilities to expand their partnerships with universities and industries; and

(3) to expand interactions of contractor-operated facilities with small businesses so as to—

(A) encourage commercial evaluation and development of the science and technology base of the contractor-operated facilities; and

(B) provide technical assistance to small businesses.

SEC. 4. CONTRACT RESEARCH SERVICES.

Section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) areas of technology within the mission of the Department of Energy as authorized by law.''.

SEC. 5. COST RECOVERY.

Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended—

(1) by striking ''SEC. 33. RESEARCH FOR OTHERS.—Where'' and inserting the following:

''SEC. 33. RESEARCH FOR OTHERS.

''(a) IN GENERAL.—Where''; and

(2) by striking the last sentence and inserting the following:

''(b) COST RECOVERY.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary of Energy shall not recover more than the full cost of work incurred at contractor-operated facilities of the Department of Energy.

''(2) ADMINISTRATIVE COSTS.—Any costs incurred by the Department of Energy in connection with work performed by contractor-operated facilities of the Department of Energy shall be funded from departmental administration accounts of the Department of Energy.

''(3) CHARGES.—For work performed for a person other than the Department of Energy (including non-Federal entities and Federal agencies other than the Department of Energy) (referred to in this paragraph as an 'external customer'), a contractor-operated facility may assess a charge in an amount that does not exceed the sum of —

''(A) the direct cost to the contractor in performing the work for the external customer; and

''(B) a pro rata share of overhead charges for overhead-funded services directly required for performance of the specific work for external customers as a whole or to a category of external customers that includes the external customer.''.

SEC. 6. PARTNERSHIPS WITH UNIVERSITIES AND INDUSTRY.

(a) IN GENERAL.—Chapter 4 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''SEC. 34. CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

''(a) METRICS.—

''(1) DEFINITION OF METRICS.—In this subsection, the term 'metrics' means a system of measurements to determine levels of specific areas of performance.

''(2) INCLUSION IN CONTRACTS.—Metrics—

''(A) shall be developed jointly by the Secretary of Energy and each contractor operating a facility of the Department of Energy to ensure that realistic goals are established that are directly supportive of the mission and responsibilities of the contractor-operated facility;

''(B) shall be specified in the contract for operation of the facility; and

''(C) shall be used to evaluate the effectiveness of partnership development by the facility.

''(b) PARTNERSHIPS AND INTERACTIONS.—

''(1) ENCOURAGEMENT OF PARTNERSHIPS AND INTERACTIONS.—The Secretary of Energy shall encourage partnerships and interactions with universities and private industry at each contractor-operated facility.

''(2) COMPONENT OF PERFORMANCE EVALUATIONS.—The development and expansion of partnerships and interactions with universities and private industry shall be a component in evaluating the annual performance of each contractor-operated facility.

''(c) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary of Energy shall require that each contractor operating a facility of the Department of Energy create a small business technology partnership program at each contractor-operated facility.

''(2) FUNDING LEVEL.—A contractor may spend not more than 0.25 percent of the total operating budget of a contractor-operated facility on the program.

''(3) EVALUATIONS.—The Secretary shall annually evaluate the effectiveness of the program with each contractor to ensure that the program is providing opportunities for small businesses to interact with and use the resources of each contractor-operated facility.

''(4) USE OF FUNDS.—Funds from the program—

''(A) shall be used to cover a contractor-operated facility's costs of interactions with small businesses; and

''(B) shall not be used for direct monetary grants to small businesses.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 4 of title I the following:

''Sec. 34. Contractor-operated Facilities of the Department of Energy.''.

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective

interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

THE FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT PREVENTION AND SERVICES ACT

Mr. DASCHLE. Mr. President, in numerous ways, this nation demonstrates that our children are our most valuable investment and our most precious asset. We work to improve their education, to give them greater access to high quality health care, to minimize their exposure to tobacco and other addictive agents. We are driven to do all we can to help them realize their potential and achieve their personal and professional goals.

In that context, it is inconsistent and shortsighted that, year after year, we pay little or no attention to a public health problem that is 100 percent preventable, yet affects more and more children each year, and that inalterably damages physical, mental and emotional processes critical to a child's ability to grow into an independent, fully functioning adult. The public health problem I am referring to is fetal alcohol syndrome. Fetal alcohol syndrome (FAS) and the related condition, fetal alcohol effect (FAE), are lifelong conditions characterized by multiple physical, mental, and behavioral handicaps. FAS and FAE cross racial, ethnic and economic lines to affect families throughout the United States. Both conditions are 100 percent preventable—and 100 percent irreversible.

In January of 1997, I introduced S.148, a bill to establish a program for the prevention of FAS and FAE. S.148 calls for the development of an interagency task force at the federal level to promote prevention and detection of FAS and FAE, as well as a grant program to help communities expand public awareness and prevention at the state and local levels.

I introduced bills similar to S.148 in the 102nd, 103rd and 104th Congresses, but, as is too often the case, these measures were too modest in scope to compete against ''the issue of the moment.'' Seven years is a long time to push a bill, but I don't see this effort as a matter of choice so much as a matter of necessity. It is a crime to sit back while more and more women each year drink during pregnancy and more and more children each year are handicapped for life because of it.

In fact, the more I have learned about these conditions and their impact on children and their families, the more apparent it is to me that, if we truly care about children, we must not only embrace the goals of S.148, we must go beyond them. Not only should we do all we can to protect more children from a life sentence of devastating handicaps, we should acknowledge that for many children, prevention comes too late.

We must open our eyes to the fact that FAS and FAE children and their families often have nowhere to turn for information, guidance and the social services necessary to respond to their special needs.Up to 12,000 children with FAS are born each year in the United States. According to some estimates, the rate of FAE is 3 times that.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spinal bifida. The incidence of FAS may be as high as one per 100 in some Native American communities.

FAS and FAE are characterized by a complicated and debilitating array of mental, physical, and behavioral problems. FAS is the leading cause of mental retardation, and, let me repeat, it is 100 percent preventable.

But rather than setting our sites on decreasing the incidence of FAS and FAE, the nation is witnessing a rapid increase in its incidence. In 1995, the Centers for Disease Control reported a six-fold increase in the percentage of babies born with FAS over the preceding 15 years. Again according to the CDC, rates of alcohol use during pregnancy increased significantly between 1991 and 1995, especially the rates of ''frequent drinking.''

This trend defies the Surgeon General's warning against drinking while pregnant. It defies a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from risking their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have immense implications from a fiscal perspective. The costs associated with caring for individuals with FAS and FAE are staggering.

The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the continual use of medical and mental health services that otherwise may be inevitable. It makes fiscal sense, but far more importantly, it is the humane thing to do.

The bill I am introducing today will establish a national task force comprised of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will take on a difficult and critically important task. It will be responsible for reporting to Congress on FAS and FAE—on the nature and scope of the problem, the current response at the federal, state and local levels, and on ways the federal government can help states and localities make further progress. In conjunction with the task force efforts, the Secretary would establish a competitive grants program. This program would provide the resources necessary to operationalize the task force recommendations.

The concept of a national task force with membership from outside of, as well as within, the federal government make sense for FAS and FAE, because the true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to ''reinvent the wheel.''

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I would like to thank the many concerned parents, researchers, educators, and federal agencies who helped develop this bill. Their input has produced what I believe is a solid response to the challenge and obligation before us. I urge my colleagues from both sides of the aisle to join me in an effort that can save children from a legacy of unnecessary and overwhelming handicaps, and help those for whom prevention is too late to live independent, fulfilling lives. I believe that if they look at this issue closely, they will agree that it would be a crime to do any less.

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. 1875

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 ''Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

''(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

''(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

''(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

''(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

''(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

''(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

''(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

''(d) NATIONAL TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

''(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

''(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

''(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, and representatives from research and advocacy organizations such as the Research Society on Alcoholism, the FAS Family Resource Institute and the National Organization of Fetal Alcohol Syndrome, the academic community, and Federal, State and local government agencies and offices.

''(3) FUNCTIONS.—The Task Force shall—

''(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

''(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

''(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

''(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

''To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

''(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

''(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

''This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).''.

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

THE JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAM ACT OF 1998

Mr. LUGAR Mr. President, I rise today to offer legislation amending the Residential Substance Abuse Treatment program, known as R-SAT, to enable jurisdictions below the state level to realize greater benefits from the program. The R-SAT program allows the Attorney General to make grants for the establishment of treatment programs within local correctional facilities, but only a few jurisdictions have been able to take advantage of these grants.

The legislation I am offering today will solve this problem by establishing a separate Jail-Based Substance Abuse Treatment Program, or J-SAT. Under this new program, states will be explicitly authorized to devote up to ten percent of the funds they receive under R-SAT to qualifying J-SAT programs.

This legislation will provide matching funds to jail-based treatment programs that meet several criteria. First, the program must be at least three months in length. This is the minimum amount of time for a treatment program to have the desired effect. To qualify for funding, a program must also have been in existence for at least two years. This criterion is intended to ensure that jurisdictions which have already demonstrated a commitment to treatment programs at the local level receive first priority for funding. It also ensures that scarce treatment resources are allocated to programs with a demonstrable track record of success. The third criteria for programs seeking J-SAT funding is that the treatment regimen must include regular drug testing. This is necessary to ensure that some objective measure of the program's success is available. Grant recipients are also encouraged to provide the widest range of aftercare services possible, including job training, education and self-help programs. These steps are necessary to leverage the resources devoted to solving the problem of substance abuse, and to give individuals involved in treatment the best possible chance for successful rehabilitation.

I am offering this legislation because substance abuse and problems arising from it are putting a severe strain on the resources of local jurisdictions throughout the nation. This is not a minor problem. The Office of National Drug Control Policy indicates that approximately three-fourths of prison inmates—and over half of those in jails or on probation—are substance abusers, yet only a small percentage of inmates participate in treatment programs while they are incarcerated. The time during which drug-using offenders are in custody or under post-release correctional supervision presents a unique opportunity to reduce drug use and crime through effective drug testing and treatment programs.

Research indicates that programs like J-SAT can help to reduce the strain on our communities by cutting drug use in half; by reducing other criminal activity like shoplifting, assault, and drug sales by up to 80 percent; and by reducing arrests for all crimes by up to 64 percent.

I would also note that jail-based treatment programs are cost effective. In 1994, the American Correctional Association estimated the annual cost of incarceration at $18,330. The Office of National Drug Control Policy states that treatment while in prison and under post-incarceration supervision can reduce recidivism by roughly 50 percent. Thus, for every $1,800 the government invests in treatment, it saves more than $9,000. Former Assistant Health Secretary Philip Lee has estimated that every dollar invested in treatment can save $7 in societal and medical costs.

For these reasons, I ask my colleagues to support the Jail-Based Substance Abuse Treatment legislation I am introducing today.

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. 1876

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

SECTION 1. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) IN GENERAL.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

"SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(A) directed at the substance abuse problems of prisoners; and

''(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

''(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

''(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

''(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

''(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

''(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

''(ii) the local correctional facility will—

''(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

''(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

''(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

''(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

''(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

''(d) REVIEW OF APPLICATIONS.—

''(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

''(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

''(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

''(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

''(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

''(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

''(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

''(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is

sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

''(i) the date on which the participant completes the jail-based substance abuse treatment program; or

''(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

''(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

''(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

''(ii) requires each participant in the program to submit to periodic substance abuse testing; and

''(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

''(I) educational and job training programs;

''(II) parole supervision programs;

''(III) half-way house programs; and

''(IV) participation in self-help and peer group programs; and

''(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

''(e) COORDINATION AND CONSULTATION.—

''(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

''(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

''(f) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

''(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

''(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

''(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

''(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

''(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

''(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).''.

(b) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

''1906. Jail-based substance abuse treatment.''.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

THE AFFORDABLE HOUSING BARRIER REMOVAL ACT OF 1998

Mr. WYDEN. Mr. President, In Oregon and across America, people are starting to think that ''affordable housing'' is the biggest oxymoron since ''jumbo shrimp''. Decent houses have become unaffordable for many working moderate-income families. Mr. President, today I am introducing the ''Affordable Housing Barrier Removal Act.'' This bill encourages all governments to streamline regulations to help bring home ownership within the reach of middle class families who can only dream of it today.

The Department of Housing and Urban Development (HUD) says that housing is affordable if all costs—mortgage, utilities, property taxes and insurance—consume no more than 30 percent of household gross income. Yet in Clackamas County, Oregon, for example, the median family income is $49,600, while the average cost of a house is $200,000. This makes it virtually impossible for many people, especially young families, to obtain all the benefits of home ownership.

While many factors contribute to real estate prices, one of the main things that drives prices higher is the proliferation of government rules and fees. In Portland, fully 5 percent of the average home price of $155,400 comes directly from permit fees and so-called ''system delivery charges,'' some of which may serve worthwhile purposes, but should be re-examined as a total package. All of these added costs are eventually passed onto the buyer and often keep families from buying homes they could otherwise afford.

The federal government has a role to play in the affordable housing debate. It can promote community goals of environmental protection, access for people with disabilities, and better transportation planning, in the context of their financial impact on home buyers.

This bill, the Affordable Housing Barrier Removal Act of 1998, would do this by encouraging the formation of Barrier Removal Councils in every local jurisdiction that receives HUD block grants for community development. Mr. President, back home in Oregon I have assembled a housing task force to advise me on housing policies. My task force told me that communities need to sit down and examine the issue of affordable housing before the bricks are set and the mortar is poured. That's why these Barrier Removal Councils are important. These councils would be charged with taking the kind of big-picture approach that can identify ways to lower barriers to home ownership that overlapping and outdated regulations cause. In other words, we need to look at the forest as a whole, not just one tree at a time.

This bill is similar to legislation I introduced last week to establish a special bicameral Sunset Committee in Congress to review every federal program every five years. Programs, regulations, and laws tend to pile up because legislatures at both the local and federal levels generally work to address specific problems, one at a time, often forgetting to examine the cumulative effect of prior laws. There is a need to set up mechanisms to examine regulations affecting affordable housing in their totality. This bill would also call for a special national conference every two years to discuss regulations that may be barriers, and creates a national clearinghouse to provide information to communities on the work being done to remove barriers in other parts of the country.

This legislation will help home buyers by improving some of the ways the Federal Housing Administration—the lender for many middle-income families—operates. It allows them to make loans to more people, by redefining the areas they operate in. And it simplifies the convoluted process that FHA uses to determine the down payment that a family is expected to make. You should not need Bill Gates' money to afford a home and you should not need his math skills to figure out how much your house is going to cost.

Finally, Mr. President, our bill asks the federal government to take the impact on home buyers into account by requiring all federal agencies to include a housing impact analysis, except on policies where there is no impact. The Housing Impact Statement focuses the attention of agencies on the question ''how does this policy affect home prices'' every time it tries to solve a problem by instituting a new regulation. It is always important for government at every level to understand the consequences of its actions. This is an effort to try to instill that good government philosophy into the housing area.

Home ownership has always been part of the American Dream. It is everyone's responsibility to keep it from just being a dream for working families.

Mr. BENNETT. Mr. President, I rise today to introduce, with Senator WYDEN, the Affordable Housing Barrier Removal Act of 1998. According to the National Association of Home Builders, housing compromises 12 percent of the economy of the United States and the housing construction and remodeling industries employ approximately 2 million people each year. However, housing costs continue to rise and housing affordability continues to be a challenge for many American families.

Unnecessary regulations contribute significantly to the costs of housing. Layers of excessive and unnecessary regulation imposed by all levels of government—federal, state, and local—can add 20 to 35 percent to the cost of a new home.

Mr. President, the removal of regulatory burdens is essential to increasing the home ownership rate in the United States. Home ownership is the cornerstone of family security, stability, and prosperity. Congress has the responsibility to do all that it can to encourage and promote policies that increase homeownership.

Mr. President, it is for these reasons that Senator WYDEN and I introduce the Barriers bill today. This bipartisan bill has three major goals. First, the bill require federal agencies to evaluate any new rule or regulations to determine if they have an impact on the cost of housing. Second, the bill will encourage states and localities to bring together all the parties involved in the production of housing and those who regulate them to discuss barriers and how to remove them. Third, the bill will remove outdated requirements in the Federal Housing Administration's single-family mortgage insurance program to make the program more efficient.

In addition to the major goals of the legislation, the Barriers bill will authorize the United States Department of Housing and Urban Development (HUD) to become more involved in comprehensive efforts to encourage barrier removal activities. As the federal entity that oversees our national housing policy, HUD must be actively involved in strategies and activities to remove regulatory burdens to produce more affordable housing.

Mr. President, while there is no doubt regulations are necessary to protect our workers and our environment, there must be a commonsense approach to relief from excessive regulatory burdens that impact other sectors of the economy. I look forward to the input from my other colleagues and others involved in the housing industry about this legislation. I believe it opens an important and timely dialogue, and I commend Senator WYDEN for the leadership he is showing on this issue.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

THE HIGH-TECH IMMIGRATION AND U.S. WORKER PROTECTION ACT

Mr. KENNEDY. Mr. President, I am honored to join Senator FEINSTEIN to introduce legislation to grant a temporary increase in immigration quotas for high tech jobs, while taking additional steps to ensure that more American workers are trained for these jobs.

For the next decade, high tech industries will create over a million new jobs in the United States. Some have called for a permanent increase in the quotas, to ensure that companies have the workers they need to survive in this highly competitive market.

The problem is obvious. A permanent increase would permanently deny these good jobs to American workers, and that's not acceptable. The labor market will adjust in time, as it always does, as more and more Americans enter this field. It would be a mistake to tilt the balance unfairly against them.

Our immigration laws should not undercut the ability of young Americans, downsized defense workers, and others to enter this dynamic field.

This week, the General Accounting Office sent a clear warning on this issue, saying that the job market studies used by the industry are flawed, and do not prove that significant worker shortage exists.

Our legislation will accomplish three goals:

First, it provides a temporary increase in immigration quotas from 65,000 to 90,000 visas a year for the next three years. This increase will enable U.S. companies to hire the workers they need now.

Second, we invest in training U.S. workers. Americans want these jobs, and they deserve the training needed to get them. Our bill proposes a modest $250 application fee for each foreign worker sought under the immigration quota. The fee will raise approximately $100 million each year over the next three years to fund training opportunities for Americans.

Third, our bill strengthens the enforcement of the immigration laws. It gives the Labor Department greater authority and resources to ensure that employers pay the proper wage and meet other standards in hiring foreign workers. We specifically make it illegal for employers to lay off American workers and hire foreign workers to replace them. In other words, employers should hire at home first in obtaining new workers, before importing them from abroad.

We believe these steps meet the immediate needs of this important industry, while preserving the priority we own our own workers, and we urge Congress to enact them.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENNEDY-FEINSTEIN HIGH-TECH IMMIGRATION AND UNITED STATES WORKER PROTECTION ACT

Temporarily increases 65,000-visa immigration quota of temporary foreign professional and skilled workers (''H–1B visas'').

FY 98–2000: 90,000 visas.

After FY2000, return to 65,000 visas annually.

Creates $100 million training program funded through $250 employer user fee.

$90 million for loans to workers to obtain training.

$10 million to local ''regional skills alliances'' to identify local labor market needs and develop strategies.

Enhances Accountability and Program Integrity.

Authority to investigate: Provides Labor Department independent ability to enforce labor laws against those who break the law instead of waiting for a complaint. Provides $5 million for this purpose.

Requires attestation that companies will not lay off American workers: Bars employers from laying off U.S. workers and bringing in replacement foreign workers.

Requires attestation that companies will recruit at home first: Requires local recruitment efforts before employers can obtain foreign workers under the program.

Expedited process: Retains requirement that Labor Department process employer applications within 7 days to ensure that new requirements pose no additional delay.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1802

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1802, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

MURRAY AMENDMENT NO. 2165

Mrs. MURRAY proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

ADDITIONAL STATEMENTS

MEXICO DRUG DECERTIFICATION

● Mr. MCCAIN. Mr. President, I voted yesterday against the legislation to disapprove the certification of Mexico as cooperating with U.S. counter-narcotics efforts. Given the level of attention that has been paid recently to continuing problems with Mexican anti-drug efforts, I want to make clear the reasons for my vote.

I am under no illusions about Mexican performance in combating drug trafficking and corruption. But the question we face is whether decertification would make the situation better or worse.

We have a long land border with Mexico. Our economies are closely linked. Our relationship with Mexico is much more diverse and significant than the single issue of drugs. We need Mexico's cooperation on drugs, and we need it on a host of other issues as well. If we were to decertify Mexico, we would kill all cooperation in the drug war and spoil the atmosphere in the rest of our relationship as well. We would be sending a message of a complete loss of confidence in Mexico. I do not believe that this is a message we really want to send.

Fighting the drug war is no simple task. A country's efforts cannot be reduced to a simple statement of ''fully cooperating'' with the United States or not. In this respect, the entire drug certification process is fatally flawed. While the senior leadership in Mexico is committed to fighting drugs, the task before them is enormous. Even the most strenuous efforts by a government could not guarantee 100 percent success against a multi-billion dollar industry. There is no black or white answer.

What matters most is that U.S. assistance to Mexico to help fight the war on drugs serves U.S. interests. For as challenging as the situation is now, imagine how much worse it would be if there were no U.S. assistance to Mexico to combat drug trafficking at the source. We would be hurting our own interests as much as Mexico's if we were to decertify Mexico and dramatically reduce our counter-narcotics assistance.

Finally, we need to bear in mind that the only reason there is such a massive effort by the drug lords to supply drugs is because the United States provides such a massive demand. By all means, we must fight the supply chain by working together with our neighbors against drug production and trafficking. But we must also continue to take our share of the responsibility in the United States and fight the demand for drugs here at home.●

MEXICO DRUG DECERTIFICATION

● Mr. SHELBY. Mr. President, I rise in support of Senate Joint Resolution 42, the resolution of disapproval.

Much has already been said on this issue, and I will make my comments brief.

The United States Government has been working with the Government of Mexico for over a decade on fighting the flow of drugs.

Year after year, we have received promises, commitments, and declarations to reduce the flow of narcotics from Mexico. But we have not seen the concrete actions that are required to block the flow of cocaine, heroin, and marijuana into the United States.

For example, in 1997, Mexico agreed to facilitate the extradition of narcotics traffickers. In fact, no Mexican national has been extradited and surrendered to the United States as a result of that agreement.

In a recent hearing, the Senate Select Committee on Intelligence heard from witnesses from the Justice Department, the Central Intelligence Agency, and the Drug Enforcement Administration on the status of Mexican antidrug efforts.

While I cannot go into detail, their testimony was not at all optimistic and was, in fact, extremely disturbing to me.

Of greatest concern is the endemic corruption that runs rampant at all levels throughout those Mexican institutions tasked with combating narcotics trafficking.

The story on the front page of today's New York Times, describing corruption in the ranks of the Mexican military is, if accurate, especially disturbing, since the military is considered less corrupt than the Federal police force.

While Mexican officials often speak of efforts to prevent this corruption, no definitive steps have been taken to target the illicit drug monies that make this corruption possible. New laws are discussed, debated, in some cases even enacted, but they are not implemented.

And while there have been a few highly publicized prosecutions of corrupt officials, many more are allowed to retire or are simply reassigned.

I wonder whether criminal prosecution is selective and whether such determinations are themselves reflections of such corruption.

Again, actions speak louder than words.

I understand that the Clinton administration and other regional governments are discussing the concept of a regional approach to drug cooperation certification, to replace the current process.

I have serious doubts about replacing the current system with regional certification, since the almost certain result would be that Mexico and others would be given a pass rather than being held accountable for their actions. Simply stated, it would make certification a meaningless process of averaging an array of mediocre and poor performances.

Furthermore, before considering Mexico as a member of such a regional group, we should consider Mexico's participation in current regional counternarcotics efforts. It is hardly encouraging.

For example, the Joint Inter-Agency Task Force located in Key West, FL, is one such organization. It includes representatives from all of the United States armed services, as well as law enforcement agencies, and an equal contribution from our British and Dutch allies.

I urge my colleagues to visit the Task Force and hear their frustrations regarding Mexico. Again, while Mexico says it is using every asset to prevent the transshipment of drugs into the United States, the officials there will tell you this is just not so.

They cite example after example of the detection and tracking of drug-carrying ships and planes.

But when it comes to handing off these targets to the Mexican authorities, there is either no response or such a limited and late response, the traffickers often escape and disappear into Mexico.

When we make informal suggestions that Mexico send its representatives to the multi-national task force to correct this problem, the response is that they are willing to discuss it. But, they have been discussing it for several years now.

Mr. President, for these reasons I strongly support the resolution to decertify Mexico. It is time to judge Mexico on its actions rather than empty promises.●

THE PRESIDENT'S TRIP TO AFRICA: AN IMPORTANT STEP FOR U.S. NATIONAL INTERESTS

● Mr. BIDEN. Mr. President, I rise today to speak on the President's current trip to Africa and the importance of Africa to United States national interests. I highly applaud the President's decision to go to Africa. The President's trip to Ghana, Botswana, South Africa, Uganda, Senegal and Rwanda comes on the heels of visits to the region last year by both the First Lady and the Secretary of State. This marks only the second time that an American President has undertaken an official trip to sub-Saharan Africa, and the first visit to any of the countries on the President's itinerary. As we have seen by the warm reception that the President has enjoyed so far, this first visit in 20 years by an American President carries considerable symbolic significance for the 650 million people in Africa. For the 270 million people of America, the President's visit will help further strengthen U.S.-Africa relations and promote important national interests.

President Clinton's trip highlights a very different Africa from the one President Carter saw during the first Presidential visit in 1978. At that time, Washington largely viewed Africa as merely another battleground for U.S.-Soviet Cold War competition. Today, in many parts of the region nations are working to reform politically and economically. More elections have occurred at all levels of government in the last five years than in the last two decades. The traditional image of African states controlled by dictatorial strongmen is giving way to multiparty political systems with an increasing appreciation for democratic institutions and processes. And economically, many African countries have rejected the failed policies of central planning in favor of privatization of state assets and the creation of free markets.

Mr. President, the image that we often see of Africa in the media largely is one of famine, instability, and ethnic conflict. The purpose of the President's trip is to refocus the international spotlight to include the emerging economic and political renaissance that is occurring in some countries. I applaud President Clinton's recognition of the importance of including Rwanda in his itinerary. In contrast to the relatively positive outlook for the other countries on the President's itinerary, the outlook for Rwanda is not so clear and bright. Rwanda is still reeling from the aftershocks of the brutal 1994 genocide that resulted in the deaths of upwards of 800,000 men, women and children. For the last two years, more than 120,000 accused genocidaires have waited in prison for a trial. The country remains under insurgent attack by the 1994 genocidaires who are now based in neighboring Congo.

Rwanda is still waiting for justice. Rwanda—and the rest of Central Africa—will not be able to move forward until there is justice for the victims of genocide. Justice is the critical factor that will either allow that country to move forward, or see it fall backwards into bloodshed. I support the President's proposed Great Lakes Justice Initiative to assist the states of the region to strengthen judicial systems and the rule of law. I also urge the Administration to continue its efforts to ensure the effectiveness of the International War Crimes Tribunal for Rwanda. The Tribunal was established over three years ago to bring to justice leaders of the 1994 genocide. To date, however, only 35 persons have been indicted and the Tribunal has yet to hand down its first sentence. By contrast, the Yugoslav Tribunal already has cases in the appeal stage. The Tribunal s effective and efficient functioning will be key to allowing the Rwandan justice system the political and legal flexibility it needs to deal with the 120,000 men in prison.

Mr. President, Rwanda is not the only troubled African nation. Some nations, such as Liberia, the Central African Republic, and Angola, are at critical crossroads and will make decisions that will have a significant impact on their political and economic futures. Others, such as Nigeria, Sudan and Cameroon, have resisted the tide of political openness and economic reform that is sweeping through their neighbors and have remained repressive. As the President continues current efforts in Africa and undertakes new initiatives, it is critical that the United States strongly and clearly encourages those countries at the crossroads to choose the right road. At the same time, we should be unambiguous in our non-acceptance of those countries that continue to choose political repression and failed economic policies.

One of the most critical tests that United States foreign policy currently faces in Africa is the Democratic Republic of Congo. An enormous country the size of the United States east of the Mississippi River, the Congo is strategically located in the heart of Africa. Bordered by nine different countries, it is at once a Southern and Central African state. Blessed with natural and human resources, this country for the last thirty years has been cursed with poor leadership and financial ruin. The term kleptocracy was coined for the despotic rule of former President Mobutu Sese Seko which saw billions of dollars of foreign assistance misappropriated and the national coffers drained.

Foreign Relations Committee staff members who traveled to Congo last month saw a country in crisis. Critical infrastructure such as health and transportation are in disarray. There is no justice system to speak of. Human rights conditions are, in the words of one international human rights worker, catastrophic. The Congolese President, Laurent Kabila, a guerilla opposed to the former government for most of his adult life, has no relevant experience governing a country. The same is true for most of his cabinet. Perhaps the only positive news to report is that the security situation is relatively calmer for the moment than it has been in recent years. As discouraging a picture as this might be, recent Central African history has shown that

Congo's future disposition will have a significant impact on its neighbors with potential consequences for much of Africa—and United States national interests.

Mr. President, some might wonder whether the United States has any interests in Africa. Since the end of the Cold War, there are those who have argued that the United States should cut back on its engagements abroad. In regards to Africa, they argue that we should focus on regions of greater geopolitical and economic importance. Let me state clearly my belief that without a doubt the United States needs to be actively engaged in Africa.

Why? Because just as we support democracy, free trade and human rights in the rest of the world, so too should we continue to support these goals in Africa. Moreover, the United States has strong economic interests in Africa. U.S. exports to Africa last year totaled $6.2 billion, more than total U.S. exports to all of the states of the former Soviet Union combined. Since 1994, U.S. trade with sub-Saharan Africa has grown on average at 16.9% annually, outpacing growth in global trade in 1995 and 1996. Through our engagement with Africa we support and encourage partners who cherish the same values that we do. By encouraging political and economic stability we contribute to the preservation of our own nation s continued prosperity and security.

Mr. President, some among us may be disillusioned into believing that our interests in Africa are purely humanitarian, that Africa doesn t hold any strategic value for the United States. When I hear statements to this effect, I have to wonder whether they are living in the same world as the rest of us. As we have seen with the recent Asian financial crisis, global drug trade, and even the El Niño weather phenomenon, Americans today are more interconnected, if not interdependent, with the rest of the world than at any previous time in our nation's history. At this unique point in time as the sole superpower with the ability virtually to reach around the globe, the rest of the world has an equally unprecedented ability to touch us back. In such a global environment it is vital to our nation's security that we exercise vigilance in the conduct of our foreign relations.

Mr. President, even if we could stick our head in the sand, the rest of our body would be exposed to all of the negative consequences that a neglected Africa would incur. Imagine the effects of a large region of the world ignored and not encouraged to develop effective health systems, where new exotic diseases are not checked but given free reign to develop and old ones can develop drug resistance. The Asian bird flu would be nothing compared to what we might see. Imagine nations with minimal resources but great needs not supported to effectively maintain their natural environment, and compelled to compromise rainforests and natural ecosystems vital to our planet's well-being. If we think El Niño is bad, just wait until we meet his big brother.

Mr. President, we wouldn't allow this to occur in any other part of the world, and we certainly can not afford to allow this to happen in Africa. Protecting American interests in Africa is no simple task. The subtleties and complexities that confront us in the 48 nations of sub-Saharan Africa require diplomatic skill and finesse. How does Rwanda move to democracy whilst Hutus vastly outnumber Tutsis, and distrust and violence on both sides goes back generations? How do ethnic communities in Kenya share power in such a way that the rights of the minority are protected? How does the Congo move towards democratic governance and financial responsibility after a generation of misgovernment and kleptocracy?

There are no easy solutions to any of these questions, but the answers must be found if Africa is to advance politically and economically—and U.S. national interests are to be protected—into the next century.●

TRIBUTE TO SHANNON WRIGHT

● Mr. HUTCHINSON. Mr. President, I rise today to remember and honor a young Arkansas school teacher who made the ultimate sacrifice for one of her students.

Children often think of their teachers as heros. And there is no better word than ''hero'' to describe a courageous woman named Shannon Wright, a thirty-two year old English teacher at Westside Middle School. Shannon died in the tragic schoolyard shooting Tuesday along with four students. In the hail of gunfire, she gave her life in order to protect an eleven-year old girl, Emma Pittman. Emma says she believes Mrs. Wright saw the bullets coming and shielded her from being hit. Shannon was shot twice while she tried to protect the young girl from injury.

In the words of Emma Pittman's mother, ''I feel she needs a hero award for saving our child. I want her family to know how grateful we are because she didn't think of herself—she thought of the children.''

While Shannon will forever be remembered as a hero, it will be extremely difficult to ease the pain her death has brought. Shannon Wright was not only a teacher, she was a mother, a daughter, and a wife. She left behind her husband of twelve years, Mitchell, and her 2½ year old son Zane. Her life was devoted to serving others, and she was deeply loved by her family and her many friends. The loss of Shannon Wright will be mourned not only by those whose lives she touched everyday, but by the entire Jonesboro community, the state of Arkansas, and people throughout our nation.

This horrible act of violence has caused incredible pain for the people of Northeast Arkansas. We grieve not only for Shannon Wright, but for the four girls who were killed, Natalie Brooks, Paige Herring, Stephanie Johnson, and Brittheny Varner. It's impossible to understand why such a tragedy occurred, especially in a schoolyard. While it seems that nothing good could ever come from something so terrible, Shannon Wright's death taught her students and the rest of us an incredibly important lesson about the power of selfless action. Shannon Wright's selfless action saved a young girl's life.

Shannon Wright will always be remembered as a hero who gave her life to protect the children.●

ORDER FOR STAR PRINT—SENATE REPORT 105–170

Mr. LOTT. I ask unanimous consent that Senate Report No. 105–170 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–38

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 27, 1998, by the President of the United States: Treaty with Venezuela on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–38.

I further ask unanimous consent 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 in order 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:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties

being negotiated by the United States for the purpose of countering criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, and money laundering and other white collar crime. The Treaty is self-executing, and will not require new legislation.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) locating or identifying persons or items; (2) serving documents; (3) taking testimony or statements of persons; (4) transferring persons in custody, or persons subject to criminal proceedings, for testimony or other purposes; (5) providing documents, records, files, and articles of evidence; (6) executing requests for searches and seizures; (7) assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; (8) executing procedures involving experts; and (9) any other form of assistance appropriate under the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1998.*

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, momentarily I believe that the minority leader will be in the Chamber. We have a unanimous consent agreement that we want to enter into with regard to the Coverdell education savings account bill. I think everybody knows it has been one we have gone back and forth on for a week. I think what we have come up with is a fair process, if I can describe it while we wait on Senator DASCHLE.

Basically, it would be in order, under the unanimous consent agreement, that we go to the Coverdell A+ bill as has been amended with the prepaid college tuition issue and the deduction for employer-provided education benefits, as well as the school construction bond issue.

It would make in order, I believe it is 17 amendments, 12 that would be offered by identified Senators on the Democratic side, 5 on the Republican side, but all amendments are education related, all of them are subject to second degree and they would be debated 30 minutes each on the first- and the second-degree amendments.

I think it is a fair agreement. If we were able to achieve cloture, which we might have been able to do on the next vote, we still would have had 30 hours that could have been spent on it.

I think to have a good healthy debate on education is long overdue. Democrats have some ideas; Republicans have some ideas. But the important thing is, what can we do to help the quality of education in America, what can we do to deal with violence in schools? We saw just this past week what happened in Arkansas, and it has happened in my own State of Mississippi, and it has happened in Kentucky. There are growing incidents of children coming to school with guns or knives. It is good to have a healthy discussion on both sides of the aisle and consider each other's ideas.

I have looked down at the list of these amendments, and I see amendments on both sides of the aisle that look attractive to me. I think it is not only good, I think it is long overdue. I know it has been a long process, difficult for the leaders on both sides, but I think it is a good agreement, and I would like to enter into it now.

Mr. President, I ask unanimous consent that the cloture vote scheduled for later next week be vitiated, and on Monday, April 20, notwithstanding rule XXII, the Senate resume consideration of H.R. 2646, the Coverdell A+ savings account bill; that it be considered under the following agreement, with each amendment to be offered in the first degree subject to education second degrees, except that no second-degree amendment relative to IDEA uniform standards be in order, and the time on the first degree be limited to 30 minutes, except for a time limit of 1 hour on the MOSELEY-BRAUN amendment, and second-degree amendments limited to 30 minutes to be equally divided in the usual form.

The amendments are as follows: Boxer amendment regarding after-school programs; Bumpers amendment regarding increased funds for Individuals with Disabilities Education Act; Bingaman amendment regarding dropout prevention; Conrad amendment regarding education IRA income limits; Dodd amendment regarding special education; Glenn amendment regarding strike IRA for private school use; Kennedy amendment regarding teachers; Landrieu amendment regarding blue ribbon schools; Moseley-Braun amendment regarding school construction; Murray amendment regarding class size; Levin amendment regarding technical training and vocational education; Wellstone amendment with regard to education as work for TANF, that is basically going from welfare to work; the Hutchison amendment regarding same-sex schools; Coats amendment regarding increase in charitable deductions; Mack amendment regarding teacher testing and merit pay; Gregg amendment regarding IDEA flexibility; and the Gorton amendment regarding block grant.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading, and final passage occur, all without any intervening action or debate.

Finally, I ask unanimous consent that the Senate insist on its amendment or amendments and request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the Chair rules, I would like to see also if Senator Daschle would like to have any comment.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration. I ask the majority leader whether he anticipates we would have votes on Monday, April 20, given the fact that that would be our first day back.

Mr. LOTT. Mr. President, I would indicate to the minority leader, as we discussed yesterday and as I indicated on the floor last night, in view of the cooperation we have had and the fact that the Budget Committee managers are going to be working on the general debate on the budget and have a time agreement that they are going to try to use on Monday, and since we have this agreement, there would be no votes on Monday.

Mr. DASCHLE. I am sorry, I think I indicated April 20; I may not have. In referring to the unanimous consent request, he cites the scheduled date for which there would be consideration of the bill as April 20. I am simply asking whether—on the first page of the unanimous consent agreement, on top, you note that we would begin the votes or begin the consideration.

Mr. LOTT. Yes. Right.

Mr. President, I am sorry, I was inquiring about another issue, and I misunderstood the Senator's question. In view of the time that is necessary under the budget law for the budget resolution, I thought that it was more important next week that we stay focused on that. Also, because this does provide for second-degree amendments, I think Senators on both sides of the aisle would like to either adjust their first-degree amendments or prepare, thoughtfully, second-degree amendments. So I thought the best thing for us to do would be to move this and have it the pending business, and go right to it when we come back from the recess. I thought that the Senator——

Mr. DASCHLE. Would it be the majority leader's intention, therefore, to schedule votes on that first day, or would we begin the debate and have——

Mr. LOTT. Begin the debate, and have votes early on Tuesday, the 21st.

Mr. DASCHLE. The leader and I both have expressed ourselves on this bill so many times that I do not know that we need to elaborate anymore. I share the view just expressed by the majority leader that this is as good as it is going to get for both sides. We can continue to be paralyzed and in a standoff or we can find a way with which to cooperate and come to some conclusion.

I have expressed myself about my disappointment in the way in which our colleagues have been constrained, but I also recognize that the majority leader, as he has noted, is giving us far

more amendments than what the Republicans are proposing. And so I think, all things considered—I know my colleagues have expressed great personal concern about this approach, but I also know that if we are ever going to resolve this matter, this is as good as it is going to get.

So I commend the leader for his diligence and commitment to resolving these matters. I have pledged to him my cooperation to see if we can get to this point. We have done so. I am relieved that at long last we may have a real opportunity, as he has noted, to talk about ways in which to address a national problem, a national challenge.

This provides a panoply of different approaches and different ideas. We feel very strongly, very excited, about many of the ideas that we have to offer. We will have that chance under this agreement. So I certainly would not object, and I encourage my colleagues to accept it, deal with it, offer amendments, and let us get on with the debate.

Mr. LOTT. Mr. President, I say again, I agree, it certainly has not been easy on either side of the aisle. Senators had issues that they felt very strongly about. Many of them were not education related on both sides of the aisle. There will be other opportunities to do that. I think this will be a fair way for us to have an equal debate on both sides. Some of these amendments, as I indicated, may actually wind up being accepted and we may not have to go through each one of them in a second degree. I think it is fair.

Before the Chair rules, I ask unanimous consent that the agreement may be vitiated by the majority leader only at no later than 12:15 on Monday, March 30.

The PRESIDING OFFICER. Is there objection to the leader's request?

Mr. DASCHLE. Mr. President, just for the record and for clarification, as I understand it, there is a need to clarify or to——

Mr. LOTT. We had one Senator who indicated a desire to be notified and had been in the air. He is in his State, and I understand we can't talk to him for 2½ hours. And for us to just mark time until then didn't seem fair. I think it will be all right. I felt that after discussion with Senator DASCHLE, that was the only thing I could do. But I think it is fair and we should move forward with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 30, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS for 30 minutes, from noon until 12:30; Senator DASCHLE or his designee for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. the Senate resume consideration of S. Con. Res. 86, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, I have just indicated the Senate will be in a period of morning business then for 1 hour when we come in on Monday, and then we will resume the budget resolution.

For the information of all Members, per the agreement reached during today's session, of the 50 hours under the statutory limit for the budget resolution, as of Monday there will be 44 hours remaining, and as of the close of business on Monday there will be 34 hours remaining on the resolution.

There will be no rollcall votes conducted during Monday's session. However, the managers do expect amendments to be offered during that day. And the next rollcall vote will occur then on Tuesday morning at a time to be determined by the majority leader, after notification of the Democratic leader.

Therefore, Members can anticipate votes on amendments to the budget resolution on Tuesday. As always, Members will be notified as to the time of those votes. I should indicate that we will certainly find a way to have a vote at about 9:30 on Tuesday morning so we can get things moving right along.

In addition, the Senate may consider Executive Calendar or legislative business cleared by the Senate.

In regard to the balance of the week, we are expected to complete action on the budget resolution and the supplemental appropriations conference report, if available, prior to recessing for the Easter holidays. I do believe that we will be able to act on the supplemental appropriations to its final conclusion either late Tuesday night or Wednesday, giving the conferees, hopefully, time to act on the conference before we go home and to complete action on the budget resolution. We need, again, to make Members aware now that we must do those two items next week before we leave.

As a reminder, the next rollcall votes then will occur on Tuesday.

Does the Senator wish to speak further?

ADJOURNMENT UNTIL MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:53 p.m., adjourned until Monday, March 30, 1998, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1998:

THE JUDICIARY

EDWARD F. SHEA, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

CLINTON'S FAILED AFRICAN POLICY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MICA. Mr. Speaker, fortunately, history will cast final judgment on this administration and President Clinton's failed African policy.

After the made-for-T.V. and carefully staged events fade from memory, some grim scenes of Clinton failed African policies will haunt us for generations.

There won't be a Clinton visit to Somalia. Somalia has returned to chaos.

While we hear the cheers in African streets today—we must not forget the jeers of crowds in Mogadishu.

We must not forget that this President placed U.S. troops under disorganized U.N. command and they were killed and dragged shamelessly on African soil. This President turned a Bush humanitarian mission into a foreign relations and military disaster.

History will also record this administration's failure to halt a ''Holocaust of our time'' in Rwanda.

Not only did the President fail to act after the killing began—In fact, President Clinton and his administration repeatedly blocked U.N. efforts to send in an All-African force before the genocide began.

Mr. Speaker, fortunately history will not be blinded by the temporary glare of a television camera either in Africa or in America.

HONORING JUDGE FRANK C. WISE

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KLINK. Mr. Speaker, I rise today to congratulate the Honorable Frank C. Wise on his retirement after over forty years of service to the citizens of Pennsylvania and the United States of America.

Judge Wise enlisted in the Pennsylvania State Police in 1960 after serving four years in the U.S. Navy. He was first stationed in Troop A Greensburg, but moved to Troop B in Pittsburgh after a few years. Judge Wise served as a state policeman for 26 years before retiring in 1986.

The retirement of Frank Wise was short-lived, however. He was appointed district justice by Governor Dick Thornburg to fill a vacancy in Saxonburg. Judge Wise was elected to his first full term in 1987 and was re-elected in 1993. He has faithfully served the community in this capacity ever since.

Judge Wise has also been active in other areas of public life over the years. He has served as the Special Court Judges Association's liaison with the Pennsylvania State police. In this role, he has been instrumental in the establishment of experimental programming for the cadets of the Pennsylvania State Police Academy. In addition to this duty, Judge Wise has also served on my yearly panel that interviews candidates for appointment to the U.S. Service Academies.

Judge Frank Wise epitomizes the image of the public servant. His work in both facets of our justice system, law enforcement and the courts, has left an indelible mark upon them and upon the people of Pennsylvania. Judge Wise, your legacy will live on in all those who have had the opportunity to work with you and learn from you.

On behalf of my fellow members, I commend Judge Frank C. Wise for all his achievements. He has demonstrated a commitment to service that all citizens can be proud of. We congratulate you, Judge Wise and wish you all the best in the future.

PRISONERS OF CONSCIENCE IN CHINA: HAO FUYUAN AND NGAWANG OESER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. LANTOS. Mr. Speaker, it is my honor to call to the attention of my colleagues Mr. Hao Fuyuan, a Chinese Prisoner of Conscience adopted by my office as part of the Congressional Human Rights Caucus' Adopt-a-Political Prisoner campaign. Mr. Hao is a peasant from the province of Shandong who, inspired by the Tiananmen Square disturbances he saw on television, joined some students making their way to join the fray.

Upon returning from Tiananmen Square, Mr. Hao purchased a blank tape and recorded such messages as ''Li's words deceive the masses; You must not believe him''; ''You should listen to Voice of America''; and ''Students and workers all over the country, strike!'' Mr. Hao played this tape in seven peasant homes in his village.

Arrested during the aftermath of the bloody crackdown in Tiananmen Square, June 4–5, 1989, Mr. Hao was tried and found hostile to the socialist system and sentenced to ten years imprisonment and three years loss of political rights for ''broadcasting dissent to the masses.'' He has currently served eight of those ten years in Shandong Prison 3 in Weifang, punished simply for exercising his right of free speech, a right recognized by most governments throughout the world as a fundamental human right.

Mr. Speaker, in March, 1997, the category of ''counterrevolutionary crimes'', under which Mr. Hao was charged, was eliminated by the Chinese legislature. Even more suggestive, four men charged with counterrevolutionary crimes for their involvement in the 1989 protests were recently released. This suggests that the Chinese government, under its new leadership, may be rethinking the Tiananmen Square incident. The time is right, Mr. Speaker, for the release of Hao Fuyuan, and I invite my colleagues to join me in urging the Chinese government to release him from prison.

My office has also adopted Mr. Ngawang Oeser, a monk from the Drepung Monastery currently jailed in Drapchi. Mr. Ngawang was arrested for ''spreading counterrevolutionary propaganda'', such as a translation of the Universal Declaration of Human Rights, which China itself signed fifty years ago. For this ''egregious crime'', Mr. Ngawang received the outrageous sentence of seventeen years in jail with loss of political rights for an additional five years. He has so far served nine years of that sentence.

Mr. Speaker, Amnesty International rightfully considers Hao Fuyuan and Ngawang Oeser Prisoners of Conscience, those imprisoned solely for the non-violent expression of their beliefs, who have not used or advocated violence. In cooperation with Amnesty International, the Congressional Human Rights Caucus in October of last year sponsored a campaign urging congressional offices to adopt a Tibetan or Chinese Prisoner of Conscience. Many of my colleagues in Congress have participated in this project, joining the Congressional Human Rights Caucus in the belief that a violation of human rights anywhere is a violation of human rights everywhere.

All Prisoners of Conscience, insofar as they have defended human rights without resorting to violence, are eminently deserving of our assistance. Mr. Hao is especially significant, however, because like most of the more than 2,500 political prisoners in China, he is not a well-known intellectual or activist. Hao Fuyuan is a simple man who was dissatisfied with his country's leaders and who communicated that dissatisfaction to his neighbors. He did nothing more. He is a testament to the truth that, though occasionally perceived as the property and passion of an educated elite, human rights are universal . . . and they must be universally recognized.

THE 50TH ANNIVERSARY OF THE KIWANIS CLUB OF SPARTA, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 50th Anniversary of the Kiwanis Club of Sparta, New Jersey.

The Kiwanis Club of Sparta was organized and chartered in 1948 and has for the past fifty years provided leadership, personal service, commitment and financial support to the Sparta Township community. The Club currently consists of fifty-five members who each contribute thousands of voluntary hours of service to the community and have faithfully followed the ideals and principles of Kiwanis International, its parent organization.

The Club has been recognized as one of the leading service clubs in Sussex County, New Jersey, as a result of its many community activities. Some of these activities including sponsoring high school Key Clubs, giving over $98,000 in scholarships to high school seniors over the past twelve years, providing approximately $35,000 per year in financial support for community groups and activities in Sparta Township, as well as community service projects ranging from flower planting and roadside cleanups to providing volunteer assistance to senior citizens and delivering food to the needy.

As the Kiwanis Club of Sparta continues its long tradition of dedicated service to the Sparta community, I want to ask you, Mr. Speaker, and my colleagues, to join me in commemorating the 50th anniversary of their organization. I sincerely wish that it may enjoy many more years of fellowship and service.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KIND. Mr. Speaker, today is a sad day for our democracy. This was the week that the House of Representatives was to debate and vote on campaign finance reform. Yet, here we are on Friday with the news from the leadership that a vote has been delayed. What is most upsetting is the reason for the delay, a majority of the House supports campaign reform.

The leadership, out of fear of actually doing something, first tried to push a bill that contained so many poison pill provisions that it was destined to fail. Now that this strategy appears doomed, the leadership simply pulled the bill and refuses to even consider a vote. The will of the majority in the House has now been denied, just as a majority in the Senate was denied passage of a reform bill.

The reason a majority of members support real reform is because they have heard from their constituents, just as I have, that the citizens are tired of the influence of big money in the political process and they want reform. If we fail to change the current system, we will continue to erode the confidence of the public in our democratic system.

I hope that next week brings, at last, the chance for this body to make a difference in our campaign finance system. The people of my district want action now!

HONORING THE MIDLAND VOLUNTEER FIRE DEPARTMENT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Midland Volunteer Fire Department of Beaver County. The fire department was recently named to the Pennsylvania Fire Services Institute's 100 Year Honor Roll. This honor roll commemorates fire departments with more than a century of service. I would like to take this opportunity to congratulate the volunteers, both past and present, for more than 100 years of public service to their community.

The Midland Volunteer Fire Department is made up of individuals who risk their lives in the service of their fellow citizens. The volunteers have other concerns in their lives including their careers and their families. However, when the emergency call sounds, the members of the Midland Volunteer Fire Department put their own lives on hold to provide safety and emergency services to the citizens of Midland. They provide an invaluable service to the entire community.

On behalf of my colleagues in the House of Representatives, I would like to wish the Midland Volunteer Fire Department many more years of successful public service. They have protected the lives of the families, the property, and the spirit of their community with honor and dignity. I ask you and all members to join me in a special salute to the Midland Volunteer Fire Department.

SECRETARY OF STATE MADELEINE K. ALBRIGHT'S STRONG SUPPORT FOR RELIGIOUS FREEDOM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. LANTOS. Mr. Speaker, on Thursday, March 12, the Congressional Human Rights Caucus held an important meeting with a number of the distinguished members of the Advisory Committee on Religious Freedom. I had the great honor of chairing that meeting of the Caucus. The Advisory Committee on Religious Freedom was established last year by the Secretary of State to report to the Secretary and to the President on issues of religious persecution and appropriate United States government policy on religious liberty issues.

The Advisory Committee is composed of a number of distinguished religious, academic, human rights and foreign policy leaders. The Committee members have spent a great deal of time meeting and examining the relationship between religious freedom and American foreign policy.

Mr. Speaker, earlier this year, the Advisory Committee on Religious Freedom Abroad presented its Interim Report to the Secretary of State and the President. Our hearing on Thursday focused on this significant report. In order to deal with serious, and in many places growing, pressure upon believers who wish to practice their religion in peace, the Advisory Committee on Religious Freedom Abroad has met a number of times this past year and has prepared an excellent report on the problem of religious persecution. The report of the Advisory Committee includes a series of thoughtful and useful recommendations for United States policy to encourage and promote religious liberty.

I am delighted, Mr. Speaker, that Secretary Albright began immediately to implement the recommendations made by the Committee. At the time the Advisory Committee's Interim Report was made public, she announced that she was implementing the first recommendation of the Committee by designating a new senior-level coordinator at the Department of State who will have responsibility for integrating concern for religious freedom into U.S. foreign policy and for developing a coordinated interagency strategy on this issue of great importance to the American people.

As Secretary Albright said when she met with journalists at the time the report was released,

> America is a leader in promoting religious freedom because it serves our interests and because it is right. We hope to pursue that goal with even more vigor and effectiveness in the days ahead.

REMARKS BY SECRETARY OF STATE MADELEINE K. ALBRIGHT ON THE INTERIM REPORT TO THE SECRETARY OF STATE AND THE PRESIDENT OF THE UNITED STATES FROM THE ADVISORY COMMITTEE ON RELIGIOUS FREEDOM ABROAD, WASHINGTON, D.C., JANUARY 23, 1998

Good afternoon. I wanted to come down here today to bring to your attention the very constructive and timely interim report I've just received from my advisory committee on religious freedom.

I very much welcome this report. Although I've just begun to study it, its overall direction and tone is very much in keeping with the Administration's own intentions and aspirations. So I'm pleased to tell you now what I told the committee just a little bit earlier, which is that I'm taking immediate action on the report's first and most important recommendation.

I will designate a new, senior-level coordinator within the Bureau of Democracy, Human Rights and Labor to ensure that our efforts to advance religious freedom are integrated successfully into our broader foreign policy. The coordinator's responsibilities will include developing a strategy for appropriate overall implementation of the advisory committee's recommendation. This work will be done under the direction of Assistant Secretary John Shattuck, and in consultation with the White House, religious leaders, members of the advisory committee and of Congress.

In this way, we can assure the American people and the committee that its best ideas will be brought to life, not studied to death. I also assured the committee that I consider the promotion of religious freedom to be an integral component of US foreign policy to be pursued not in isolation, but as part of our efforts to increase the respect for human rights around the world.

That's why I've urged our diplomats to raise our concerns about religious freedom energetically; report on these issues thoroughly; and maintain contact with NGOs and local religious leaders on a regular basis. We will continue these and other efforts and give serious consideration to the committee's ideas on how we can do them better.

As we speak, the resilience and depth of the human desire to worship freely is on display in Cuba Decades of repression could not vanquish the thirst for religious liberty on that island, just as it has not diminished the desire among the Cuban people for political liberty. The Cuban Government did the right thing in permitting His Holiness, the Pope, to accept the invitation of his church to visit.

Let us pray that the message of freedom and respect for the individual which he is conveying will influence the direction of government policies long after this historic visit is concluded so that Cuba, indeed, becomes more open to the world, and the world can, indeed, become more open to Cuba.

In closing, I want to thank publicly every member of the religious freedom advisory committee. This is a committee uniquely

qualified to discuss and review America's approach to promoting religious freedom abroad. Its members include religious leaders who represent millions of Americans of all major faiths and denominations, and scholars who have dedicated their professional lives to the study of issues related to religious liberty.

In the course of their work, they interviewed such eminent figures as the Dalai Lama, Cardinal Daly of Northern Ireland and Pastor Robert Fu of China. The committee clearly took its work very seriously, and we take it seriously as well.

America is a leader in promoting religious freedom because it serves our interests and because it is right. With the committee's counsel, we hope to pursue that goal with even more vigor and effectiveness in the days ahead.

THE 100TH ANNIVERSARY OF THE BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Borough of North Caldwell, Essex County, New Jersey

The Borough of North Caldwell was part of a large tract of land known as ''Horseneck'' that was purchased by a group of colonists from the Indians who lived in the area in 1701. In 1784 a group living in Horseneck organized a Presbyterian Church Society and in 1787 they voted to change the name of their community to Caldwell in honor of the Reverend James Caldwell who had helped them form their church group. North Caldwell continued as part of Caldwell Township until the last 19th century, when citizens, wanting improved roads and a better school, felt they could better achieve these goals as an independent municipality.

Since its modest beginning, the Borough of North Caldwell has steadily developed into a thriving residential community, counting among its residents a nationally known portrait painter and an American Poet Laureate and Pulitzer Prize winner in poetry. While the area was originally farm country, North Caldwell soon had its share of local industry. By the early half of the 19th century a large bark mill was established, which boasted a water wheel that was five feet wide and eighteen feet in diameter. After changing ownership in 1846, the mill was converted to operate as a grist mill and a saw mill. By 1931, multistory buildings had been erected and a prosperous local economy was in full operation.

The ensuing years brought many complexities and the demand for organization of a variety of resources for citizens' needs. North Caldwell currently has a full-time professional staff, including a police department, which has grown from three officers in 1930 to seventeen today, and a fire department incorporated in 1922, which is 28 members strong. The Borough's excellent school system dates back to 1770, when the first schoolhouse was built. Several subsequent schools were built during the 19th century, and the first Board of Education was appointed in 1903. Today there are several schools in the Borough, including the West Essex Regional Schools opened in 1961.

Mr. Speaker, for the last 100 years, the Borough of North Caldwell has prospered as a community and remains a thriving municipality today. By all accounts, it will continue to prosper in the future and I ask my colleagues to congratulate all residents of North Caldwell on this special anniversary year.

STATEMENT UPON THE INTRODUCTION OF LEGISLATION TO PROHIBIT THE ATTACHMENT OF NONEMERGENCY ITEMS TO EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILLS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KIND. Mr. Speaker, ''Emergency'' supplemental bills should contain funding for just that—emergencies. They should not be golden opportunities to attach funding for pet projects or legislative riders.

That is why I have introduced this legislation to ''prohibit nonemergency spending or legislative provisions in emergency appropriation laws.'' This bill will not effect nonemergency spending bills, supplemental or otherwise. It is my belief that emergency bills are larger magnets for nonessential spending and inappropriate legislative provisions because they have the greatest likelihood of passing.

Our government should spend money on many worthwhile projects and programs. But a responsible government should make those spending decisions during the course of considering annual appropriations bills and other nonemergency supplemental bills. We shouldn't slow down much needed emergency money, or bank on its urgency, to pass all sorts of extraneous measures.

This legislation is a way to assure the people I represent that nothing will be stuck into these emergency bills ''in the middle of the night.'' I want people to start trusting Congress again!

IN HONOR OF HARRISON PUBLIC SCHOOLS BEING AWARDED THE TECHNOLOGY LITERACY CHALLENGE GRANT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MENENDEZ. Mr. Speaker, on behalf of the House of Representatives I would like to congratulate the Harrison School District for being awarded the Technology Literacy Challenge Grant.

The Harrison Public School System understands that the Internet is not a novelty anymore. Increasingly it is an essential tool for information gathering.

The grant which totals over $94,000, will be used to provide public Internet computers at Harrison High School, Harrison Community Center, and the Harrison Town Library. These funds will also pay for community Internet training programs. This program is not limited to students. When the town's technology plan is fully implemented, all of Harrison's citizens will be able to share and collect information through the Internet. No one will be excluded from this virtual community because of a lack of equipment or expertise.

On May 31 Harrison Schools will be sponsoring a ''Technology Fest.'' This event will open the schools to the public to share students' technology related projects. I would like to thank District Technology Coordinator, Frank A. Cappelle, and Superintendent John Di Salvo for making these educational opportunities possible.

THE FUTURE OF PUBLIC HOSPITALS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. STOKES. Mr. Speaker, as we examine proposed changes to the nation's health care delivery system, we must consider the vital role that public hospitals play in our communities. Recently, Dr. Bailus Walker, Director of the Health Policy Program at the Joint Center for Political and Economic Studies and Deitra Hazelwood Lee, a Research Analyst, prepared a report which is entitled, ''The Future of Public Hospitals.'' The report gives in-depth insight of the problems confronting the nation with regard to the decline of public hospitals. The work is worthwhile reading and I am pleased to share it with my colleagues and others throughout the nation.

THE FUTURE OF PUBLIC HOSPITALS

Public hospitals nationwide are struggling to provide medical care to those Americans who need it most—the poor, the underinsured, and the uninsured. Because of the growth of Medicaid managed care, reductions in federal and state government funding, and the rise in the number of people without insurance, some public hospitals no longer have the financial stability to stay afloat. Many are merging, converting to private institutions, or closing their doors.

In the past, most cities had at least one public hospital, and cities like New York and Los Angeles had entire public hospital systems. But between 1981 and 1993 the number of public hospitals fell by 25 percent, a trend that is accelerating. Now Congress plans to cut Medicaid funding given specifically to public hospitals that serve a large number of Medicaid, low-income Medicare, and uninsured patients. The pending budget cuts are also going to shrink public hospitals' revenues far below what is necessary to meet the many health care needs of those who rely on this system for treatment.

Given the popularity of privatizing services, and the apparent growth of so many forms of health care, some—though not the poor—may wonder, Why is it worth preserving public hospitals at all? Can't the rest of our health system pick up the slack? It would be nice if that were possible, but the facts prove otherwise. Indeed, already the tears in the public hospital safety net are creating a new healthcare crisis in its own right. It we continue to lose these hospitals, many African Americans and other minorities, especially in urban communities, stand to lose their last certain access to medical care.

Public hospitals provide a significant share of all hospital care for those who are socially

and economically underprivileged. As hospitals of last resort, they have become a health care safety net because of their policy of admitting anyone, insured and uninsured alike. They also have a tradition of striving to be culturally sensitive. Finally, public hospitals provide essential medical services—which few clinics can offer and private hospitals often find unprofitable—such as emergency care, trauma care, burn care, and neonatal care, and they provide these vital services for the entire community.

The importance of this situation is brought into sharper focus by the increase in the number of uninsured. The most recent data suggests that there are more than forty million people in the United States who lack health insurance, including more than seven million African Americans. The number of uninsured is growing steadily as the cost of insurance continues to rise and as full-time, full-benefit employment remains scarce for urban minorities. Many full-time positions are being replaced as well by temporary of part-time jobs without health coverage. If the number of uninsured continues to grow, public hospitals will be the most affected because a large percentage of their patient base is the uninsured.

Many large, urban public hospitals also conduct medical education and research, which benefits the entire health care system. Many serve as teaching hospitals, where they train students. In addition, some urban public hospitals are major employers in the cities they serve. Closing these hospitals therefore increases the potential unemployment of both skilled and unskilled workers given the changes not only in the health care industry but in other related industries as well.

Many states have modified their Medicaid programs by shifting their method of delivering health care to managed care. Federal waivers now allow states to require that their Medicaid recipients enroll in managed care organizations, and many states have already modified their Medicaid programs with this new requirement. As of June 1996, this changeover had been carried out by 29 states and the District of Columbia.

This change in Medicaid policy is causing public hospitals to lose a large percentage of their patient base to managed care organizations. Approximately 43 percent of public hospitals' patients are covered by Medicare, Medicaid or other public insurance, and an equal proportion are uninsured. Even more important, 50 percent or more of these hospitals' revenue has been based on Medicaid payments. Unless they can effectively compete for low-risk Medicaid patients, they may soon lose so much revenue that they will simply have to close.

In addition to the managed care changeover, Congress plans to cut the Medicaid funding that has long been given specifically to public hospitals that serve large numbers of Medicaid, low-income Medicare, and uninsured patients. This special assistance, known as Disproportionate Share Hospital (DSH) payments, is set to be reduced by $10.3 billion over the next five years according to the proposed Balanced Budget Act of 1997.

According to the National Association of Public Hospitals, federal DSH payments account for 13 percent of public hospitals' total revenues and pay for 40 percent of the cost of treating uninsured patients. The spending budget cuts are therefore going to shrink public hospitals' revenues far below what is necessary to meet the many health care needs of those who rely on this system for care.

The Joint Center for Political and Economic Studies, a research and policy think tank which attempts to increase black involvement in public issues, recently held a series of forums on these issues, including a Capitol Hill briefing chaired by Congressman Louis Stokes. The forums were supported by a grant from The Commonwealth Fund of New York. What emerged from these forums was a set of six policy options and positions that, if adopted, could go a long way toward ensuring that the health care resource that public hospitals represent to inner city residents is preserved.

First: Maintain support from the community and local government by ensuring that these groups and officials are well informed and can participate in the decisions affecting the survival of public hospitals.

Second: Public hospitals should aggressively compete with managed care organizations for low-risk Medicaid and Medicare patients.

Third: State and local governments should upgrade urban public hospitals so they can have a realistic chance of competing for patients.

Fourth: Urban hospitals should reduce or reorganize their staffs to reduce their costs and improve quality service. A reduction in cost along with an improvement in public perception will help public hospitals compete.

Fifth: Federal and state governments should give Medicare and Medicaid subsidies to hospitals based on their service to the poor and uninsured.

Sixth: Federal and state governments should establish a way to monitor the care given by urban public hospitals.

Public hospitals today are suffering from a condition that, if left untreated, may prove fatal. The importance of their survival needs to be recognized and addressed. If we lose these safety-net institutions, many people will no longer have access to any medical care. The health of the people who live in urban communities—the majority of whom are African American, Hispanic, and other minorities—depends on public hospitals' remaining viable American institutions.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 25, 1998, and was unable to vote. I would have voted in favor of the McCollum-Conyers amendment to H.R. 2589 (Rollcall No. 68). I would have voted against the Sensenbrenner amendment to H.R. 2589 (Rollcall No. 69). I would have voted in favor of the Pombo amendment to H.R. 2578 (Rollcall No. 70). I would have voted in favor of H.R. 2578 (Rollcall No. 71).

CELEBRATING THE RETIREMENT OF JAMES ALEXANDER AND ARISTEO TORRES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. VISCLOSKY. Mr. Speaker, The United Steelworkers of America (USWA) Local 1010, a union that has represented the Inland Steel labor force since early this century, has worked tirelessly over the years to better the living conditions and increase the living standards of Inland steelworkers and the communities in which they live. It is my distinct pleasure to announce that Local 1010 will be celebrating the retirement of two of its devoted members, Mr. James Alexander and Mr. Aristeo ''Art'' Torres, who retired from Inland Steel in January of this year. The celebration in honor of James and Art will feature an evening of dinner and music, and will be held today, March 27, 1998, at the American Legion Post #369, in East Chicago, Indiana.

James Alexander, a life-long resident of Gary, Indiana, began his dedicated career with Inland Steel in 1957. Over the years, he has held several positions within the company, including those within the coke plant, open hearth, cold strip, and 80-inch rolling operator. Perhaps James' most noteworthy achievement, however, was his devoted service to Local 1010, where he served as a respected union voice for his fellow steelworkers for 35 years. As a union representative, James held a variety of offices, ranging from safety steward to financial secretary, and he was elected union representative under six different administrators. Through his work with the union, James had the opportunity to meet several United States presidents, including Dwight Eisenhower, John Kennedy, and Richard Nixon. In addition to his service to the union, James devoted much of his time to community initiatives. He spent 21 years on the Gary Public Transportation Board, held the office of 1st Vice-President of the Gary Housing Commission, and is currently a precinct committeeman. James has also been an active member of his parish, St. Monica and Luke Roman Catholic Church, for 50 years.

A native of East Chicago, Indiana, Art Torres worked at Inland Steel as a craneman for 46 years. Throughout his career, he remained active within Local 1010, serving as assistant griever, trustee, chairman of education, and board member. Realizing the importance of a unified membership, the focal point of Art's efforts with Local 1010 was educating steelworkers about the union and their rights as laborers. In addition, he participated in numerous pickets, including the Bridgestone/Firestone strike in the 1950s. Art has also been politically active over the years, serving as state delegate, working on various political campaigns, and carrying out the vital function of mobilizing voters within his community. In addition, he has been a long-time member of the Union Benifica Mexicana (UBM), an organization for Mexican-Americans, where he has served as an officer and chairman of various activities. In working for the betterment of Local 1010 and his community, Art takes great pride in his strides to be a good role model for young people, stressing the importance of earning a good education.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating James Alexander and Art Torres on their retirement from Inland Steel. James' family, consisting of his wife, Terry, and their eight children, Melanie, James Jr., Robert, Michael, Marcus, Barbara, Terese and Terrell, should be proud of his efforts. Art's wife, Cecelia, their children, Elizabeth and Angelina, and their grandchildren, Kathy and Jason, should also be very proud of his many achievements. Indeed, James' and Art's work for the labor movement and their communities has served as a beacon of hope and pride for all great

Americans who continue to pursue the American dream.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall votes 76, 77, and 78. If present, I would have voted ''no'' on rollcall vote 76, ''aye'' on rollcall vote 77, and ''no'' on rollcall vote 78.

WELCOMING THE NWPC NATIONAL STEERING COMMITTEE TO NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to welcome the National Women's Political Caucus 1998 Spring National Steering Committee (NSC) meeting to Newark, New Jersey. This marks the first time New Jersey has hosted this important event.

The National Women's Political Caucus (NWPC) is the only national, grassroots organization designed to help women from both political parties attain public office. Each year the Caucus trains and supports more than 50,000 women who are seeking elected or appointed government positions.

As Eileen P. Thornton, former WPC–NJ president, has written, ''As we look back, it is good to reflect on how far women have come. But looking ahead, it is very important that we understand how far we still have to go to reach our goals.''

The National Women's Political Caucus has served as a catalyst for getting women into public office. We can now say that due in part to this organization's efforts we have more women in the House of Representatives than ever before. But the NWPC understands that more must be done.

The organization's National Steering Committee meeting will bring women from across the country to develop strategies to elect more women to federal offices and to make NWPC endorsements. The National Women's Political Caucus National Steering Committee meeting will be held at the Newark Airport Marriott, March 26–28. 1998.

I would like to thank NWPC president Anita Perez Ferguson, WPC–NJ president Paige Berry and former WPC–NJ president Eileen P. Thornton for making this event possible. The political future of the women's movement is safe in their hands.

IN HONOR OF JOSEPH JACOBSON'S 100TH BIRTHDAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. SCHUMER. Mr. Speaker, I ask my colleagues to join me in sending warm wishes to Mr. Joseph Jacobson on the occasion of his 100th birthday.

Mr. Jacobson has been busy this last century it seems. He began his career in the construction industry in 1921, by 1923 he became a member of Local Union #3, International Brotherhood of Electrical Workers. He has remained an active member, in good standing, for over 75 years. Joseph literally worked his way up through the construction trade, holding a number of positions during his career. Today we see the magnificent projects he had the opportunity to work on, such as, the Metropolitan Life Insurance Building, Parkchester Housing Complex in the Bronx and the Port Authority Bus Terminal in Manhattan.

Throughout the years, Mr. Jacobson has also found time to dedicate himself to fine causes dear to his heart. For these efforts he has been recognized a number of times by organizations such as the Allied Union Club of Queens, Bronx Acorn Electrical Club, the Bronx Scouting Council and the New York City Central Labor Council. Because of his continued commitment and level of service to the community, the Bronx Acorn Club and the Electrical Square Club have awarded scholarships in his name. One in particular which makes him most proud is the Educational and Cultural Fund of the Electrical Industry which has awarded a scholarship in his name for the past 20 years.

Despite his retirement from the industry, he has remained quite active with his union helping organize retirees. Mr. Jacobson is currently President of the Retirees Association of Local union #3 I.B.E.W. He has also been active with the National Council of Senior Citizens and the New York State Council of Senior Citizens.

I would like to take this time to say that we should not let this birthday be just a celebration of how many years Mr. Jacobson has lived. Rather it should be a celebration of the events that have taken place during these precious years he has been given. Let us measure the life he has lived by the good deeds, by the joy he has shared and brought to others, by the generosity he has bestowed to friend and stranger alike and by the countless ways he has been an inspiration to those who have had the pleasure to meet him.

Happy Birthday, Mr. Jacobson, and I wish you many more.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 26, 1998, and was unable to vote. I would have voted in favor of the Kucinich amendment to H.R. 3310 (Rollcall No. 72). I would have voted against the McIntosh amendment to H.R. 3310 (Rollcall No. 73). I would have voted against H.R. 3310 (Rollcall No. 74). I would have voted against the Solomon amendment H. Res. 385 (Rollcall No. 75). I would have voted against the Dreier resolution H. Res. 393 (Rollcall No. 76). I would have voted against the Goodling amendment to H.R. 3246 (Rollcall No. 77). I would voted against H.R. 3246 (Rollcall No. 78).

PERSONAL EXPLANATION

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. BLAGOJEVICH. Mr. Speaker, on Thursday, March 26, 1998, on Roll Call 75, the rule for consideration of H.R. 1757, I inadvertently voted aye. I intended to vote no.

''RECOGNIZING VETERAN OLYMPIAN AMY PETERSON''

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. VENTO. Mr. Speaker, I am pleased to have the opportunity to recognize one of my constituents, Amy Peterson, who deserves a standing ovation from our nation for her magnificent achievements as a member of the U.S. Olympic speed skating team. Amy has endured an impressive battle to become the most decorated Olympian in Minnesota history!

Amy is from Maplewood, Minnesota and attended Johnson High School, graduating in 1990. She began competing in the Olympics in the 1990 Albertville Games, taking home a silver medal on the 3000 meter relay team. In 1994, she returned to Lillehammer to take home the bronze medal in the 500-meter race, and another bronze in the relay event.

Amy was diagnosed in 1995 with chronic fatigue syndrome, which severely hindered her energy level and limited her training. As we are all aware, Olympic training requires an intense athletic and mental commitment of no less than 100%. Amy struggled through her condition for 18 months until 1996, all the while training to the best of her abilities. For the first time in years, Amy again felt comfortable on the ice at the Olympic trials in January 1998, enough to win first place in the short-trials in all four of her races. Amy went on to take 4th place in the 500 meter race this year in Nagano, and 5th place with the U.S. Team in the 3000 meter relays.

I personally greatly admire Amy's incredible grit and determination. Amy's life story and experience captures the true meaning of the Olympics, the power of the human spirit demonstrated in this special competition. Amy has proven to the world, and especially to herself, that she can beat the odds to surpass all limits. My congratulations to Amy Peterson for her extraordinary achievements!

EXTENDING THE VISA WAIVER PILOT PROGRAM

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to

provide for the collection of data with respect to the number of nonimmigrations who remain in the United States after the expiration of the period of stay authorized by the Attorney General:

Mr. MENENDEZ. Mr. Speaker, the issue before us today is not a question of illegal immigration, there is no threat of an impending wave of illegal Greek or Portuguese immigration to the United States.

The question before us is one of fairness. It is a question of doing what is right by two countries who are our allies, our friends and our business partners. It is fair and right to extend the same rights to Greece and Portugal that we do to 25 other nations—the right to enter the U.S. freely for travel and business.

Prior to the passage of the 1996 Illegal Immigration Reform Act, Greece and Portugal would have been admitted to the Visa Waiver Program because their visa refusal rates are below three percent.

Concern about illegal immigration is misplaced and fails to recognize that the Greek and Portuguese economies are strong and unemployment rates are among the lowest in Europe—there is little incentive for people to leave their enchanting countries for ours.

Moreover, immigration to the United States from those countries is no greater than U.S. immigration to Greece and Portugal.

Finally, both of these communities have made enormous contributions to our country. In my district, the Portuguese American community has transformed part of New Jersey's great cities—Newark, Elizabeth, and Perth Amboy. And the Greek community's influence has been equally remarkable.

We need to level the playing field and let the Portuguese and Greek people know that the United States welcomes them as tourists and business travelers, as we do their other European counterparts.

CONFIDENCE IN THE FAMILY ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Ms. LOFGREN. Mr. Speaker, there now exists a serious defect in our Federal criminal and civil law and procedures that has unfortunately been brought into focus by Independent Counsel Kenneth Starr's investigation of the President. Under Federal law and the law of most States, children can be compelled to testify against their parents, and parents against their children. Although most prosecutors refrain from subjecting a family to this terrible situation, it can and does occur. I have long believed that parents and their children should be shielded from this trauma, and that doing so would not do significant damage to the administration of justice.

Therefore, today I am introducing a bill, the Confidence in the Family Act, to ensure that parents and children cannot be compelled to testify against one another, and that confidential communications between parents and children will be protected. These privileges would be similar to the privileges provided to spouses under current Federal law, and would be developed by the Federal courts in light of the common law, reason, and experience.

Under current law a mother can be given the choice of providing testimony that reveals her daughter's most personal confidences, or go to jail herself. A child can be put on the witness stand and forced to reveal personal discussions with his Dad. It does not matter if this testimony relates to the most private confidences that parents and children often share in the course of seeking comfort, support, or advice.

The damage that such an experience can cause parents, children, and familial relationships is readily apparent, and worthy of our concern.

It is not at all clear that forcing parents and children to testify against each other provides great access to truth and justice. When a potential witness is put into such a predicament, they face what legal scholars refer to as the cruel ''trilemma.'' The witness has three choices: they may testify truthfully, they may testify and lie, or they may refuse to testify and risk contempt charges and imprisonment. Among these options, testifying falsely may often be the most appealing. The other choices certainly have serious societal repercussions.

Most jurisdictions recognize privileges for individuals in certain relationships (e.g., husband-wife, lawyer-client, psychiatrist-patient) to refrain from testifying. Surely, the confidences shared between a mother and daughter deserve at least as much respect as those between psychiatrists and patients. I believe that the law should recognize the special nature of the relationship between a parent and child, and that is the basis for this legislation.

I hope that my colleagues will join me in support of this important decision.

PERSIAN GULF VETERANS HEALTH CARE EXTENSION ACT OF 1998 H.R. 3571

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing legislation to extend the period that Gulf War veterans with undiagnosed illnesses will be able to receive Department of Veterans Affairs (VA) health care. This measure will extend the authority for VA to provide treatment from December 31, 1998 until December 31, 2001. This extension makes the timeline for health care eligibility consistent with the presumptive period the Secretary of Veterans Affairs defined for compensation for disabilities due to undiagnosed illnesses.

More than a year ago, I encouraged VA to extend the presumptive period for compensation because no one could explain why so many veterans had health care problems following their military service in the Persian Gulf. Former VA Secretary Jesse Brown justified the extension of the presumptive period by stating that no one knows why so many veterans are still sick—seven years after serving in the Southwest Asian theater. Of the almost 700,000 individuals who served in the Persian Gulf, about 65,000 veterans have signed onto the VA's Persian Gulf Registry and about 19,000 have registered for DOD's Comprehensive Clinical Evaluation Program. VA's latest Gulf War Veteran's Statistics indicate that, of those veterans on VA's registry, about 11% have undiagnosed illnesses. In response to the continuing health care problems reported by these veterans, Congress enacted legislation last year to require VA to develop innovative treatment programs for these veterans and to document the effectiveness of these programs in treating veterans. I believe the large number of veterans still suffering demonstrates the need for continuing to provide VA health care services for undiagnosed illnesses.

The Persian Gulf Veterans Health Care Extension Act of 1998 follows my introduction of H.R. 3279, the Persian Gulf Veterans Act of 1998. H.R. 3279 establishes a permanent process for awarding compensation for conditions presumed to be service-connected by virtue of Gulf War service. It also addresses the need for research in many areas, including defining effective health care treatments for those who have vague or undiagnosed symptoms and investigating emerging technologies to asses exposure to various hazards and agents. The legislation would also require VA and DOD to develop information resources, and mandate VA and DOD to document their outreach programs for veterans and active duty military members.

Our nation must continued to respond to Persian Gulf veterans' need for a complete range of benefits. Veterans still want to know why they are sick, but also need health care that can alleviate their pain and compensation to ensure that the effects of their illnesses do not impoverish them and their families. Continuing VA's authority to deliver health care benefits for conditions resulting from undiagnosed illnesses is critical to ensuring that Persian Gulf veterans get the services they still need. It is essential to continue to provide health care treatment to veterans as we continue to seek answers about the cause of their conditions.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers.

Ms. PELOSI. Mr. Chairman, I rise in opposition to this legislation, which attempts to silence workers and diminish their ability to stand against discrimination in the workplace.

This bill prevents employees the opportunity to bargain or to protect their rights in the workplace. The bill subjects workers to an unreasonable and unjust test of motivation in order to gain employment, and will intimidate employees into giving up their right to join a union.

We currently have established laws to protect employers from workers performing illegal

activities in the workplace. Union organizing is not an illegal activity. This bill would overturn a unanimous Supreme Court decision which provided that a union organizer should be treated as an employee as long as union organizing does not interfere with his or her service to the employer. This bill singles out the National Labor Relations Board for the unreasonable burden of paying all attorney's fees of all prevailing parties in judicial proceedings, regardless of whether the boards position was justified.

Mr. Speaker, this is not fairness for employees. This is an unfair gag on working people. I urge my colleagues to oppose this harmful legislation.

RAISING THE AWARENESS OF FIBROMYALGIA

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to raise the awareness of a debilitating illness that currently affects more than five million Americans—fibromyalgia.

Fibromyalgia syndrome (FMS) is a chronic, widespread musculoskeletal pain and fatigue disorder that afflicts two percent of the general population. There is no known cause for FMS, a disease whose symptoms—in addition to the pain and fatigue—include chronic headaches, cognitive or memory impairments, and decreased endurance. FMS can be as disabling as rheumatoid arthritis, and while 24 percent of rheumatoid arthritis sufferers are classified as disabled, FMS is not recognized in the Social Security Disability Law.

A majority of FMS patients are female, and symptoms may begin in young, school-aged children. The average person spends five years and thousands of dollars in medical bills just to receive a diagnosis—all because few physicians possess the education to diagnose and treat FMS. In fact, prior to diagnosis, often 60 percent of patients with FMS undergo costly and unsuccessful surgeries. Tragically, even with a diagnosis there is no single therapeutic agent capable of controlling the symptoms of FMS.

Mr. Speaker, it is overwhelmingly apparent that awareness of this disease must be increased so as to ease the suffering of millions of Americans. Research funding for Fibromyalgia at the National Institute of Arthritis, Musculoskeletal and Skin disease measured out to only 0.6 percent of their annual budget in 1996. Unfortunately, very little grant money is awarded because awareness of this problem is so low. The time has come to address this obstacle so that the proper attention can finally be given to fibromyalgia sufferers. I challenge the medical and research communities to work toward increasing awareness and promoting treatments for fibromyalgia.

TOWN OF ONONDAGA CELEBRATES BICENTENNIAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. WALSH. Mr. Speaker, as a newly born nation expanded and grew two centuries ago, townships in America sprouted amidst the excitement of freedom and despite great obstacles. Such was the founding experience of my home town, the Town of Onondaga, which this week celebrates its 200th Birthday.

Although many of the festivities will occur this summer, culminating with a Bicentennial Parade on August 15, many proud residents are focused now on the Annual Dinner Dance April 4.

On behalf of our forefathers and generations to follow, I would like to thank the entire Town of Onondaga Bicentennial Committee for their important and historic work. I would ask my colleagues in the House of Representatives to join me in congratulating these civic leaders for their dedication to preserving the history which guides us into the future.

They are: L. Jane Tracy, town historian and co-chair; Thomas Andino, town supervisor and co-chair; Charles Petrie; David and Cathy Hintz; Kenneth Pienkowski; Gwynn Morey; Beatrice Malfitano, dinner dance chair; Mr. and Mrs. Willie Royal; Bonnie Romano; Dr. Gary Livent; Suzanne Belle; Mary Ryan; Donald Hamilton; Dorotha Schmitz; Leo Kelly; Dr. Arthur Dube; Margaret Boyd; Sherman V. Saunders; Mary Nowyj; Cara Burton; Jeff Martin; Mr. and Mrs. Michael Keegan; and Daniel Willis.

On a related note, I am very proud to be one of three Onondaga residents in town history to have represented Central New York in Congress. The others included my father, William F. Walsh, and one of the first settlers, James Geddes, who also served as Town Supervisor in 1799.

I am pleased also to mark this memorable time for all Town of Onondaga families in the CONGRESSIONAL RECORD on this date, forever preserving this memorable time.

Together, we in the Town of Onondaga thank God for our freedom, our country and our homes—just as we pray that we will impress on the next generation the importance of what the Founders of our nation and our town accomplished and the magnitude of the task. Only from history will we learn.

IN HONOR OF THE FIFTEENTH ANNIVERSARY OF THE NAM VETS ASSOCIATION OF THE CAPE AND ISLANDS, INC.

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. DELAHUNT. Mr. Speaker, I rise today to draw my colleagues' attention to a remarkable institution located in my Congressional District, that through years of hard work and sacrifice has become one of the premier social service centers for Vietnam-era veterans in the country.

For the past fifteen years, the Nam Vets Association of the Cape and Islands has provided a haven in Hyannis, Massachusetts for the veterans throughout our region. I would like to recount the story of how this organization was created by a handful of men, and how it has since affected so many lives.

In 1983, after viewing the unveiling of the Vietnam Veterans Memorial in Washington, five Vietnam vets from Cape Cod decided to create an organization to address the human service needs of veterans at home. The five leased a small room staffed by a single volunteer to provide peer counseling. Today, the association purchased its own building and developed it into a well-equipped, one-stop Veterans Service Center that distributes over 55,000 meals annually from its food pantry, and provides over 1,300 units of social services a month.

The Nam Vets Association stepped in to provide desperately needed services that the state was not equipped to supply. The Commonwealth of Massachusetts granted Nam Vets a contract to oversee the delivery of these services but required a $10,000 balance in the association's account before disbursing any funds. Short on cash, but not on valor, James Michael Trainor, then the group's president, mortgaged his own home to obtain the funds to ensure that the necessary care would be delivered to Cape and Islands vets.

The Nam Vets have also struggled through times when there was no state support. When the Commonwealth rescinded funding due to state budget constraints, the association's Board of Directors, made personal loans to cover staff salaries and maintain operations without interruption.

Over the past decade and a half, the Nam Vets Association has opened its doors to all local veterans. As the executive director John Eastman said, ''Let no generation of veterans ever forget another generation of veterans.'' The Outreach Center has become a major health care facility—providing prescription drugs, psychiatric diagnosis, and follow-up counseling. For years, the Center was the only place on the Cape and Islands where these types of services were made available to veterans.

The Nam Vets have also become deeply involved in addressing the problem of adequate housing by providing assistance to vets and their families in finding affordable shelter. In 1993, working with the Barnstable Housing Authority, Nam Vets won a HUD Section 8 Single Room Occupancy Program grant to address the needs of the area's single homeless vets. The structure that became the SRO is affectionately knows as ''The Homestead'' and was originally intended to house 40 to 60 homeless veterans. Since 1994 it has processed over 300 applications. The Nam Vets Association also participates in the VA's Homeless Provider Program which markets foreclosed properties at a discount to non profit agencies. Nam Vets has successfully found two homes for needy families through this program and is currently looking for other affordable homes to meet demand.

The Vietnam Veterans of America Convention recently acknowledged something I have known all along, that the Nam Vets Association is worthy of national attention. The Convention honored the Nam Vets with the 1997 Community Service Chapter of the Year award for their outstanding commitment and for the variety of the services they provide to the community.

As we celebrate Vietnam Veterans Day in the Commonwealth of Massachusetts this Sunday, I am proud to say I represent the members of the Nam Vets Association of the Cape and Islands and commend them for their years of hard work to establish this service organization. Its founders have worked countless hours to ensure that needed assistance is available to those who have made such sacrifices for our country.

Next time any of my colleagues visit Cape Cod, I encourage you to stop by the Hyannis Village Green and view the Vietnam Veterans' Memorial, which the Nam Vets built with their own hands—an act which symbolizes not only their commitment to their country but their continued dedication to honor all those who served.

RECOGNIZING PHYLLIS KORN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize a true heroine of my community: Phyllis Korn, retiring director of Alternatives for Battered Women, Inc. (ABW) in Rochester, New York.

Phyllis Korn has devoted almost twenty years of her career to helping battered women and their children. As director of ABW, Ms. Korn shepherded the organization from being a part-time hotline operated from a church basement to a full domestic violence agency featuring a 24-hour hotline, a 38-bed shelter, children's services, support groups, on-site court advocacy, and other services. Today ABW serves more than 4,000 callers per year and employs 27 staff full-time, 25 part-time, and 35 to 50 volunteers.

Under Ms. Korn's leadership, ABW has been a leader in awareness and prevention of domestic violence as well as conference organization and education of local leaders. Ms. Korn is also a founding member of the New York State Coalition Against Domestic Violence and is an Advisory Board Member of the New York State Office for the Prevention of Domestic Violence. She has established formal and informal collaborations between ABW and local institutions including hospitals, community health centers, legal services groups, and community organizations, innovations which have allowed our community to treat battered women and families more effectively and with more compassion.

Whether counseling battered women or educating law enforcement officers, Ms. Korn has been a tireless advocate for the most vulnerable members of our society. The long list of awards and honors she has received are testimony to the widespread and lasting impact of her work; most recently, she was named 1998 Woman of the Year by the Susan B. Anthony Society in Rochester. I am proud to count her among my constituents and, more importantly, among my friends.

Phyllis Korn has touched the lives of thousands of Monroe County citizens, offering a lifeline to women and children with nowhere else to turn. She has left an indelible mark on our community and a legacy for the future. With her as our inspiration, we can all work toward a day when domestic violence is only a distant memory.

IMF RECIPIENTS MUST MAINTAIN FREE AND OPEN MARKETS AND THE BURDEN OF PROVIDING IMF ASSISTANCE MUST BE EQUALLY SHARED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. DINGELL. Mr. Speaker, I an introducing legislation today which will require the Administration to monitor Asian countries that receive financial assistance from the International Monetary Fund (IMF) or from the U.S. Exchange Stabilization Fund, to ensure that these countries comply with commitments they have made to the IMF, that they fully implement market opening commitments they have made under bi-lateral and multilateral trade agreements, and that our IMF partners, especially Japan and the European Union, open their markets so that increased Asian exports are not dumped in the U.S. market, robbing American workers of their jobs and American firms of hard won market share. In addition, the legislation directs the Commerce Department to determine the appropriate application of U.S. antidumping and countervailing duty laws in light of currency devaluations in Asia, in order to prevent the dumping of subsidized and price-devalued Asian exports in our market.

I am happy to have my Colleagues, Congressman JOHN MURTHA and Congressman RALPH REGULA, joining me in the introduction of this legislation as original cosponsors.

Mr. Speaker, the House may soon consider legislation that would appropriate $18 billion for the IMF, which has recently entered into assistance agreements with the troubled Asian economies of Korea, Indonesia, and Thailand. The Appropriations Committee has already conditioned the obligation of this funding on compliance by these Asian nations with their trade agreement obligations, and on the elimination of Government directed lending. This is an important step in the right direction, but more is needed.

Without the kind of careful monitoring required by the legislation I am introducing, we cannot be certain that the American taxpayers' contribution to Asian stability will be used to tear down already existing market restrictions and industrial policies in these countries, as well as subsidies, the irrational allocation of resources and other non-market decisions that caused this economic collapse in the first place. We must also make sure that our major IMF partners, particularly Japan and the European Union, do their part both to support the IMF effort and to open their markets to Asian exports.

Under the agreements that have been negotiated, the IMF is requiring these Asian countries to terminate national industrial policies and to undertake a number of other economic and financial reforms that should strengthen their economies. True economic stability can only be achieved in Korea and the other troubled Asian countries allow free markets to direct their national investment and resource decisions. Competitiveness is the key to stability in Asia, and investing in industries that are already producing far in excess of demand will not contribute to the long-term competitiveness of Asian industries.

Despite this fact, Korea has continued to invest heavily in automobile production, despite worldwide excess capacity in the production of motor vehicles. The IMF must be careful, therefore, that its funding is not misused by those in Korea who may be inclined to pursue the failed policies of the past in which the Korean government tightly restricted foreign motor vehicle imports (the foreign share of the Korean auto market is only 0.6%) and heavily promoted investment in Korean auto production.

Not only would significant new investment in Korean auto production provide a very unstable basis for that country's future economic growth, but a sharp rise in Korean auto exports to the U.S. could also severely threaten the health of U.S. and other foreign auto manufacturers and the workers they employ. This is not a remote concern. Based largely on the impact of currency devaluations in the last few months of last year, Korean automobile exports to the U.S. increased 8% in 1997 over their 1996 level. Clearly, there is a need to carefully monitor Korea's automobile exports to the U.S. and to other IMF partners, so that future IMF funding decisions can promote stable commercial and trade, as well as financial relations among nations.

It is not just Korean motor vehicle exports to the U.S. that have risen sharply in recent months, either. Although the U.S. had been running a healthy trade surplus with Korea, that surplus turned into a substantial deficit during the last three months of 1997, as the U.S. market began to be flooded with price-devalued imports from Korea. It was reported recently in the Financial Times that in the first 20 days of February, Korea's exports to the U.S. jumped 35%. During that same period, Korean exports to Japan increased by only 8.3%.

If a disproportionate share of Korea's exports are directed at the U.S. market, American workers and American firms will pay the price with lost jobs and lost market share. It is critically important, therefore, that Japan, the European Union, and other IMF partners share the burden of the new flood of exports coming out of Asia, by promoting consumption and opening their markets to exports from Korea and the other East Asian economies.

In this regard, I find it extremely unwise and unfortunate that the government of Japan announced last month that it would increase its duties from zero to 3 percent on 78 import items from Korea, including steel, textiles, and petrochemical products. This move is both harmful to the ultimate success of the IMF's efforts to build Asian economic stability and a direct threat to industries, like steel, in the U.S. and other countries where markets are open. The U.S. market must not become the world's dumping ground for price-devalued imports from Korea.

Steel is a good example of why I believe legislation needs to hold our other major IMF partners accountable for taking their fair share of Korean exports. Although trade agreements have eliminated many of the tariffs, quotas, and other formal government barriers to steel imports, steel producers in Japan, the European Union, and many other countries have entered into private, ''mill-to-mill'' agreements under which steel exports are tightly restricted. For example, Japanese steel producers have an agreement with the largest steel producer in Korea, POSCO, that limits Korea's exports

of carbon steel products to Japan to a little over 2 million metric tons per year.

Korea's POSCO has a similiar agreement with the European Union, the so-called London Agreement or the East of Burma Agreement. Under that agreement, POSCO has agreed to ship no more than 200,000 tons of steel to the European Union in 1995, and steel producers in the European Union have agreed to ship no more than 200,000 tons of steel to Korea. That same agreement also limits the European Union's steel producers' exports to about 150,000 tons per year for Japan and to about 200,000 tons per year for the other Asian markets east of Burma.

Trade statistics for 1997 show how these agreements have severely restricted Korean steel exports to the European Union and have forced those exports into the U.S. market. For 1997, the U.S. was the only, I repeat, the only, significant non-Asian importer of Korean steel. On the other hand, the European Union imported only 0.6% of all the Korean steel sold on the world market during 1997.

For the U.S., the implication of these unfair and harmful export agreements is clear. The U.S., not Japan or the European Union, is most likely to become the dumping ground for price-devalued steel exports from Korea that, in turn, will rob American workers of their jobs and American firms of hard-won market share.

The only way to prevent this from happening is for Japan and the European Union to open, not close, their markets to steel and other imports from Korea. Clearly, Japan's recent tariff hike on Korean steel goes in exactly the opposite direction of what needs to occur. Failure to open markets elsewhere to exports from Korea and the other East Asian economies would only force the U.S. to take action under the anti-dumping and countervailing duty statutes to prevent the dumping of subsidized and price-devalued Asian exports in our market.

Mr. Speaker, it is essential that IMF funding legislation also provide for careful monitoring by the Administration and Congress of how IMF assistance is used by Korean and the other troubled Asian economies, as well as the extent to which our IMF partners open their markets to exports from these countries. Without such information, the U.S. cannot know whether IMF assistance is contributing to stable financial and commercial relations among nations, or whether future IMF assistance should be denied.

The legislation I am introducing would give this monitoring responsibility principally to the U.S. Trade Representative and the Secretary of Commerce. The legislation would require these officials to consult regularly with key industry groups to share and confirm information that is pertinent to the monitoring effort. The monitoring results should be submitted bimonthly to the Congress for as long as IMF-assistance is being provided to Korea and the other East Asian economies.

To prevent undermining the effectiveness of U.S. trade remedy laws that limit the dumping of imports and that offset the anti-competitive impact of subsidized imports, the legislation also requires the Commerce Department to take steps to ensure that appropriate consideration is given to the currency devaluations and the extension of government subsidized loans to manufacturers in those Asian countries receiving IMF assistance.

Mr. Speaker, I know my Colleagues share my concern that the generosity and willingness of the American taxpayer to provide assistance for the IMF's efforts to build economic stability in Asia not undermine the strength and competitiveness of U.S. products in both our own domestic market and the world market. American workers and American firms have fought hard and long for the success they have earned. Let us not take away their hard-won gains.

250TH BIRTHDAY OF READING, PENNSYLVANIA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. HOLDEN. Mr. Speaker, today I rise to ask my colleagues to join me in celebrating the 250th birthday of the largest and oldest city in my district, Reading, Pennsylvania.

Reading was founded by Thomas and Richard Penn, sons of William Penn, on March 30, 1748. The city was named for Reading, England, William Penn's ancestral home. The establishment of Reading was imminent because a number of Indian paths and primitive roads converged at the site along the Schuylkill River, which was a successful transportation corridor to Philadelphia.

During the late 18th Century, Reading was an important center for business, culture and military affairs. On July 8, 1776, Sheriff Henry Vanderslice read the Declaration of Independence from the Court House steps; and in the 1790s, President George Washington visited the city several times.

The railroads, iron industries, and textile mills provided a variety of employment opportunities to support the many workers who settled in Reading. The city grew quickly, from 3,000 in 1800 to 80,000 in 1900, and became a leading city of Pennsylvania.

Highlighted by a rich cultural and historical heritage, Reading is a unique city, which I take great pride in representing. In three days, Reading will celebrate its 250th birthday, a 5 x 10-foot Birthday card, signed by all the Members of Congress, will be on display.

Currently, the Card is on display in the Speakers' Lobby. I would greatly appreciate it if you would take a minute to stop by and sign this special card. It is not every day that a city turns 250 years old, and I hope you will take time to be part of this special recognition. Thank you!

PROPOSAL TO EXPAND MEDICARE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this March 19, 1998, Lincoln Journal Star editorial on President Clinton's proposal to expand Medicare.

[From the Lincoln Journal Star, Mar. 19, 1998]

EXPANDING MEDICARE MEANS BIGGER PROBLEMS IN LONG TERM

President Clinton's proposal to expand Medicare has immense sugar-coated appeal.

It would allow those age 55 through 64 to obtain Medicare coverage as long as they paid the full cost of the federal health insurance program. There would be no cost to taxpayers for providing this new option to a supposedly needy group.

Congress, however, should reject the idea. This is no time to broaden a program already facing fiscal collapse in a few years when baby boomers start to retire.

In pushing for his program Tuesday, Clinton released a report showing that 4.6 million Americans are uninsured or rely on expensive individual insurance policies.

That represents 22 percent of Americans age 55 through 64. Nebraska, North Dakota and Texas were listed as states with the highest percentages of people with difficulty finding health insurance, a factoid that is not surprising because many self-employed farmers and ranchers have individual policies.

The biggest problem with the expansion of Medicare is that it would increase the role of government in health care. Government history here does not encourage optimism that good things will result.

In 1996, for example, the government overpaid health providers by $23 billion. That represents 14 percent of all the money spent in the program. It represents about $88 for each of the 260 million people in the country.

Obviously, the entrance of government into an entirely new market segment will hurt private insurance providers. But providing a government option also could have unintended effects on the private sector. It might encourage employers, for example, to drop insurance plans. Rather than offer post-retirement health insurance plans to early retirees, companies could rely on Medicare to supply the coverage.

Eventually, of course, as Sen. Chuck Hagel and Rep. Jon Christensen have predicted, there would be efforts in Congress to provide financial help for those in the new, lower age bracket. Instead of covering the full cost of the Medicare premiums, financial aid would be granted to those supposedly unable to afford Medicare premiums. The likelihood of that expansion happening is greatest in today's era of possible budget surpluses.

As it is, officials estimate that only about 10 percent of those eligible will buy into the Medicare program, because the premiums are expensive. People between 62 and 65 years old could buy in for a base premium of about $300 per month. Those between 55 and 62 would pay about $400 a month.

Despite its surface appeal, expansion of Medicare to those 55 through 64 would be only the first chapter in a script with an unhappy ending. Congress should refuse to start something destined to turn out badly. Medicare already is facing fiscal trouble. The expansion will only make its future more bleak.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE HONORS MELVIN A. DOW

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. ARMEY. Mr. Speaker, on April 6, the American Israel Public Affairs Committee (AIPAC) will honor the Texas congressional delegation for the work we do here in Congress on behalf of a strong U.S.-Israel relationship. I appreciate the dedication of the members of AIPAC and stand with the pro-

Israel community in celebrating 50 years of friendship between our great nations.

Also on April 6 there will be a special tribute to Melvin A. Dow, the president of AIPAC, for his dedication and commitment to our country's vital alliance with the nation of Israel. The Melvin A. Dow Distinguished Leadership Award, which will be established on April 6, will be a lasting tribute to an individual who has provided great leadership and vision. The award will be presented annually to a deserving Houstonian who exhibits exemplary leadership in AIPAC and on behalf of the U.S.-Israel relationship.

Mr. Speaker, I insert a brief biography of Melvin Dow to be included in the CONGRESSIONAL RECORD.

Melvin Dow is a lawyer and is Chairman/CEO of Dow, Cogburn & Friedman, P.C., a 36-lawyer firm in Houston, Texas. He was born in Houston, attended Houston public schools, received a B.A. degree from Rice University (Phi Beta Kappa and with Honors in Philosophy) and a J.D. (magna cum laude) from Harvard Law School, where he was an editor of the Harvard Law Review.

Following law school, he was commissioned a first lieutenant in the U.S. Army and served in the Army General Counsel's office in the Pentagon. Following Army service, he returned to Houston, where he has lived and practiced law ever since.

He is board certified as a specialist in commercial real estate law by the Texas Board of Legal Specialization, and is a charter member of the American College of Real Estate Lawyers. He has lectured on real estate law subjects at various legal seminars.

He is currently on the Board of Trust Managers (Directors) of Weingarten Realty Investments, a New York Stock Exchange real estate investment trust. He has previously served as a director of a bank and as a director of a title insurance company.

Mr. Dow has also previously served on the Board of Trustees of St. John's School, as President of Congregation Beth Yeshurun, Vice-President of the Jewish Federation of Houston, as a member of the Harvard Law School Board of Overseers' Visiting Committee and on various other boards or committees (e.g., U.J.A. budget and allocations committee, Jewish Community Center resident scholar program committee, etc.). He is currently President of the American Israel Public Affairs Committee (AIPAC), a Trustee of the Jewish Publication Society and a board member of the Houston Chapter of the National Conference of Christians and Jews. He was the recipient of the 1995 NCCJ Humanitarian Award.

He has been married to the former Frieda Katz (a psychotherapist) for over 38 years. She has held positions in various civic and religious organizations and is currently a board member of the Joint Distribution Committee, the Houston Holocaust Museum and Education Center and Congregation Beth Yeshurum. Frieda and Melvin Dow have 5 sons (no daughters): David (married to Katya Glockner), Mark, Steven (married to Stacy Schusterman), Stuart and Leon (married to Bruria Wiener) and three granddaughters. The sons are, respectively, a law professor; poet-writer; executive director of a social service agency (and lawyer); lawyer; and graduate student at the Hebrew University in Jerusalem.

Friday, March 27, 1998

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2693–S2730

Measures Introduced: Six bills were introduced, as follows: S. 1873–1878. **Page S2719**

Congressional Budget: Senate began consideration of S. Con. Res. 86, setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998, taking action on amendments proposed thereto, as follows: **Pages S2704–09, S2711–13**

Pending:

Murray Amendment No. 2165, to establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers. **Page S2705**

A unanimous-consent time-agreement was reached providing for further consideration of the resolution. **Page S2704**

Senate will continue consideration of the resolution on Monday, March 30, 1998.

Removal of Injunction of Secrecy: The injunction of secrecy was removed for the following treaty:

Treaty with Venezuela on Mutual Legal Assistance in Criminal Matters. (Treaty Doc. 105–38)

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 S2728–29**

Education Savings Act for Public and Private Schools—Agreement: A unanimous-consent agreement was reached providing for the further consideration of H.R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, and to increase the maximum annual amount of contributions to such accounts, and amendments to be proposed thereto, on Monday, April 20, 1998. **Pages S2729–30**

Also, a further consent agreement was reached providing that upon final passage of the bill, the Senate insist on its amendments, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Pages S2729–30**

Nominations Confirmed: Senate confirmed the following nominations:

By 80 yeas to 11 nays (Vote No. 48 EX), M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit. **Pages S2693–96, S2730**

Edward F. Shea, of Washington, to be United States District Judge for the Eastern District of Washington. **Pages S2694–96, S2730**

Communications: **Page S2718**

Petitions: **Pages S2718–19**

Statements on Introduced Bills: **Pages S2719–25**

Additional Cosponsors: **Pages S2725–26**

Amendments Submitted: **Page S2726**

Additional Statements: **Pages S2726–28**

Record Votes: One record vote was taken today. (Total—48) **Pages S2693–94**

Adjournment: Senate convened at 9 a.m., and adjourned at 2:53 p.m., until 12 noon, on Monday, March 30, 1998. (For Senate's program, see the remarks of the Majority Leader in today's Record, on page S2730.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 3571–3578; and 1 resolution, and H. Res. 400 were introduced. **Page H1699**

Reports Filed: Reports were filed as follows:

H.R. 3579, making Emergency Supplemental Appropriations for Fiscal Year 1998 (H. Rept. 105–469);

H.R. 3580, making Supplemental Appropriations for Fiscal Year 1998 (H. Rept. 105–470);

Supplemental report on H.R. 2400, to authorize funds for Federal-aid highways, highway safety programs, and transit programs (H. Rept. 105–467, Part 2); and

H.R. 2400, to authorize funds for Federal-aid highways, highway safety programs, and transit programs (H. Rept. 105–467, Part 3). **Page H1699**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today. **Page H1649**

Forest Recovery and Protection Act: The House failed to pass H.R. 2515, to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources by a recorded vote of 181 ayes to 201 noes, Roll No. 80. **Pages H1651–82**

Agreed To:

The Smith of Oregon amendment that strikes Section 11, requiring a program to inventory and analyze the public and private forests in the United States; and **Page H1664**

The Boehlert amendment to the Smith of Oregon amendment that prohibits the use of any funds to construct roads (agreed to by a recorded vote of 200 ayes to 187 noes, Roll No. 79). **Pages H1673–81**

Rejected the Smith of Oregon amendment, as amended, that sought to prohibit the use of any funds to construct roads. **Pages H1673–81**

Withdrawn:

The Bass amendment was offered, but subsequently withdrawn, that sought to include a Northern Forest Stewardship Act section to implement the Northern Forest Lands Council's vision of the Northern Forest. **Pages H1665–67**

On March 26, agreed by unanimous consent that H. Res. 394, the rule that provided for consideration of the bill, be considered as adopted; the amendment in the nature of a substitute made in order as original text be considered as read; and after general debate the bill be considered for amendment under the five-minute rule for a period not to extend beyond 1:30 p.m. on Friday, March 27, 1998. Pursuant to the rule, the amendment in the nature of a substitute, consisting of the text of H.R. 3530, was considered as an original bill for the purpose of amendment. **Page H1623**

Committee Resignation: Read a letter from Representative Baldacci wherein he resigned from the Committee on Small Business. **Page H1682**

Committee Election: The House agreed to H. Res. 400 electing Representative Capps to the Committees on International Relations and Science and Representatives Baldacci and Berry to the Committee on Transportation and Infrastructure. **Page H1682**

Commemorative Coin Program: The House passed H.R. 3301, to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program. **Page H1685**

Legislative Program: The Majority leader announced the Legislative Program for the week of March 30. **Pages H1682–84**

Meeting Hour—March 30: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 30 for morning hour debate. **Page H1688**

Calendar Wednesday: Agreed that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, April 1. **Page H1688**

Quorum Calls—Votes: Two recorded votes developed during the proceedings of the House today and appear on pages H1680–81 and H1681–82. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 3:35 p.m.

Committee Meetings

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the National Institute of Neurological

Disorders and Stroke the National Institute of General Medical Services, the Office of AIDS Research; and the Office of the Director-NIH; Building and Facilities. Testimony was heard from the following officials of the Department of Health and Human Services: Audrey S. Penn, M.D., Acting Director, National Institute of Neurological Disorders and Stroke; Marvin Cassman, M.D., Director, National Institute of General Medical Services; Jack Whitescarver, M.D., Acting Director, Office of AIDS Research; and Harold Varmus, M.D., Director, NIH.

MORTGAGE FINANCE SYSTEM MORTGAGE BROKERS ROLE

Committee on Banking and Financial Services; Subcommittee on Housing and Community Opportunity held a hearing on the Role of Mortgage Brokers in the Mortgage Finance System. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on the following bills: H.R. 2869, to amend the Occupational Safety and Health Act of 1970 to exempt safety and health assessments, audits, and reviews conducted by or for an employer from enforcement action under such Act; H.R. 2871, to amend the Occupational Safety and Health Act of 1970 to provide for the establishment of advisory panels for the Secretary of Labor; H.R. 2873, to amend the Occupational Safety and Health Act of 1970; H.R. 2879, to amend the Occupational Safety and Health Act of 1970; H.R. 2661, Sound Scientific Practices Act; and H.R. 3519, to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies. Testimony was heard from public witnesses.

MANDATES INFORMATION ACT

Committee on Rules: Held a hearing on H.R. 3534, Mandates Information Act of 1998. Testimony was heard from Representatives Portman and Condit; and public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of March 30 through April 4, 1998

Senate Chamber

On *Monday,* Senate will resume consideration of S. Con. Res. 86, Congressional Budget.

During the week, Senate will continue consideration of S. Con. Res. 86, Congressional Budget, and may consider Emergency Supplemental Appropriations Conference Report, when available, S. 270, Texas Low-Level Radioactive Waste Disposal Compact, S. 414, Ocean Shipping Reform Act, and any executive or legislative business cleared for action.

(Senate will recess on Tuesday, March 31, 1998, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: April 2, to hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health, 9 a.m., SR–332.

Committee on Appropriations: March 31, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration, 10 a.m., SD–138.

March 31, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs, 10 a.m., SD–192.

March 31, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program, 10:30 a.m., SD–124.

April 1, Subcommittee on Military Construction, to hold hearings on proposed budget estimates for fiscal year 1999 for military construction, focusing on the Department of Defense's Base Realignment and Closure Commission's (BRAC) environmental programs, 9 a.m., SD–138.

April 1, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior, 9:30 a.m., SD–124.

April 1, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs, 10 a.m., SD–192.

April 1, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services, 2 p.m., SD–192.

April 2, Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President, 9:30 a.m., SD–192.

Committee on Armed Services: March 31, Subcommittee on Strategic Forces, to resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on strategic nuclear policy and related matters, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: April 1, Subcommittee on Financial Services and Technology, to hold hearings to examine how identity theft contributes to electronic crime, 10 a.m., SD–538.

April 2, Full Committee, to resume hearings to examine implications of the recent Supreme Court decision concerning credit union membership, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: April 1, business meeting, to mark up proposed legislation to reform and restructure the process 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–253.

Committee on Energy and Natural Resources: March 31, to hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 9:30 a.m., SH–216.

April 1, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, 2 p.m., SD–366.

April 2, Full Committee, to hold hearings to examine the status of Puerto Rico, 9:30 a.m., SH–216.

Committee on Environment and Public Works: April 1, to hold hearings to examine how tobacco smoke affects environmental air, 1:30 p.m., SD–406.

Committee on Finance: March 31, business meeting, to mark up proposed legislation to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, 10 a.m., SD–215.

Committee on Foreign Relations: April 2, Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine the economic and political situation in India, 10 a.m., SD–419.

Committee on Governmental Affairs: March 30, to hold hearings on the nominations of Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, and Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission, 2 p.m., SD–342.

April 1, Full Committee, to hold hearings to examine the Year 2000 computer transition, 10 a.m., SD–342.

April 1, Full Committee, to hold hearings on the nomination of Emilio W. Cividanes, to be an Associate Judge of the District of Columbia Court of Appeals, 2:30 p.m., SD–342.

Committee on the Judiciary: April 1, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine airline competition and pricing, 10 a.m., SD–226.

April 2, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

April 2, Subcommittee on Administrative Oversight and the Courts, business meeting, to consider pending calendar business, 2 p.m., SD–226.

Committee on Labor and Human Resources: March 31, to hold hearings to examine issues relating to charter schools, 10 a.m., SD–430.

April 1, Full Committee, business meeting, to mark up S. 1754, to consolidate and authorize funds for health professions and minority and disadvantaged health professions and disadvantaged health education programs, proposed legislation authorizing funds for programs of the Higher Education Act, and to consider pending nominations, 8:30 a.m., SD–430.

April 2, Full Committee, to hold hearings to examine the extent of chlorofluorocarbon in the atmosphere, 10 a.m., SD–430.

Committee on Small Business: April 2, to resume hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration, 9:30 a.m., SR–428A.

Committee on Veterans' Affairs: March 31, to hold hearings to examine tobacco-related compensation and associated issues, 10 a.m., SD–106.

Committee on Indian Affairs: April 1, business meeting, to mark up S. 1797, to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act, and to consider the nomination of Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988, 9:30 a.m., SH–216.

Select Committee on Intelligence: April 1, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: March 31, to hold hearings to examine the effect on seniors of policy changes to home health care provisions under Medicare, focusing on the Interim Payment System, venipuncture, and surety bonds, 10 a.m., SD–628.

House Chamber

Monday, the House will meet at 12:30 p.m. for morning hour and at 2:00 p.m. for consideration of 9 suspensions:

1. H. Res. 398, urging the President to procure and provide Blackhawk Helicopters to Colombian National Police to reduce and eliminate the production of illicit drugs.
2. H.R. 2186, to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming;
3. H.R. 3113, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.
4. H.R. 2574, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota;
5. H.R. 2786, Iran Missile Protection Act of 1997;
6. H.R. 3485, Campaign Reform and Election Integrity Act of 1998;
7. Illegal Foreign Contribution Act;
8. Paycheck Protection Act; and
9. Campaign Reporting and Disclosure Act.

NOTE: No recorded votes are expected before 6:00 p.m.

Tuesday and Wednesday, Consideration of Emergency Supplemental Appropriations for FY 1998 (subject to a rule);

Consideration of H.R. 10, Financial Services Act of 1997 (subject to a rule); and

Consideration of H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1998 (subject to a rule).

Thursday, and Friday, the House is not in session.

House Committees

Committee on Agriculture, April 1, Subcommittee on Risk Management and Specialty Crops, hearing to review the 1999 World Trade Organization Multilateral Trade Negotiations, 9 a.m., 1300 Longworth.

Committee on Appropriations, March 31, Subcommittee on Commerce Justice, State, and Judiciary, on Immigration and Naturalization Service, 10 a.m., 2358 Rayburn, on the U.S. Trade Representative, 2 p.m., and the International Trade Administration, 3 p.m., H–309 Capitol.

March 31, Subcommittee on Foreign Operations, on Congressional and Public Witnesses, 9:30 a.m., H–144 Capitol.

March 31, Subcommittee on Interior, on National Park Service, 10 a.m., and on National Forest Service, 1:30 p.m., B–308 Rayburn.

March 31, Subcommittee on Labor, Health and Human Services, and Education, on Vocational and Adult Education, Special Education and Rehabilitative Services, 10 a.m., and on Educational Research and Improvements and the Office of Inspector General, 2 p.m., 2358 Rayburn.

March 31, Subcommittee on VA-HUD and Independent Agencies, on NASA,10 a.m., 2359 Rayburn.

April 1, Subcommittee on Commerce, Justice, State, and Judiciary, on the EEOC, 10 a.m., and public witnesses, 11 a.m., and 2 p.m., H–309 Capitol.

April 1, Subcommittee on Foreign Operations, on Human Rights, 10 a.m., H–140 Capitol.

April 1, Subcommittee on Interior, on Members on Congress, 10 a.m., B–308, Rayburn.

April 1, Subcommittee on Labor, Health and Human Services, and Education, on Postsecondary Education, 10 a.m., on the Office for Civil Rights; and the Institute of Museum and Library Services, 2 p.m., 2358 Rayburn.

April 1, Subcommittee on VA-HUD and Independent Agencies, on NSF, 9:30 a.m., 2359 Rayburn.

Committee on Banking and Financial Services, March 31, Subcommittee on Domestic and International Monetary Policy, hearing to examine the increase in counterfeiting using personal computers, 10 a.m., 2128 Rayburn.

April 1, Subcommittee on General Oversight and Investigations, hearing on the Operations of the Department of the Treasury's Financial Crimes Enforcement ''Network, (''FinCEN''), 1 p.m., 2128 Rayburn.

April 1, Subcommittee on Housing and Community Opportunity, hearing on FHA-Single Family Property Disposition, 10 a.m., 2128 Rayburn.

Committee on Commerce, March 31, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on reauthorization of the FCC, 10 a.m., 2123 Rayburn.

April 1, Subcommittee on Oversight and Investigations, hearing on Food and Drug Administration (FDA) Management Concerns, 10:30 a.m., 2322 Rayburn.

April 1, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Video Competition: Multichannel Programming, focusing on the following bills: H.R. 2921, Multichannel Video Competition and Consumer Protection Act of 1997; and H.R. 3210, Copyright Compulsory License Improvement Act, 10:30 a.m., 2123 Rayburn.

Committee on Education and the Workforce, March 31, Subcommittee on Oversight and Investigations, hearing on American Work Project: Workplace Competitive Issues, 2 p.m., 2175 Rayburn.

April 1, full Committee, to mark up the following: H.R. 2888, Sales Incentive Compensation Act; H.R. 2327, Drive for Teen Employment Act; and a resolution making funding of the Individuals with Disabilities Education Act a priority, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, March 30, Subcommittee on Government Management, Information, and Technology, oversight hearing on USDA Debt Collection, 10 a.m., 2247 Rayburn.

March 31, full Committee, hearing on FEC Enforcement Actions: Foreign Campaign Contributions and Other FECA Violations, 10 a.m., 2154 Rayburn.

April 1, Subcommittee on Government Management, Information, and Technology, hearing on Federal Consolidated Financial Statements: Can the Federal Government Balance Its Books, 9:30 a.m., 2154 Rayburn.

April 3, Subcommittee on the District of Columbia, hearing on Academic Plan for the District of Columbia Public Schools, 9:30 a.m., 2154 Rayburn.

Committee on International Relations, March 30, Subcommittee on International Economic Policy and Trade, hearing on WTO-Dispute Settlement Body, 12:30 p.m., 2172 Rayburn.

March 31, full Committee, hearing on U.S. Counter-Narcotics Policy Towards Colombia, 2 p.m., 2172 Rayburn.

March 31, Subcommittee on International Operations and Human Rights, hearing on the Betrayal of Srebrenica: Why did the Massacre Happen? Will It Happen Again?, 10 a.m., 2172 Rayburn.

Committee on National Security, April 1, Subcommittee on Military Procurement, hearing on the results of the Long Range Airpower Panel, 10 a.m., 2118 Rayburn.

Committee on Rules, March 30, to consider the following: Emergency Supplemental Appropriations for fiscal year 1998; H.R. 10, Financial Services Act of 1997; and H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1998, 6 p.m., H–313 Capitol.

Committee on Science, March 31, Subcommittee on Basic Research and the Subcommittee on Technology, joint oversight hearing on Domain Names Systems: Where Do We Go From Here? 2 p.m., 2318 Rayburn.

March 31, Subcommittee on Energy and Environment, oversight hearing on Electricity Deregulation: Implications for Research and Development and Renewable Energy, 10 a.m., 2325 Rayburn.

April 1, full Committee, to continue oversight hearings on Math and Science Education II, Attracting and Graduating Scientists and Engineers Prepared to Succeed in Academia and Industry, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, March 31, Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 1998, 9:30 a.m., 2318 Rayburn.

April 1, Subcommittee on Public Buildings and Economic Development, hearing on GSA FY 1999 Budget and related Issues, 10:30 a.m., 2253 Rayburn.

April 1, Subcommittee on Railroads, hearing on Federal Railroad Administration Reauthorization: Safety Hardware Issues, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 1, to mark up the FY '99 Construction Authorization legislation for the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, March 31, Subcommittee on Oversight, on the 1998 Tax Return Filing Season and the IRS Budget for Fiscal Year 1999, 2 p.m., 1100 Longworth.

March 31, Subcommittee on Trade, hearing on Free Trade Area of the Americas, 2:30 p.m., B–318 Rayburn.

April 1, full Committee, hearing on the use of an Expert Panel to Design Long-Range Social Security Reform, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 31, executive, hearing on Human Intelligence and Covert Action, 6 p.m., H–405, Capitol.

April 1, executive, hearing on DCI Wrap-up, 10 a.m., H–405, Capitol.

Next Meeting of the SENATE

12 noon, Monday, March 30

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of S. Con. Res. 86, Congressional Budget.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 30

House Chamber

Program for Monday: The House will meet at 12:30 p.m. for morning hour and at 2:00 p.m. for consideration of 9 suspensions:

1. H. Res. 398, urging the President to procure and provide Blackhawk Helicopters to Colombian National Police to reduce and eliminate the production of illicit drugs;
2. H.R. 2186, to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming;
3. H.R. 3113, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.
4. H.R. 2574, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota;
5. H.R. 2786, Iran Missile Protection Act of 1997;
6. H.R. 3485, Campaign Reform and Election Integrity Act of 1998;
7. Illegal Foreign Contribution Act;
8. Paycheck Protection Act; and
9. Campaign Reporting and Disclosure Act.

(Note: No recorded votes are expected before 6:00 p.m.)

Extensions of Remarks, as inserted in this issue

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