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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 22, 1998.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Adrian Condit, Baptist Pastor, retired, Ceres, California, offered the following prayer:

Our Heavenly Father, as we come into Your holy presence this morning, we come, first of all, to give You praise and thanks for Your abundant grace that has abounded to us. We thank You as individuals, for we have all tasted of Your kindness to us through our Lord Jesus Christ in our homes throughout our great Nation. For over 200 years, Your hand of mercy has been extended to us many times, in war, through our social ills, and in times of economic distress. And today we stand at the threshold, Our Father, of turning the corner into the 21st Century.

As I stand here in this hallowed place, I feel so very small and so very humble, but I know that I am praying to the Creator of heaven and earth. I am praying for these men and women who stand before me here today, for they have the power to make decisions that affect people's lives, and sometimes change their lives forever; and if anyone ever needed wisdom from above, it is these who stand here in this House and transact business as the government of the people and for the people. I pray, my Father, for each of them to be very sensitive to Your presence and to Your leadership in their lives.

I especially pray for my own son, Congressman GARY CONDIT. Father, You know that I am very proud of him, and ask for Your special touch upon his life.

As we write the last chapter of this century, may we not forget the words of Our Loving Lord, when He said, ''A house divided against itself shall not stand.''

I pray that we will see a state of unity in this House among both parties; that we may finish our task and be able to write a chapter of success and achievements that will usher in the new century, blessed by God Almighty, giving hope and life for our children, grandchildren and great grandchildren, and to as many generations for as long as time permits.

May we be able to say with truth that we are one Nation, under God, indivisible, with liberty and justice for all.

In the name of our Loving Lord and Saviour, Jesus Christ, I 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 California (Mr. CONDIT) come forward and lead the House in the Pledge of Allegiance.

Mr. CONDIT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill of the following title, in which concurrence of the House is requested.

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be 15 1-minute speeches on each side this morning, following the 1-minute from the gentleman from California (Mr. CONDIT).

INTRODUCTION OF GUEST CHAPLAIN ADRIAN CONDIT

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

Mr. CONDIT. Mr. Speaker, a moment ago we heard the opening prayer presented by my father, the Reverend Adrian Condit. I want to thank the Speaker, as well as Chaplain Ford, for extending this courtesy to my father.

My family has been honored that my father has been allowed the privilege of offering the opening prayer both here and in Sacramento before the California State legislature. Along with my family, I deeply appreciate this privilege and honor. I benefited from his counsel throughout my life, and I am proud to be able to share him with you this morning; to share him with my colleagues and the Nation.

There are three generations of Condits here today. In addition to my father, my son, Chad, is here in the gallery as well.

Again, Mr. Speaker, I want to thank you a lot. This means a lot to us this morning. This is a memory that the Condit family will cherish for a long time. I want to thank you for allowing us this opportunity this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should avoid references to the gallery.

TAX LIMITATION AMENDMENT WORKS

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

Mr. GIBBONS. Mr. Speaker, I rise today to tell my colleagues, and as well, the American people, that the tax limitation amendment works. Fourteen States have now adopted language that includes tax limitations, including my home State of Nevada.

In tax limitation States, taxes grow more slowly and government spending grows more slowly. On the other hand, the economies expand faster and the job base grows more quickly. Today, we have an opportunity to allow the Federal Government and the national economy to get the same benefits.

It is helpful for us to remember that after taking control in 1994, the Republican Congress balanced the Federal budget for the first time in a generation. It was done by reducing wasteful government spending, not by raising taxes.

Now that we have reached a balanced budget, the tax limitation constitutional amendment will ensure that future Congresses do not resort to the old ''tax and spend'' ways of the past. This legislation makes raising taxes on the American people exactly what it should be, a last resort.

Mr. Speaker, I urge my colleagues to join me in support of this important and much-needed legislation.

SCHEDULE VOTE ON TOBACCO LEGISLATION TODAY

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

Ms. DELAURO. Mr. Speaker, for years tobacco companies have set their sights on America's young people, pinpointing the most appealing way to market their product to them, and deliberately hooking our kids on cigarettes.

A 1984 R.J. Reynolds marketing report says it all: Young people are the ''only source of replacement smokers,'' and that if kids ''turn away from smoking, the industry must decline, just as the population which does not give birth will eventually dwindle.''

Yet the Republican leadership has refused to act to protect our kids from this deadly habit, perhaps because the tobacco companies are the largest corporate contributors to the Republican Party.

Every day the Republican leadership fails to schedule debate on comprehensive tobacco legislation, 3,000 more kids in America will pick up this deadly habit, and 1,000 of them will eventually die of a tobacco-related illness.

Mr. Speaker, do the right thing. Schedule a vote on tobacco legislation today.

TIME TO HEAL WOUNDS IN SOCIETY

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

Mr. TIAHRT. Mr. Speaker, once again the New York Stock Exchange has set a new record as it presses on to the 10,000 mark. Our economy is strong nationwide, consumer confidence is very high, and unemployment is at its lowest point, with 2,200,000 people working today that were on welfare in 1994.

With all the good things that are happening today, with all the benefits from being the strongest market in the world, we have overlooked this emptiness in our Nation's soul. The symptoms are everywhere. They are in the paper, on the radio, on prime time television. People no longer honor their commitments, driving divorces up in America. Spousal abuse is up as people deal with life's frustrations without consideration for each other. Children are abused and forgotten in the whole process as people try to put their lives back together again.

Let us heal these wounds in our society by returning to faith in God and the values and virtues that built this great Nation.

BEST FOREIGN POLICY IN CHINA'S HISTORY

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

Mr. TRAFICANT. Mr. Speaker, with $60 billion, China buys California naval bases, missiles, attack aircraft, nuclear submarines. If that is not enough to tax your limitation, China then sells missiles to Iran and Pakistan to get more money, and then they use that money to control the Panama Canal.

Now, if that is not enough, folks, check this out: An American company recently gave missile secrets to China that the Pentagon admits these secrets can help China hit every American city right between the eyes with one of their nuclear missiles. Beam me up.

When is the White House going to realize that America has crafted the best foreign policy in China's history?

I yield back the balance of any common sense left in our Capitol.

PAY DOWN THE DEBT

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

Mr. SHIMKUS. Mr. Speaker, welcome back to all my colleagues from the Easter break work period. I am interested in hearing the collective view of our Nation's citizens from my colleagues. I will share mine.

From the 20th District of Illinois comes one consistent message on the budget surplus: Pay down the debt. Pay down the debt. Pay down the debt. It is the best way to ensure economic growth and opportunity for all, and the most important method of ensuring Social Security.

Let us work toward that end.

BEGIN WITH CONSERVING THE HEALTH OF AMERICA'S YOUNG PEOPLE

(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, it is alarming, but hardly surprising, to find the House Republican leadership continuing to do the bidding of the tobacco lobby. Within the last few days, the Speaker has declared that Joe Camel had nothing to do with youth smoking, and today the House Republican whip has opposed efforts in an article in the Wall Street Journal, of course, to reduce youth smoking by raising the price of tobacco.

This is the same House Republican leadership that last year thought the way to a tobacco settlement was to approve a $50 billion tax break for the tobacco lobby. The only thing I can find to agree on this subject with Speaker GINGRICH on is we need a conservative approach, a very conservative approach that begins with conserving the health of America's young people; not protecting the nicotine peddlers who have exploited them at the same time they have funded the Republican Party.

FREE NEEDLE POLICY WRONG

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

Mr. BALLENGER. Mr. Speaker, what can we say about the Enabler in Chief, who has just announced a policy that will actually put the Federal Government in the business of handing out needles to illegal drug users?

The government often does stupid things. The American people know that, and they despair at many of the dumb things the government tries to do. But the government should not be doing dangerous things, especially when people are at their most vulnerable, and they are the ones who will suffer the consequences.

But here we have a government that is at its most misguided, most irresponsible, and most dangerous. The administration is using bad science done by left-wing radicals with an agenda, and basing national policy on a pack of lies. Adults with alcohol addiction do not need enablers who indulge their weakness for alcohol. Kids who take up smoking do not need enablers to provide them with low-tar cigarettes on the theory, well, they are going to smoke anyway.

□ 1015

Drug addicts do not need needle enablers who help them continue their illegal drug use by giving them free needles. Mr. Speaker, this policy is nuts.

CHILDREN NEED TOBACCO OUT OF THEIR LIVES

(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, our national effort to hold the tobacco companies responsible for their criminal behavior of the past, of intentional efforts to hook our children on tobacco and nicotine, was dealt a major setback when the Speaker of the House has indicated that it may be difficult for the House to pass tobacco legislation. It will only be difficult if the Speaker of the House does not schedule the bill.

It is the Speaker of the House, the gentleman from Georgia (Mr. NEWT GINGRICH), who has the power to schedule the bill or not to schedule the bill, and then the House can address the outrageous behavior of the tobacco companies toward America's children.

The Speaker spent the last 2 weeks traveling in America talking about lessons learned the hard way. Maybe the lesson learned the hard way is if they take their money, a million dollars of tobacco money, the Republicans cannot find it in their hearts to get America's children off of tobacco. If Members take a million dollars of tobacco companies' money, they try in the middle of the night, as the Speaker did last year, to put a $50 billion tax break for the tobacco companies in the Tax Code.

Mr. Speaker, the lesson learned the hard way is that children need tobacco out of their lives.

LET US REMEMBER TO THINK GLOBALLY AND ACT LOCALLY FOR THE ENVIRONMENT

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

Mr. WELLER. Mr. Speaker, let us not forget that today is Earth Day. Of course, Earth Day is an important day for all of us who care about our environment. Clearly, one message of Earth Day we should never forget is to think globally and act locally.

I am proud of the locally-led efforts in the South Side of Chicago and the south suburbs of Chicago that have worked to establish some important local environmental initiatives: to establish the Midewin National Tallgrass Prairie in the former Joliet Arsenal, efforts to establish the Calumet National Heritage area in the biState area northwest in Indiana, in the South Side of Chicago efforts to save the Kankakee River from sand and silt sedimentation.

All three are local priorities, locally led; local partnerships working to save the environment locally. The Midewin National Tallgrass Prairie is the largest conservation area of its kind, the first national tallgrass prairie. Calumet National Heritage Area will be a unique biState national ecological area established in a former industrial area. And, of course, the Kankakee River, the solution to save the Kankakee River, deserves the same kind of national priority as restoration of the Everglades.

Let us remember to think globally and act locally. It works.

LET US ADDRESS THE QUESTION OF TEEN SMOKING IN AMERICA

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

Mr. WYNN. Mr. Speaker, I rise today to speak out about tobacco. It is time for the Congress to do the right thing. Unfortunately, the messages coming from the Speaker's Office are mixed. One day, we ought to do something; the next day, it is too big a burden. It is not too big a burden. We have to protect our young people.

Each day, approximately 6,000 young people try a cigarette. Each day, 300 become long-term smokers. The average teen smoker starts at age 13. Among adults who smoke daily, 82 percent started as teenagers. We can address this problem if we put aside the rhetoric and get down to business.

We are very serious about teen drinking, and we prohibit it. We need to be equally vigilant about teen smoking. We have the means; we have the wherewithal. The only question that remains is whether the Republican leadership has the will.

Please, let us address the question of teen smoking in America.

WE MUST BE SOUND ENVIRONMENTAL STEWARDS

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today we celebrate Earth Day, a day to remember that we must all be conscious of the obligation we have to be sound environmental stewards. In centuries past, mankind was occasionally careless or unaware of the need for environmentally responsible behavior, but modern science has brought about new awareness of the problems that shortsighted practices pose for future generations who inhabit this resource-rich planet.

The good news is that the scientific age has also brought about the technological revolution to both combat environmental degradation and to maintain the integrity of our natural surroundings. Businesses across the country now adopt environmentally safe practices, due to their awareness of their importance to our future and because technology is now available to make such practices an everyday reality. Earth Day is a day to bring both parties together, for all Americans value clean water, clean air, and a healthy planet. Let us celebrate today, that special day.

AMERICA DESERVES A COMPREHENSIVE TOBACCO REFORM BILL NOW

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

Mr. ROTHMAN. Mr. Speaker, for the past 50 years the tobacco industry has waged a war of deception against the American people. They have tried to hide the terrible toll that cigarettes take on our children, our families, and on our society. So it should be no surprise that the tobacco industry is trying to deceive the United States Congress. The problem is that the leadership of the United States Congress is falling for the industry's spin, hook, line, and sinker.

Mr. Speaker, Joe Camel is part of the problem. It is time for Congress to solve the Joe Camel problem. This year Congress can pass a comprehensive law to protect America's young people from cigarettes and at long last hold the tobacco industry responsible for 30 years of deception.

Every day in America more than 6,000 American children start smoking. We cannot wait any longer. The American people deserve a comprehensive tobacco reform bill, and they deserve it now.

NEEDLE EXCHANGE PROGRAM REFLECTS A DISASTROUS FEDERAL DRUG POLICY

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

Mr. PITTS. Mr. Speaker, what is it about 1960s liberals and their absolute incapacity to distinguish between good science and bad? Again and again we see the same pattern where left-wing politics trumps science when it comes to regulation, environmental policy, secondhand smoke, safety and risk studies, global warming and, now, free needles for illegal drug users. It is always the same story: bogus science and new government programs.

Many commonsense Democrats do not support this newest outrage. Soccer moms taking their kids to school certainly do not favor this policy. The President's own drug czar does not support this policy. Experts who have studied the problem do not support this policy; experts, that is, who believe that politics should not get in the way of good science.

No, Mr. Speaker, the people who fail to fight the drug war and who make excuses for that failure to protect kids from drugs are the ones behind this disastrous policy.

DISCHARGE PETITION WILL ALLOW A FULL, FAIR, AND OPEN DEBATE ON CAMPAIGN FINANCE REFORM

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

Mr. STUPAK. Mr. Speaker, as a number of individuals have mentioned this morning, today is Earth Day. I have some very important legislation, the leaking underground storage tank bill, that I would like to address. But as I was sitting there waiting for my turn, I could not help but notice that two of our Democratic colleagues got up and signed the discharge petition for campaign finance reform.

The Democratic Party is leading a fight for campaign finance reform, true campaign finance reform. What the discharge petition says, if we can get 218 signatures on it, is to bring forth our petition, which says let us have a full, fair, open debate on campaign finance. It does not endorse any proposal but lets us have a true, fair, open debate on campaign finance.

Unfortunately, the Republican Party leadership will not allow this to happen, so we have to use the discharge petition. So with two more Members signing today, we are now up to 204. We need 14 more Members to come down, have the courage to come down to the well of this floor and sign our discharge petition.

Mr. Speaker, the Democratic Party is leading the fight to have campaign finance reform, without endorsing any proposal. Let us do campaign finance reform. Sign the discharge petition.

TIME FOR CONGRESS TO PASS THE TAX LIMITATION AMENDMENT

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

Mr. WATTS of Oklahoma. Mr. Speaker, the Constitution of the United States provides for 10 instances in which a supermajority is required for legislative approval. In other words, there are 10 occasions where legislators are required to have more than a majority of votes for legislative changes to be made. I think we need an 11th. It is time for Congress to pass the tax limitation amendment to the Constitution.

The reasons why should be obvious to all Americans who pay taxes, but, just in case, let me explain. The main reason is because politicians who run on promises of tax cuts often end up doing exactly the opposite. They pass tax increases.

Just recall for a moment back in 1992 when a certain presidential candidate ran on a middle-class tax cut and, surprise, surprise, what do we get? We got a tax increase, the largest in U.S. history. Middle-class families now fork over between a quarter and a half of their income to the very politicians who have broken middle-class tax cut promises again and again. This amendment will make that a lot more difficult.

FIFTY-FIVE WOMEN IN CONGRESS SETS NEW RECORD

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

Ms. NORTON. Mr. Speaker, the House has just set another record, 55 strong; 55 strong women, that is, two new Democrats, one new Republican, all three gentlewomen from California, Representatives LOIS CAPPS, MARY BONO, and BARBARA LEE. Our thanks to California for sending us all three, for it is California that has made us 55.

The gentlewoman from California (Representative MARY BONO), a Republican, and the gentlewoman from California (Representative BARBARA LEE), a Democrat, were both sworn in yesterday. They embraced warmly on the floor in the spirit of our bipartisan Women's Caucus. Congratulations to the Democrats for the gentlewomen from California, Representative LOIS CAPPS and Representative BARBARA LEE, congratulations to the Republicans for the gentlewoman from California (Representative MARY BONO), and a special message for the Republicans: If they must send us more Republicans, please let them be women!

FREE NEEDLES TO DRUG ADDICTS, THE LATEST PROGRAM OF GOVERNMENT HANDOUTS

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

Mr. THUNE. Mr. Speaker, there the liberals go again. I do not get it. I do not get why the President is opposing his own drug czar by announcing that the Federal Government now wants to start another program of government handouts.

Enthusiasm for government handouts is nothing new for this administration, only this time the government wants to start handing out free needles to drug addicts. Instead of trying to get drug addicts off the street and into a program that will stop their self-destructive behavior, the government will now give a green light to their drug habit and send them on their way with clean needles so that they can, get this, abuse drugs safely.

I have had about enough of the liberal insanity, and I think that most Americans are tired of left-wing experts peddling a policy based on bogus science that runs counter to common sense.

The liberals love to come up with new handouts: money, condoms, free this and free that. Now, just when we think it cannot get any worse, free needles for safe shooting. Safe shooting, America.

ON EARTH DAY, A REMINDER OF TWO ENVIRONMENTAL BILLS LOCKED UP IN THE HOUSE

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

Mr. HINCHEY. Mr. Speaker, as has been noted a couple of times here this morning, today is Earth Day. It is the day in which we remind ourselves of the symbiotic relationship that exists between our species and every other species on the planet and how dependent everything else is on Earth upon our actions.

It is also important for us to observe today that there are a number of environmental bills that are pending in this House, or I should say really locked up in this House, that are not making progress. I will mention just two, the Federal Superfund, which needs to be reauthorized, and the Endangered Species Act.

With regard to the Endangered Species Act, a recent poll of more than 400 American biologists indicates that they are deeply concerned about the loss of biological diversity which we are currently experiencing. They estimate that up to one-fifth of all the species on the Earth will be wiped out within the next 30 years, unless we do something to protect the habitat of these species.

We are directly linked to everything else on Earth. We have a responsibility to protect them. We have a responsibility to pass the Endangered Species Act and get other important environmental bills out on this floor.

□ 1030

JUDGE STARR IS MAKING PROGRESS

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

Mr. KINGSTON. Mr. Speaker, we hear quite often these days that Judge Starr is taking too long in his investigation of the White House and their various scandals. I would say one thing to my Democrat colleagues. Number

one, obviously it would not take so long if we would have someone that would cooperate at the White House, but there is a lot of stonewalling and general shenanigans going on when asked even the straightest of questions.

Looking at it historically, James Walsh spent 7 years investigating on Iran-Contra and spent about $50 million, and I do not believe got any convictions. The Democrats spent 8 years investigating HUD Secretary Samuel Pierce and the Democrats spent 7 years on a special investigation of Ray Donovan, Labor Secretary, and none of these brought convictions.

In contrast, Judge Starr has spent 4 years and gotten 13 convictions, including an ex-Governor coincidentally from the President's home State, an Associate Attorney General, all kinds of high, very close advisors to the President of the United States.

Mr. Speaker, I would not suggest that there is guilt by association. Just because all of one's friends are in jail does not mean that they are guilty, and does not mean that they were with them when it happened. But let us not go around saying that Judge Starr is not making progress, because he certainly is.

THE CIRCUS HAS COME TO TOWN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the circus has come to town. On the floor of the House today our Republican friends want to put the super tax bill requiring two-thirds of this entire House to raise revenue. At the same time, however, only 51 percent of those voting are required to spend revenue.

What does this do? Actually, it shuts down the government. Super paralysis. We cannot pay for health and human services, education, veterans benefits, Social Security.

Super deficits. Well, we can spend money but we cannot raise the money to pay for it. What does that mean? Deficit spending.

Super loopholes, so therefore if there is a loophole for the rich guy, we cannot find it.

Super tobacco. We cannot pass the McCain bill that requires children to stop smoking.

And, yes, the super minority holding hostage the majority. It means a recalcitrant few can keep us from funding veterans benefits, defense, health care, Social Security, Medicare.

Yes, the circus has come to town, Mr. Speaker. The circus is good for kids, but it is not good for running the American government.

TAX LIMITATION AMENDMENT

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

Mr. GUTKNECHT. Mr. Speaker, it is kind of comical to listen to some of our liberal friends debate the tax limitation amendment. They do not like it. They really do not like it. They do not like the idea that Congress must get a supermajority before passing legislation to erode our freedoms.

They do not mind eroding freedoms when it comes to ideology that opposes freedom. Even though our Founders fought a revolution to win our freedom, and even though the overwhelming majority of Americans would vote for freedom when given the chance, the Democratic Party stands opposed to the idea that it should be difficult to erode basic freedoms.

Mr. Speaker, the fact is that Americans on average have to work until May 11th just to pay the tax man. The average American family spends more for taxes than for food, clothing, and shelter combined.

I think the time is long since past to say enough is enough. May 10th in 1998 is already too much freedom lost. That is why we need to pass the Tax Limitation Amendment tomorrow so that Americans can have more freedom, so that they can keep more of their money to spend on their families and their priorities. I hope the amendment passes.

UNDERAGE SMOKING SHOULD BE CONGRESS' TARGET

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

Mr. GREEN. Mr. Speaker, we see the House Republican leadership and the tobacco industry are united in their message. They are both attacking big taxes, big government, and saying there they go again.

Tobacco companies have full page ads in newspapers all over the country saying, ''We want to attack big taxes and big government.'' Well, so do we. But what I want to be concerned about is the children that they have admitted to addicting for many years to tobacco.

In testimony before our Committee on Commerce they agreed they marketed their industry to children 12 years old, 13 and 14-year-olds. That is why they agreed to a settlement to pay for what they did for the last 30 years to have those children addicted who are now my age. That is why they agreed to pay $300-plus billion now.

What we want to do is make sure they do not continue to do that to the next generation, to addict more Americans at a young age. It is really sad that more children know Joe Camel than know Mickey Mouse. That is because of the success of their advertising campaign.

Mr. Speaker, instead of attacking big government and big taxes, why not attack the issue of trying to stop children from smoking?

TOBACCO SETTLEMENT IS A FARCE

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

Mr. COOKSEY. Mr. Speaker, many years ago Charles Kuralt was ''On the Road'' and he was interviewing a farmer from Georgia and he asked that farmer, he said, ''What are the biggest problems in this area today?'' And that farmer said, ''The two biggest problems are kudzu and Baptist preachers.''

Well, Mr. Speaker, I beg to differ with that farmer. The two biggest problems in this country today are trial lawyers and tobacco. They are both bad. They are bad for this country. They are bad for the people's health and they are the ones that are trying to perpetrate this problem, this tobacco settlement, on this country today.

I am a physician. I spent my career taking care of people with health problems, and I promise, tobacco is bad. We have been publicizing it for years. It has been on the tobacco packages since 1962. Mr. Speaker, anybody that smokes cigarettes is crazy.

But this tobacco settlement is a farce that is strictly to transfer money to the trial lawyers and to create a lot of unfounded hope for money to support programs that will never be done.

TOBACCO IS THE GATEWAY DRUG TO MARIJUANA AND CRIME

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

Mr. BALDACCI. Mr. Speaker, Maine unfortunately leads the Nation in the category of teenage smoking and the increases in teenage smoking. Over 3,000 children every day are getting hooked on cigarettes and a thousand of them are dying because of it.

Today a family came down from Maine and their daughter, Karen, is doing a study on tobacco. She is in the eighth grade and she is interested in history. She is the daughter of Sue and Kenny Cota from Maine.

One of the things that was remarked about was the ability, that if this were a drug cartel from Colombia that wanted to be able to addict 25 percent of our population, this Congress and this leadership would be falling all over themselves to do whatever they could do to make sure they put them out of business. But since it is the tobacco companies and the tobacco contributions and the tobacco influence, it seems that we are at a standstill from addressing the real problems that are confronting the young people of today.

All the studies that are in the newspaper today show that smoking and marijuana are hooked together. Smoking, marijuana, drugs, and crime are hooked together because they commit the crimes to be able to pay for the smoking, marijuana, and drugs.

When we talk about teen violence and crime, it is cigarettes that are the gateway drug. We have got to address this issue. I ask the leadership to address this issue and to have good, strong tobacco legislation to stop young people from smoking.

TAX LIMITATION AMENDMENT IS STRAIGHTFORWARD

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

Mr. BARTON of Texas. Mr. Speaker, later this afternoon we are going to have a debate and a vote on the two-thirds tax limitation amendment to the Constitution of the United States.

This amendment is very straightforward. If it passes and it is passed in the Senate and goes to the States and is ratified by three-fourths of the States, it would make it a voting requirement. To pass a tax increase in either body or to expand the tax base would take a two-thirds vote instead of the one-half plus one vote that it now currently takes.

Mr. Speaker, when the gentleman from Texas (Mr. GREEN), my good friend from Houston, was up here earlier talking about all the bad things that might happen and all the programs that might not be funded, I would point out that we are moving into a budget surplus. We would still have those programs. But if we wanted to spend more money, we would have a debate on spending priorities, not on tax increases, unless we could get a consensus. We would need a two-thirds vote in both houses of Congress to pass a tax increase.

Mr. Speaker, I urge all of my colleagues to vote for the two-thirds tax limitation amendment.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. WATTS of Oklahoma) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 31, 1998.

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

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 24, 1998 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER, *Chairman.*

Enclosures.

RESOLUTION

[Docket 2551—Bronx River Basin, New York]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Bronx River, New York, published as House Document 897, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2550—Mile Point, Florida]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Jacksonville Harbor, Florida, published as House Document 214, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation and other related purposes, with particular reference.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2549—Spring Bayou Area, Louisiana]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of a comprehensive plan of improvement for environmental restoration and protection, flood damage prevention, improved drainage, and other related purposes in the Spring Bayou area.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2548—Rahway River Basin, New Jersey]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rahway River, New Jersey, published as House Document 67, 89th Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

There was no objection.

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 3164, HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that it be in order on today, or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, and that consideration of the bill proceed according to the following order:

One, the first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Two, general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Three, after general debate the bill shall be considered for amendment under the 5-minute rule.

Four, in lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 303(a) of the Congressional Budget Act of 1974 are waived.

Five, during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read.

Six, the Chairman of the Committee of the Whole may, one, postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and, two, reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting in the first in any series of questions shall be 15 minutes.

Seven, at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text.

Eight, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

There was no objection.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

The SPEAKER pro tempore. Pursuant to the order of the House of today 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. 3164.

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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. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 30 minutes.

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

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

Mr. Chairman, the purpose of H.R. 3164 is to speed up the critically needed improvements to our Nation's nautical charting program. Nautical charting receives much less publicity or funding than either highway construction or airline safety, but it is just as important to the United States' economy, particularly in today's world of international trade.

☐ 1045

However, funding for nautical charting has been cut in half over the last 15 years, and at the present time it will take nearly 30 years just to bring the minimum number of charts necessary to ensure safe navigation in U.S. waters up to modern standards.

Congress has recognized the need for more support for this program and increased appropriations for nautical charting over the last 4 fiscal years. However, with only three Federal survey ships available, serious efforts to reduce the charting backlog will require a partnership between the Federal Government and private contractors. This process has moved slowly over the last 3 years due to disagreements over the extent of Federal and private responsibilities in ensuring data accuracy.

H.R. 3164 defines these responsibilities, allowing the process of reducing the backlog to proceed more quickly. It authorizes the National Oceanic and Atmospheric Administration to maintain sufficient ships and personnel to certify the accuracy of charts and protect the government from liability.

After this requirement is satisfied, all additional survey work will be carried out by the private sector. H.R. 3164 also sets policy for modernizing tide and current prediction systems in major ports and authorizes increased appropriations for nautical charting and tide and current programs.

At the funding levels authorized in this bill, the survey backlog could be completed at least 30 percent faster, and commercial vessels as well as private boats would be able to take advantage of modern navigational technologies, and have the potential to significantly improve safety and efficiency on our waterways.

Mr. Chairman, investing in these programs yields a huge payoff in both economic competitiveness and environmental protection. We need to make this small investment now in order to protect ourselves from possible serious dangers in the future.

The bill is an important step in the right direction, and I urge all of my colleagues to support it.

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

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

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

Mr. Chairman, I would like to first commend my good friend, the gentleman from New Jersey (Mr. SAXTON), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for his leadership and for bringing this piece of legislation to the floor for consideration by this body.

I rise in strong support of H.R. 3164. The need for accurate nautical charts to promote safe navigation was recognized by Thomas Jefferson, who as President in 1807, established a coast survey to produce charts and collect other data needed by mariners. Maritime transportation and the technology used in collecting and disseminating nautical data have changed dramatically since then, but the need for accurate and timely data for safe navigation has not.

Mr. Chairman, in recent years our Federal program to produce nautical charts carried out by the National Oceanic and Atmospheric Administration has fallen on hard times. In constant dollars, funding for these activities has fallen 50 percent over the last 25 years.

NOAA currently has only three ships in service collecting charting data, down from 11 vessels in 1971. Yet there is a backlog of some 39,000 square miles of heavily traveled marine areas with inadequate or obsolete surveys. Many of these areas were last surveyed with weighted lead lines, a technology that Mr. Jefferson would have been familiar with.

With today's tight budgets and rapidly changing technology, Mr. Chairman, there is a recognition that NOAA's nautical charting program needs to be modernized. H.R. 3164 provides a blueprint by which NOAA can continue to provide data vital to the maritime community while allowing the maximum opportunity for the private sector to participate in that process. The subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON) has very effectively detailed the specifics of what H.R. 3164 will provide.

Mr. Chairman, suffice it to say, H.R. 3164 establishes clear and appropriate roles for the government and the private sector in the collection, processing and dissemination of nautical data. Importantly, the bill provides NOAA with the flexibility to require the services of contractors based on qualification and not on cost. This change in law is especially important in the collection of hydrographic data where lives and property could be lost if mistakes are made.

Mr. Chairman, in short this is win-win legislation. The private sector benefits from an increased share of NOAA's charting work being outsourced; the government benefits from its being able to avail itself of the latest technology through contractors without being burdened by substantial acquisition costs for capital assets. The public benefits from having more accurate, up-to-date nautical charts produced at lower cost.

In summary, Mr. Chairman, the bill authorizes a total of $581 million for 5 years for hydrographic and geodetic programs for the National Oceanic and Atmospheric Administration. The bill also clarifies NOAA's hydrographic responsibilities. It requires NOAA to the greatest extent possible to contract with private sector companies to conduct nautical surveys and prepare nautical charts. It authorizes NOAA to maintain sufficient vessels, equipment and expertise to certify the accuracy of U.S. nautical charts and other hydrographic products.

The bill also establishes a quality assurance program under which NOAA may certify that non-Federal hydrographic products meet Federal standards and provides for the modernization of tide and current measurement systems in major ports.

The measure is intended to enact into law the division of survey and other responsibilities agreed to in 1997 between NOAA and the private sector, and to increase funding for these activities so that the existing backlog of nautical surveys may be more quickly addressed.

Mr. Chairman, I urge my colleagues to support this piece of legislation.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. TRAFICANT), my good friend.

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

Mr. TRAFICANT. Mr. Chairman, I want to thank my good friends the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. SAXTON). I commend them on a fine bill.

I guess I am talking about an issue that no one seems to talk about, and I, for the life of me, do not understand it. This past month we had another record trade deficit. China is exceeding $5 billion in surpluses every month with Uncle Sam now. And Japan, who has been threatened by every President since Nixon with sanctions if they did not open up their markets, is cleaning our clock in excess now of $60 billion. If you are an American worker, this is about the plight of it.

American televisions are made in Mexico. American typewriters are made in Mexico. American telephones are made in Singapore. American computers and VCR's are made in China and Japan; radios in China and Japan; high-tech electronics, China and Japan. America is slowly again becoming a colony, a colony of trade activity. To me, it is unbelievable.

Another record trade deficit, in my opinion, that endangers our national security where China is now buying missiles, attack aircraft, and nuclear submarines with our dollars, and for the life of me, it seems nobody is listening.

More of our products are being made overseas. And the final insult to what is the intelligence of the American people, time after time foreign products come into America bearing a fraudulent ''Made in America'' label and they continue to laugh in our face. I support this bill 100 percent.

I am furthermore confident about its impact because of the chairman and the people who have crafted the legislation. But I want to say this: My little amendment, I think, should even be expanded in this Congress and should be fortified. But I will be offering an amendment that I would like Members' support on that would do the following:

It says that anyone who gets any money under this act shall basically agree to comply with the Buy American Act that has been passed and set into law by the Congress.

Second of all, it says that when anybody is getting money under this bill, we cannot force it, but Congress encourages them; that is how weak we are, to at least buy and shop for American-made goods and products.

Third of all, we say the Secretary of Commerce shall provide to anybody getting any money under this act a notice where the Congress encourages them to wherever possible try and buy one from the Gipper. And finally, this legislation would prohibit any contracts being awarded to anyone who fraudulently places a ''Made in America'' label on a foreign import. That may be more important than all of it, but let me just let the Congress of the United States know, they are being authorized for appropriation $800 million under this bill.

I am hoping my good friend from Louisiana, one of the strongest proworker representatives in the Congress, would also take a look at the 1–800 Buy America bill.

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

Mr. TRAFICANT. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I just wanted to commend the gentleman for the well-thought-out amendment. It certainly does a great deal to enhance our bill. As one of our staffers said a little while ago, we should have thought of this ourselves. I commend the gentleman for his forethought and his effort in bringing the amendment to the floor, which apparently he will do in just a few minutes. I thank the gentleman for yielding to me.

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

Mr. TRAFICANT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank my friend for yielding to me. He is the most outspoken person on this floor in defense of buy-American policies and the workers of America who lose their jobs to this growing trade deficit.

I want to commend him for constantly being on this floor and constantly reminding us in all of our legislation to focus on those very salient points he made.

I want to also remind the gentleman, we are beginning a debate around America on the whole issue of how we collect Federal taxes in this country. Just to point out to him that this growing trade deficit is not due to one cause, but it is not unaffected by the fact that because we collect income taxes on America, which we cannot exempt from our exports, and we cannot apply to imports, and income taxes themselves add somewhere between 10 and 25 percent to the cost of every American export and every American product we try to consume in this country. Whereas, foreign products come in now more and more tax free, under GATT and NAFTA, they come in from countries that exempt their consumer taxes on them so that they can compete unfairly with good old American workers and American products.

And if there is one thing that is driving me around this country in this national debate over taxes, it is this problem; that our Tax Code punishes an American for buying a product made in America, and rewards us for buying something made overseas. We ought to do something about changing that. I thank my friend for his vigilance on this point.

Mr. TRAFICANT. Mr. Chairman, I would just like to say, I am encouraged by the comments of the chairman from New Jersey and our distinguished chairman, who is leading a tremendous fight with the gentleman from Colorado (Mr. DAN SCHAEFER) on the Tax Code, and I support that. I think we reward dependence, subsidize illegitimacy, kill investments with our Tax Code. We must make a significant change.

Also, as part of that, I must say this: I have come to despair on the Congress' intent to deal with the buy-American aspects of our law. That is why I have submitted 1–800 Buy America. I believe that only the American consumers now can really, through their consciences, be prepared to look at and shop for American-made goods.

Now, I do believe we should not be protectionist in it. We cannot force anybody to buy our products. But I think we should incentivize every opportunity available for the American consumer to make a choice and to let them at least market American-made goods and products.

This is a little bit off base. I thank both the respective leaders of this bill on the floor, and I will offer my amendment, and I hope that it will be approved and will stay in the conference.

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

I certainly want to commend the gentleman from Ohio for his comments. I, for one, cannot think of a more able and consistent advocate here on the floor of the House than the gentleman from Ohio for supporting and always pressing for the fact that we should buy American, and the fact that American workers and those who are managing corporate communities should be working together so that the Americans should buy American products.

☐ 1100

And I cannot thank the gentleman from Ohio (Mr. TRAFICANT) enough for advocating this issue again. And I do thank the gentleman from Louisiana (Mr. TAUZIN) for complementing the provisions of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to speak in support of H.R. 3164, the Hydrographic Services Improvement Act of 1998. I am an original cosponsor of this legislation, which was introduced by our colleague, JIM SAXTON, Chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans.

The purpose of the bill is to make much-needed improvements in the U.S. nautical charting program. The United States, and especially the State of Alaska, is dependent on marine transportation. However, every day large ships traverse 40,000 square miles of U.S. waterways that have shallow waters, known obstacles, and obsolete or inadequate charts. The vast majority of these critical areas are in Alaska. At last year's funding level, it will take more than 30 years to update the charts in Alaska alone. In the meantime, we are entrusting a significant portion of the Nation's oil supply, the safety of fishermen and

cruise ship passengers, and the health of the marine environment to inadequate charts. This situation is not acceptable.

H.R. 3164 will help to correct this problem. First, it authorizes increased funding for nautical charting. Second, it will increase the use of private survey contractors to supply data used in producing U.S. charts. This will greatly increase the number of ships and other resources that can be used to reduce the backlog as quickly as possible.

We cannot afford to wait any longer to correct the nautical charting backlog. H.R. 3164 is an important contribution to fixing this problem, and I urge all of you to support it.

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

The CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

The amendment in the nature of a substitute consisting of the text of Amendment No. 1 printed in the CONGRESSIONAL RECORD shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the order of the House of today, each section is considered read.

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

The Chairman of the Committee of the Whole may postpone 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.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydrographic Services Improvement Act of 1998''.

The CHAIRMAN. Are there any amendments to section 1?

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATION.—The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(3) HYDROGRAPHIC DATA.—The term ''hydrographic data'' means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

(4) HYDROGRAPHIC SERVICES.—The term ''hydrographic services'' means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) ACT OF 1947.—The term ''Act of 1947'' means the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947 (33 U.S.C. 883a et seq.).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

(a) RESPONSIBILITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire hydrographic data;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) may, subject to section 5, design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 4. QUALITY ASSURANCE PROGRAM.

(a) DEFINITION.—For purposes of this section, the term ''hydrographic product'' means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) PROGRAM.—

(1) IN GENERAL.—The Administrator may—

(A) develop and implement a quality assurance program, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 3(a)(3);

(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) charge a fee for such certification and use.

(2) LIMITATION ON FEE AMOUNT.—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 3(a)(3), including the cost of administering such a program.

(c) LIMITATION ON LIABILITY.—The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) HYDROGRAPHIC SERVICES ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

(2) CONTENT.—The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) Limitation; Deposit. Fees deposited in this account during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections to the National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account. No amounts collected pursuant to this section for any fiscal year may be spent except to the extent provided in advance in appropriations Acts.

(e) LIMITATION ON NEW FEES AND INCREASES IN EXISTING FEES FOR HYDROGRAPHIC SERVICES.—After the date of the enactment of this Act, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44, United States Code.

SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEMS.

(a) NEW SYSTEMS.—After the date of enactment of this Act, the Administrator may not design or install any Physical Oceanographic Real-Time System, unless the local sponsor of the system or another Federal agency has agreed to assume the cost of operating and maintaining the system within 90 days after the date the system becomes operational.

(b) EXISTING SYSTEMS.—After October 1, 1999, the Administration shall cease to operate Physical Oceanographic Real-Time Systems, other than any system for which the local sponsor or another Federal agency has agreed to assume the cost of operating and maintaining the system by January 1, 1999.

SEC. 6. REPORTS.

(a) PHOTOGRAMMETRY AND REMOTE SENSING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this Act, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) CONTENTS.—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) PORTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing National Oceanic and Atmospheric Administration hydrographic survey vessels.

(2) CONTENTS.—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 3 and 4, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $36,000,000 for fiscal year 2002, and $37,000,000 for fiscal year 2003.

(2) To conduct hydrographic surveys under section 3(a)(1), including leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $39,000,000 for fiscal year 2002, and $41,000,000 for fiscal year 2003. Of these amounts, no more than $14,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $20,000,000 for fiscal year 1999, and $22,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2003. Of these amounts, $2,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and $7,500,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 3(b)(4) (subject to section 5).

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. ___. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. ___. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. ___. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment has been discussed in the debate earlier. I offer it here, and I would hope that all of the parts of this respectively would remain in conference, especially those that deal with fraudulent labels.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, 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 CHAIRMAN. Pursuant to the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to the order of the House today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. PEASE). 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? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3164, the bill just passed.

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

There was no objection.

1–800 BUY AMERICA

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

Mr. TRAFICANT. Mr. Speaker, I have before this Congress a bill called ''1–800 Buy America.'' It says that any product that costs more than $250 is eligible to be listed on this national toll line for the purchase of American-made goods.

It is not paid for by the American consumers. It is paid for by the American companies who build a product made in America by American workers who pay American taxes that enure to the benefit of all in this country. $250, where a woman in Ohio could say, ''I am buying a refrigerator. 1–800 Buy America, what refrigerators are made in America?''

Now, that bill passed the House last Congress without a vote, on a voice vote, but it was not enacted into law; and it fell down in the Senate with a bunch of so-called free traders that are so dumb they could throw themselves at the ground and miss.

I am letting the Congress know that this is one of the most important pieces of legislation, where the American consumers can at least know what is made in America. They can price their products and see that, many

times, American-made products made in our country by American workers cost less than some of these now-exotic foreign imports.

Let me remind the Congress that a pair of these Chinese-made tennis shoes that sell for $150 cost 17 cents to make in China, and they are buying missile technology with our dollars.

So, with that, ''1–800 Buy America,'' I would appreciate if the Congress, while we are waiting on people to get here, would enact that legislation.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The amendment specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 407 is a modified closed rule providing for the consideration of H.J. Res. 111, the tax limitation amendment, which seeks to amend the U.S. Constitution to require a two-thirds vote of Congress to pass legislation which increases taxes.

Mr. Speaker, this is not the first time this Congress has considered such an amendment. In fact, the rule before us is virtually identical to the rule the House adopted last year which provided for consideration of the same issue. As in 1997, the rule provides for a generous 3 hours of general debate time, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

In addition, the rule provides for the consideration of an amendment offered by the minority leader or his designee which will be debatable for 1 hour; and another opportunity for the minority to change the legislation will be available through the customary motion to recommit, with or without instructions.

My colleagues should understand that when the House votes to adopt this rule, it will automatically adopt an amendment to H.J. Res. 111, which is specified in the Committee on Rules report.

Specifically, the amendment will clarify that any bill, resolution or other legislative measure changing internal revenue laws will be subject to a two-thirds vote in both the House and the Senate and that the vote must be a recorded vote. This is the same language that the Committee on the Judiciary added to last year's bill.

Further, the amendment clarifies that any revenue increase that is a result of a tax cut would not be subject to the two-thirds vote. This is the language which the gentleman from Florida (Mr. MCCOLLUM) was successful in adding to the tax limitation amendment last year. Its purpose is to ensure that the amendment does not inadvertently make it more difficult to reduce taxes in the future.

Again, I would reiterate to my colleagues that both this rule and the underlying bill we will consider are virtually identical to what the House voted on April 15, 1997.

Given the similarities, some of my colleagues may question the purpose of revisiting this issue. Well, what we learned in the Committee on Rules yesterday is that support for this measure is growing and no doubt will continue to grow. Sixty-eight percent of Americans support an amendment to the Constitution requiring a supermajority vote by Congress to raise taxes. Today's vote will provide another opportunity for Members to respond to their constituents and public opinion, which across party lines is clearly supportive of a tax limitation amendment.

I am sure that when Members were home in their districts over the Easter and Passover holidays they had the opportunity to meet with their constituents who were either preparing their taxes or had just paid them. I hope those meetings remind all of us just who is paying the tax bills around here and how high the Government's bills have become in terms of what the average American family can afford. The Federal tax burden alone is now nearing a record one-fifth of family income.

How can this Congress justify a tax rate that represents the largest burden Americans have been asked to bear since World War II? Combined with State and local taxes, Americans are saddled with the highest tax rate ever.

At a time when our economy is booming, unemployment is low, and we are on the verge of realizing a budget surplus, this policy is simply unacceptable. The illogic of this situation cries for reasonable measures to control our government's insatiable appetite for consuming the taxpayers' hard-earned pay. Reasonableness is what the tax limitation amendment demands of this institution.

Mr. Speaker, all the amendment before us would do is make it a little bit harder for Congress to raise taxes during times of peace. At the same time, it encourages Congress to look at other options other than taxes as a means of managing the Federal budget.

I don't think any of my colleagues would claim that there is no fat in the Federal bureaucracy to trim. But, while the special interests that benefit from government spending often have a paid voice looking out for their interests, the average American taxpayer has to rely on his or her Member of Congress as a voice for controlling spending and protecting their paychecks.

Considering that the average Federal tax burden per person has more than doubled from 1980 to 1995, I think Congress needs to do a better job of looking out for our constituents, the taxpayers, interests. Through this amendment, our constituents will have a voice that can compete with that of special interests.

And we know tax limitation amendments can be effective. They have been tried and tested by the States with very good results. In States that require a supermajority vote to raise revenue, taxes have increased more slowly, economies have grown more rapidly, and jobs have been created more quickly.

Mr. Speaker, the need for this constitutional amendment is clear. Congress has demonstrated that even in times of prosperity and peace it cannot curb its penchant to tax.

The discipline and balance imposed by our Founding Fathers was swept away by the 16th amendment which gave Congress the right to directly tax individuals' income. As a result, the power to lay and collect taxes has been so abused that families are no longer saving to buy homes and pay for their children's education. They are saving to pay the government on April 15.

It is time to restore some discipline and fairness to our system if we are to ever to give our citizens the economic freedom to pursue their dreams, whether those dreams are of homeownership, education, self-employment, a secure retirement, or a more prosperous future for their children and grandchildren.

Given what is at stake, a higher standard of consideration and consensus for higher taxes is totally appropriate and should be demanded by the American people.

□ 1115

In closing, Mr. Speaker, I would urge my colleagues to support both the rule and the underlying legislation. This is a balanced rule that will enable the

House to have a full and fair discussion of the merits of this constitutional amendment, and I urge its swift adoption.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend from Ohio, the Honorable Justice PRYCE, for yielding me the customary half hour.

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

Today, Mr. Speaker, my Republican colleagues say they want to amend the Constitution to require a supermajority vote for tax increases. Mr. Speaker, just 2 years ago the Republicans changed the House rules to require a three-fifths vote for tax increases every time the bill came up. But every time that bill came up with that amendment in it, they waived their requirement. That is right, Mr. Speaker, once again my Republican colleagues are proposing amending the Constitution with the requirement that they ignored, not once, not twice, but five times just in the last Congress.

They waived the three-fifths rule on the Contract with America Tax Relief Act. They waived the three-fifths rule on the Medicare Preservation Act of 1994. They waived the three-fifths rule on the Budget Reconciliation Act of 1996. They waived the three-fifths rule on Health Insurance Reform. And they waived the three-fifths rule on the Welfare Reform Conference Report.

In short, Mr. Speaker, they waived the rule every time that it applied. But today they want to attach it to the United States Constitution.

Mr. Speaker, amending the Constitution, as you know it, as I know it, is a very serious business and should never be used as a political tool. Our Constitution has only been amended 27 times in the last 210 years since it was ratified.

Today's proposed amendment will require a supermajority to pass revenue-raising legislation. Mr. Speaker, we should make sure that any law we impose on the American people has as much support as possible. But the problem with a supermajority is it effectively turns control over to a small minority who can stop legislation, even legislation that the majority supports. In other words, Mr. Speaker, one-third plus one of either the House or Senate could effectively hold up the entire country.

This has been a bad idea, not last year, 2 years ago, 10 years ago, it has been a bad idea for a very, very long time. In fact, James Madison in the Federalist Papers said that under a supermajority the fundamental principle of free government would be reversed. It would no longer be the majority party that would rule. The power would be transferred to the minority.

Since this amendment requires 290 votes to pass the House, this bill looks a lot more like showboating than legislating. Mr. Speaker, the American people deserve a lot better than that.

This amendment will cripple our government's ability to act during a national crisis. It will make it impossible to pass the McCain bipartisan tobacco bill. It will lock in every corporate welfare and tax break for the very rich at the expense of the middle and lower class families.

In fact, Mr. Speaker, this amendment has an extreme loophole. My Republican colleagues can still increase taxes on the working families as long as they also decrease the taxes on the very rich.

An editorial in Monday's Washington Post warns that the effects of this amendment would be to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule.

This amendment is poorly thought out. It will empower the minority, which is not the way our government is supposed to work. And it will probably hurt middle and low income families while helping the rich.

Mr. Speaker, I urge my colleagues to oppose the rule and oppose the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the authors of this legislation.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, as I begin to speak, the Pages are putting an example of the first 1040 form up for those Members in the Chamber to look at.

This was a 1040 form in 1914. It was one page long. It is a little difficult to read, but if we will look here, citizens were taxed 1 percent on net income over $3,000, 1 percent. Less than 1 percent of the American people had to pay any income tax the first time it was collected in 1914.

If we go on down and look at these numbers again, it is very difficult to see from the Chamber, but if we had over $20,000 of net income, we paid an additional 1 percent. If we had over $50,000, we paid 2 percent. And it goes down. Then if we had over $500,000 of net income back in 1914, we paid the horrendous rate of 6 percent. That was the first income tax collected on the American taxpayers by the Federal Government back in 1914.

Since that time, the marginal rate has not stayed at 1 percent. It is now over 40 percent. That is an increase of 4,000 percent. The time has come to do something about that. The time has come to support the rule that the gentlewoman from Ohio is on the floor, representing a majority of the Members of the Committee on Rules, to make in order the rule for the debate of the tax limitation constitutional amendment.

This rule makes in order the bill that we voted on last year, the constitutional amendment that we voted on last year. It also makes in order a Democratic substitute, if they wish to offer a substitute, and a motion to recommit. So it is a very fair rule.

The amendment that was reported out of the Committee on the Judiciary last year, and we did not have a hearing in the Committee on the Judiciary this year but we reported the same bill to the Committee on Rules, would require a two-thirds vote of the House and the Senate to raise taxes.

It explicitly states that if we want to lower the capital gains tax rate, we can do that with the simple majority vote. If we want to change to a national sales tax, if we want to change to a flat tax, as long as the overall revenue effect is de minimis, and that is a very fancy Latin word that means ''very little'', we can do that with a majority vote.

We may be asking, as my good friend from Massachusetts said in his opposition just a second ago or a few minutes ago, is this a gimmick? The answer is no, it is not a gimmick. If we could have, not that chart but the one right underneath here, you see this has been tried in 14 States. It is either in the State constitutions in 14 States or it is in the State law in 14 States, some of them as far back as 1890.

In the year 1890, 100 years ago, the State of Mississippi said, if we are going to have a tax increase, it takes a three-fifths vote. The other 13 States that have it, some of them are as high as three-fourths. Since 1934, the State of Arkansas, where our President was the former governor. Most of them are two-thirds, which is in the amendment.

These 14 States, a number of studies have been done over the years, and there are four things that are true in those 14 States. Their taxes are lower than in States that do not have a supermajority requirement. Their taxes go up slower than in those States that do not have a supermajority tax increase requirement. Therefore, their economy grows faster. Believe it or not, it means that more jobs are created, about 43 percent in States that have the supermajority requirement, more jobs are created than in those States that do not.

When we get to the debate later this afternoon on the amendment, keep a few things in mind. The opponents that are against this are not against it because they do not think it will work. They are against it because they know it will work. They know that it will take a consensus of the country and a consensus of the Congress, not just the Republicans, not just the Democrats, but a bipartisan majority, supermajority to require a tax increase.

If I could see the last chart, there are going to be some other poll numbers reported later in the debate. This is a poll that was taken last year. And the poll that was taken last year, 64 percent of people identified with the Democratic Party said they were for a two-thirds vote to raise taxes. Sixty-eight percent of Federal employees

that were polled said they were for a two-thirds requirement to raise their Federal taxes. Seventy-one percent of union members said that they were for a two-thirds requirement to raise their taxes, and 73 percent overall of all Americans.

So this is not a conservative issue. This is not a Republican issue. This is an American issue. The latest number poll, that is this year, 75 percent of all Americans are for the supermajority requirement. So vote for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, capital gains taxes, withholding taxes, income taxes, sales taxes, excise taxes, highway taxes, aviation taxes, fuel taxes, property taxes, manufacturing taxes, education taxes, cigarette taxes, liquor taxes, ticket taxes, corporation taxes, old taxes, new taxes, flat taxes, fast flat taxes, surtaxes, taxes on taxes, and a retroactive tax to tax us if we miss something the government needed.

I understand all the philosophical debates that are being brought up here today, but I support the rule and support the bill for the following reasons: I think a Nation that overtaxes their people, kills hope and rewards their enemies, and part of the enemy is the Congress who can raise our taxes too easily. Just look at the Constitution, if it makes any difference. We have enacted a macroeconomic trade agreement with great bearings on tax revenue with a one simple majority vote when the Constitution called for a two-thirds requirement. We are out of sync.

In addition, we have a tax code that rewards dependency, penalizes achievement, subsidizes illegitimacy, kills investment, kills jobs. If we work hard, we send a lot of money to government. If we do not work, government sends us a check. Beam me up here. I mean it. Beam me up.

If we go to a tax court, we are guilty in the eyes of the court and we have got to prove ourselves innocent. That is unbelievable to me, and I do not see anybody talking about this.

I wanted to thank the Republicans for including my burden-of-proof provision in the IRS reform bill. Without it, there is nothing of significant protection for our taxpayers.

Look, is it any wonder the American people are taxed off? They are fed up. They are fed up with a system that kills families, destroys families, and treats people like second-class citizens.

This may not be the exact answer. I do not know if this will become law. Probably not. But I want to support it. Any measure that makes it tougher to tax the American people is absolutely 100 percent on target with me.

I would like to just remind everybody that all of these taxes that we do pay, the American people are now beginning to question how we are employing them and using them. I think it is fitting for the Congress of the United States to make it more difficult to raise these taxes.

The American people are taxed off. And I think Congress should recognize it before there are other great changes here.

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the remarks of my good friend and colleague from the great State of Ohio.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CAMPBELL).

□ 1130

Mr. CAMPBELL. Mr. Speaker, I thank my colleague for yielding this time to me.

I regret I cannot support this amendment to the Constitution, and I would like to take a moment to explain why.

If we make it more difficult to increase taxes but we do not make it any more difficult to spend money, what we will create is a bias in favor of increasing spending and simply borrowing the money. That is even worse than increasing spending and increasing taxes to pay for it, because when we increase spending and increase taxes to pay for it, at least we are being honest and asking the very people who benefit from the spending to ante up and pay the cost and suffer the pain of the tax increase. But when we spend their money and make our children pay for it, which is what we do when we borrow, we get the political gain but we make the next generation—who do not yet have the right to vote—pay for it.

The size of the United States debt is very, very large. It is $5.7 trillion. As a percentage of the GNP it is the highest it has been since the end of World War II, and what we do in this amendment today is make it far more likely that that debt will increase. What we should do and what I would support is a two-thirds requirement to increase borrowing also. Then we would have a two-thirds requirement for either increasing taxes or increasing borrowing; and we would not bias the system in favor of borrowing.

Without that change, I cannot support this amendment.

Mr. MOAKLEY. Mr. Speaker, I have no remaining speakers. I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing let me reiterate that this rule is identical to the rule the House adopted last year by voice vote on the same issue. It gives ample opportunity for all sides to be heard on the tax limitation amendment, and it gives the minority two separate opportunities to change the underlying legislation.

Let me also remind my colleagues that the tax limitation amendment has the support of 68 percent of all Americans, and it is not hard to understand why. Today nearly 40 percent of the average American family's income goes toward taxes. It is reasonable in the minds of those Americans to put a small bump in the road that will slow down the people who want to take even more of their hard-earned money.

Today's vote will not end debate on this matter but instead it will start the debate down across all 50 States, down to the local level where the people will determine whether amending the Constitution is in order.

Mr. Speaker, I urge my colleagues to let reasonableness and the will of the people prevail by voting ''yes'' on the rule and ''yes'' on the tax limitation amendment.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the joint resolution is considered read for amendment.

The text of House Joint Resolution 111 is as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. A bill to increase the internal revenue shall require for final adoption in each House the concurrence of two-thirds of the whole number of that House, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''.

The SPEAKER pro tempore. Pursuant to House Resolution 407 the amendment printed in House Report 105–488 is adopted.

The text of House Joint Resolution 111, as amended by the amendment

printed in House Report 105–488, is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the journal of that House.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''.

The SPEAKER pro tempore. Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 1½ hours.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, House Joint Resolution 111 requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a de minimis amount. The resolution allows Congress to waive the supermajority requirement to pass a tax increase during a period of declared war between the United States and another country, or when the Congress and the President enact a resolution stating that the United States is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be enforced for no longer than 2 years after its enactment.

H.J. Res. 111 provides a simple mechanism to curb wasteful and abusive government spending by restraining the government's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The tax limitation amendment will ensure that when the government needs money it will not simply look to the American people to foot the bill.

A constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure government programs are run as effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their hard-earned money. Government will spend less when the American people give it less.

Mr. Speaker, tax limitation requirements have been proven to work. In the 14 States that have adopted supermajority requirements for tax increases, taxes grew at a rate about 10 percent less than States without tax limitation requirements. Between 1980 and 1992, in States with a supermajority requirement economic growth was 43 percent, compared to 35 percent in States without such a requirement. Employment growth was 26 percent, compared to 21 percent in States without such a requirement.

The need for this amendment is clear. The tax burden on our citizenry is out of control. In 1934 Federal taxes were 5 percent of the average family's income. Today that figure is nearly 25 percent. Overall taxes consume nearly 40 percent of an average family's income. That is more than food, housing and clothing combined.

To support this huge level of taxation we have developed a cumbersome Tax Code that causes needless confusion and delay. In 1914 the Internal Revenue Code contained 11,400 words. Our current code contains over 7 million words. American taxpayers spend over $200 billion and 5.4 billion hours a year just to comply with Federal taxes. Sixty percent of taxpayers must hire a professional just to sort through their own return.

Just think how small, simple and fair our Tax Code would be if we would have had a supermajority requirement when the taxes that created this monster were enacted. In fact, four of the last five major tax increases, including the 1993 increase, the largest tax increase in American history, four out of five would not have passed if the tax limitation amendment had been in effect when they were enacted.

□ 1145

This would have saved the American people hundreds of billions of dollars. That is money the American people could have used to invest, pay for retirement, or for their children's education. It is simply too easy for Congress to tax the American people too much and too often by a Tax Code that is too complicated.

Our Constitution contains a Bill of Rights designed to preserve freedom by restricting government intrusion into the lives of the people. But the power to tax is the power to reach the lives of the people in a very direct way, controlling what and how much the people can do with their own resources. Taxes affect how you invest your money, how you spend it, where you live, and many other aspects of everyday life.

The power to tax has been abused by the government, using it as a club to drive the government's will into the lives of the people at the expense of freedom and opportunity.

Mr. Speaker, this amendment simply returns control of the American taxpayer's pocketbook to where it belongs, the American taxpayer. While this Congress has shown discipline and restrained increases in spending leading to the first balanced budget in three decades, it is simply too easy for Congress to spend the people's money.

As long as Congress can continue to raise taxes every time it wants to spend more money, we will never have true tax relief; we will never have true debt reduction.

The Constitution entrusts Congress with the power of the purse. Unfortunately, Congress time and time again, has taken that to mean it can pay for its own bloating simply by pulling the American people's already tight purse strings. This amendment reminds Congress it is not the government's money; it is the people's money.

I believe in good and effective government, but more money does not mean better government. Better government means doing more with less of the American people's money. Requiring a two-thirds vote in both Houses to raise taxes will force Congress to do more with smaller and more efficient government.

I have great confidence in the American people. Americans have shown they are the most ingenuous, creative, and hard-working people in the world. The government should not punish those very traits that have made the United States the most effective and productive Nation in history.

Working hard to make more money for your family is rewarded by tax after tax after tax. There is the income tax, the marriage tax, the death tax, the Social Security tax, the sales tax; you name it, government can find a way to tax it.

Well, Mr. Speaker, this amendment says no more. The American people have had enough. Our tax system is out of control, unfair, and abusive. The least we can do is take action to prevent it from becoming more so. It is time for Washington to stop asking American families to shoulder the financial burden brought by bloated

budgets and wasteful spending. Once and for all, it is time for Washington to get off the American people's backs and out of their pocketbooks.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I would like to thank the ranking member from the Committee on the Judiciary for yielding me time.

Before I begin discussing our concerns about the amendment, I would like to say a few words about my concerns about the priorities of the House.

Consideration of this amendment represents an annual tax day press event. Although we fail to do much of substance in the 105th Congress, here we are in front of the cameras debating an impractical tax limitation amendment. I would hope we would begin to debate some of the serious issues before us, like the tobacco settlement, saving Social Security, health care, juvenile justice. But those issues are nowhere to be seen because we have taken polls, and on an annual April 15th situation, we are debating the same constitutional amendment that was defeated last year around April 15th. So let us put it in perspective: We are not legislating; we are just posturing for political advantage.

But I would have serious concerns about the constitutional amendment, H.J. Res. 111, the proposed constitutional amendment, with respect to tax limitation. The terms of the amendment are unbelievably vague. The only thing clear about the amendment is the fact that the amendment will cause great confusion.

When we had a hearing on the resolution before it was defeated last year, both Democratic and Republican witnesses expressed very serious concerns about H.J. Res. 111. Former Office of Management and Budget Director Jim Miller, tax limitation amendment supporter, went so far as to call some of the language silly and unworkable.

The language considered by experts at the hearing requiring a two-thirds majority vote to increase the Internal Revenue was the language we heard last time. We marked up a different bill in the committee than that which was reviewed by the experts, and the language that is now before us on the floor requires a two-thirds majority to change the Internal Revenue laws, resulting in an increase in the Internal Revenue by more than a de minimis amount.

Of course, no one seems to have the slightest idea what a change in the Internal Revenue laws to increase the general revenue by more than a de minimis amount, nobody knows exactly what that means, and it is our intention, therefore, apparently to leave this very significant interpretive question to the whims and wishes of the courts, or to some bureaucratic person.

The confusion created by the constitutional amendment will create powers in a new bureaucracy. For example, who are we going to anoint with the power to decide the golden question? Will a particular bill constitute an increase in revenue, or will it increase revenue by more than a de minimis amount?

We heard testimony that this power would be investigated in a bureaucrat with unprecedented powers to control the legislative power, because once that decision is made, that could require a two-thirds, rather than a simple majority vote.

Who becomes the golden decider of that particular question? The American public deserves answers to these questions before, not after, we have made a mess that cannot be cleaned up. What happens if we pass, for example, a controversial corporate tax loophole that we estimated would cost $500 million, but later discover it is costing $500 billion? Although it took only a simple majority to pass the corporate tax loophole, it will take two-thirds in both the House and the Senate to correct it.

For this reason, we ought to be calling the resolution the Corporate Loophole Protection Act.

Furthermore, there are those who support the legislation saying it will control spending. There is nothing in the legislation to control spending. Spending will continue with a simple majority vote. Unfortunately, paying for the spending will require a two-thirds vote. That is obviously a prescription for disaster.

In addition to being vague and biased in its protection of corporate loopholes, this amendment would be unworkable. There are very good reasons why supermajorities are rare in our Constitution, and that is because they have learned from experiences of the failed Continental Congress that excessive supermajority requirements are not practical for an efficient government.

We only require supermajorities for things like overriding a Presidential veto, impeachment or proposing constitutional amendments. These are well-defined circumstances, not open to interpretation.

But, unfortunately, there will always be numerous views on whether or not a bill increases the revenue by more than a de minimis amount. Incredibly, the supermajority prescribed in this resolution would be a much stronger requirement than the supermajorities required for impeachment, treaty ratification or veto overrides, because it requires a two-thirds vote of the Membership of the House; not just those present and voting.

In fact, we have not been able to adhere to our own tax limitation rules. That would give us a fairly good idea of what would happen under this constitutional amendment. In the 104th Congress we had a rule that required a three-fifths vote on bills requiring Federal income tax increases.

The story of the tax limitations rules provides us with what would happen, because there was waiver after waiver after waiver, because many major bills included changes in the tax system that increased taxes.

The rule was waived for the 1996 budget reconciliation conference report; it was waived for the Medicare preservation bill; it was waived for the Health Coverage and Availability Act. In recent history, no major tax changes, whether signed into law by a Democrat or Republican President, have passed both Houses by two-thirds majority.

If we could not function with a three-fifths majority, how could we possibly function with a two-thirds requirement, that can only be waived in cases of war or amending the Constitution?

Amending the Constitution is very serious business, and should not be conducted haphazardly. Some very tough questions are not even close to being answered. Therefore, I urge my colleagues to act responsibly and reject this tax day publicity stunt, and vote no on H.J. Res. 111.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111.

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

There was no objection.

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

Mr. Speaker, in response to my good friend, the gentleman from Virginia (Mr. SCOTT), I would like to include for the record a letter from the gentleman from Texas (Mr. ARCHER), the chairman of the House Committee on Ways and Means, to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

The letter referred to follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 7, 1997.

HON. HENRY J. HYDE,
Chairman, Committee on Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I understand that the Judiciary Committee is scheduled to consider H.J. Res. 62. Section 1 of the resolution would generally require a supermajority vote for any bill that amends the internal revenue laws unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. In relevant respects, this language in H.J. Res. 62 is substantially identical to the language of H.J. Res. 169, as considered by the full House last year. That language was carefully crafted by myself and Mr. Barton and the other sponsors of the legislation. Moreover, Mr. Barton and I entered into a colloquy on the House floor, describing how we interpreted the language of the resolution.

First of all, the Constitutional amendment would not apply to tax legislation that is a

net tax cut or that is revenue neutral overall. Thus, the supermajority requirement would not have applied to the ''Balanced Budget Act of 1995'' or the ''Contract with America Tax Relief Act'' since those bills provided a net tax cut. Similarly, it would also not apply to legislation that replaces one tax system with another as long as that replacement is revenue neutral. For example, if we were successful in replacing the current income tax with a broad-based consumption tax, that legislation would be subject only to a simple majority vote provided that the replacement tax raised the same amount or less revenue than the current tax.

Second, the Constitutional amendment excepts from the ⅔ requirement tax legislation that raises no more than a ''de minimis'' amount of revenue. The amendment states that Congress may ''reasonably provide'' how this exception is applied. Details may be very important, but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the Constitutional amendment by defining terms and fleshing out procedures.

It is up to this or a future Congress to design this ''implementing legislation.'' However, it is my understanding and intent that such legislation will have the following characteristics:

Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5 year period would be appropriate.

Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

A bill would be considered to raise a ''de minimis'' amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

For purposes of determining whether a bill raises more than a ''de minimis'' amount of revenue, only tax provisions (i.e., provisions modifying the internal revenue laws) in the bill would be considered. Other provisions that increase Federal revenues or receipts (such as asset sales, tariffs, user fees, etc.) would not be taken into account in determining the revenue raised by the bill.

''Internal revenue laws'' means the current Internal Revenue Code (i.e., the Federal individual and corporate income tax, estate and gift taxes, employment taxes, and excise taxes). It would also include any new tax that may be added to the current Internal Revenue Code or that is analogous to any tax in the Internal Revenue Code. It does not, however, include tariffs.

Accordingly, a supermajority vote would not have been required for H.R. 831, which increased and extended the health insurance deduction for the self-employed; H.R. 2778, which provided tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996;'' and H.R. 3448, the ''Small Business Job Protection Act of 1996.'' Each of the bills was designed to be revenue neutral but, due to the strictures of the Budget Act, was slightly revenue positive and raised a ''de minimis'' amount of revenue.

I hope that this information is helpful in the deliberations of the Committee on Judiciary.

With best personal regards,

BILL ARCHER,

Chairman.

Mr. Speaker, I would note that as a part of this letter, the gentleman from Texas (Mr. ARCHER) says, ''Second, the Constitutional amendment excepts from the two-thirds tax requirement legislation that raises no more than a de minimis amount of revenue.''

The gentleman from Virginia asks what that might be. The gentleman from Texas (Mr. ARCHER) continues, ''The amendment states that Congress might reasonably provide how this exception is applied. Details may be very important,'' and they are, ''but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the constitutional amendment by defining terms and fleshing out procedures.

''It is up to this or a future Congress to design this implementing legislation. However, it is my understanding and intent that such legislation will have the following characteristics:

''Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5-year period would be appropriate.

''Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

''A bill would be considered to raise a de minimis amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

''For purposes of determining whether a bill raises more than a de minimis amount of revenue, only tax provisions in the bill would be considered. Other provisions that increase Federal revenues or receipts, such as asset sales, tariffs, user fees, et cetera, would not be taken into account in determining the revenue raised by the bill.

''Internal Revenue laws means the current Internal Revenue Code.

''Accordingly, a supermajority would not have been required for House Resolution 831, which increased and extended the health insurance deduction for the self-employed; House Resolution 2778, which provided for tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996; and H.R. 3448, the Small Business Job Protection Act of 1996. Each of the bills was designed to be revenue neutral, but due to the strictures of the Budget Act, was slightly budget positive and raised a de minimis amount of revenue.

''I hope that this information is helpful to the deliberation of the Committee on the Judiciary.''

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON) and I ask unanimous consent that he be permitted to control that time and yield to other Members.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would announce that when the gentleman from Texas (Mr. HALL) comes to the floor, I will ask unanimous consent to yield some of my time to him as the chief Democrat sponsor.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER.)

☐ 1200

Mr. MILLER of Florida. Mr. Speaker, today I rise in strong support of a tax limitation amendment. I would like to take a minute to share what I have been hearing from my constituents in southwest Florida.

In March, the Citizens for a Sound Economy's Scrap the Code Tour made a stop in Sarasota. Six hundred and fifty residents attended to hear the gentleman from Texas (Mr. ARMEY) and the gentleman from Louisiana (Mr. TAUZIN) talk about the flat tax and the national sales tax. There was real excitement about the possibility of real tax reform. But I am also hearing at home that the tax limitation amendment is the first and perhaps the most critical step towards fundamental reform.

At a recent town hall meeting, I asked my constituents to tell me whether they prefer a flat tax or a national sales tax. They told me that either approach was a vast improvement over the current system, but they do not believe that politicians can restrain themselves from tampering with the system once they fix it.

Sarasota residents told me that tax rules must be consistent if taxpayers are to be a player in the game. But the truth is, and taxpayers know this better than anyone, that Congress changes tax laws every year. If we are to move to a simpler, fairer tax system, then we must assure the American people that Congress will not repeatedly change the rules.

The sad truth is that Americans will no longer take our word for it. They want a legal restraint on Washington's tax and spend nature, and who can blame them? American taxpayers need to have confidence that if Congress reduces the tax burden this year, that they will not turn around and hike taxes next year. How can an American family decide how much to save or whether to buy a house if Congress continues to change the rules of the game?

By requiring a two-fifths vote of Congress to any tax increase, taxpayers could finally have the confidence in the system. Americans need that peace of mind. They deserve that peace of mind. I advise my colleagues on both sides of the aisle to listen to the American people. They are urging us to pass the tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

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

To the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, and to my colleagues, I think the real issue here on this day, April 22, which is Earth Day, which hopefully has us embracing the richness of our earth and the value of the assets that this earth bestows upon all of us, I think we should actually come to the floor of the House and tell the simple truth.

This legislation, which unfortunately our Republican friends did not have the opportunity to put before the House on April 15, for all of the political shenanigans that that would have generated across the country, is truly a case of the rule and the tyranny of the minority.

This constitutional amendment is bogus and does not represent truth in lending or truth in telling the story about taxes in America. What actually tells the story of taxes in America is real reform: simplification of the Tax Code; making sure that the IRS lends itself to mediation and dispute resolution; ensuring that there is no marriage penalty, language that is in my Taxpayers Justice Act that was filed in 1997, that has yet to see its time on the floor of the House for debate.

But this bill simply is tyranny. For when I am home with my constituents and I hear from the veterans of the Vietnam War, people needing Social Security and Medicare, health benefits and education, they talk about fiscal responsibility. They talk about balancing the budget, but they realize that as we appropriate monies for these great needs, veterans' hospitals that are seeing closings and diminishing of service, and having to put veterans out after a 24-hour stay, they realize we must balance the budget with the responsibility of appropriating monies for these great needs in this country, at the same time as increasing or promoting or having the ability to raise revenue.

What does this constitutional amendment do; a constitutional amendment, by the way, that never went to the Committee on the Judiciary, never followed the lines of processes? Yes, it went in 1997, but if my calendar tells me right, it is 1998, so it had no judicial process whatsoever. Mr. Speaker, the key is that it did not go through the judicial process, the committee that had the right of jurisdiction.

In so doing, what we have in this process, we have two-thirds of this body that are required to raise the revenue to protect the veterans' benefits, health benefits, education benefits, and at the same time only 51 percent that can appropriate. So therefore, we appropriate, but do not have the money to either help balance or help pay for these needs.

Mr. BARTON of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, this is the second session of the 105th Congress. In the first session of the 105th Congress, the Subcommittee on the Constitution of the Committee on the Judiciary held a hearing on March 18, 1997, where the resolution was ordered reported to the full House on April 8, 1997, by the subcommittee. It is the exact language that was voted on last year, so the gentleman from Illinois (Mr. HYDE) did not feel they needed to hold another hearing on the exact language, since this is in the same Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the clarification of my colleague, the gentleman from Texas.

Let me clarify and say that as I understand it, the bill did not succeed in 1997, and therefore, I would argue very vigorously because of the real concerns with this legislation that it needed additional hearings and an additional opportunity to go through the process through the Committee on the Judiciary.

Let me also respond to my colleague, the gentleman from Texas, to say that this is a dangerous piece of legislation, because as we look to balance and secure Social Security and Medicare, this bill smacks in the face of being able to ensure that Medicare and Social Security are safe.

A 1996 report for the Social Security trustees projects the Social Security trust fund to start running in deficits in 2012. Medicare actuaries project the Medicare Hospital Insurance Trust Fund will become insolvent in 2010. It is, therefore, a requirement that not only do we see a decrease in benefits, but we also see an increase in revenue to provide for the solvency of Social Security and Medicare. This bill will kill that.

Mr. Speaker, I rise today in opposition to House Joint Resolution 111, the Tax Limitation amendment. As you all know, this amendment seeks to require a two-thirds majority vote in each House to increase tax revenues by more than a ''de minimis'' amount, except in times of war or military conflict which posed a threat to national security. First of all, this measure is completely ambiguous. If we are proposing to amend the longest standing document of civil liberty and freedom in the Western world, surely, we should be absolutely clear about what our intentions are.

Leaving the determination to Congress as to what a ''de minimis'' increase is, is ultimately as arbitrary and meaningless as not having a standard at all. The fact of the matter is that this language will inevitably encourage years of exhaustive litigation about what a ''de minimis'' increase truly is. Do the authors of this bill intend that potential tax increases be evaluated by changes in percentages or by numerical amount? When do changes begin to exceed the ''de minimis'' standard included in this bill, is it over an annual period, a two-year period or a five-year period? The plain answer is that nobody knows. Furthermore, the one exception in the bill in regards to the special circumstances that may arise during an armed military conflict are written too narrowly to be effective. Even in this drastic case, the tax limitation is only waived for a maximum of two years.

But more importantly, this constitutional amendment is contrary to the very spirit and purpose of the Constitution. This nation was founded upon principles of majority rule, so why should we now sacrifice these sacred principles to encapsulated the level of the federal government's tax revenues? The whole purpose of the Connecticut and New Jersey Compromises that helped to form this great Congress over two centuries ago, was to allow the American people the opportunity to express their will through both locally and broadly elected representation that had their particular interests at hand.

But how can this process continue to take place when 146 members of this body could vote to defeat any new tax measure that is not a so-called ''de minimis'' change in current tax policy? Clearly, any initiative that would seek to give such an enormous amount of power to such a small minority is both imprudent and inappropriate. I believe that this bill is a poorly written expression of a poorly conceived legislative initiative, and I urge all of my colleagues to vote it down, just like we have done over the last two years.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to my good friend, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

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

What we have as we look to this bill, which requires a two-thirds majority for increasing the revenue, we have a rule by tyranny, a rule by the minority. We have a tyrannical ruling of those who would have us not provide for Social Security and Medicare, veterans' benefits, health benefits, educational benefits.

Do Members know what else we have? We give to all of our large corporate multinationals, those individuals who see tax loopholes as a way to survive, we give them another hammer to beat down tax loopholes. Because what it would require of us, if we found a tax loophole that might just by coincidence raise a slight bit of revenue, two-thirds of this body would have to vote for it. That means that tax loopholes would proliferate across this Nation.

I simply say that I realize my colleagues have good intentions, but this is not the way to run a government. This is a way to shut down a government. This is what the Founding Fathers did not want to have happen, the tyranny of the minority, telling us that we could not vote for or provide for the people of this Nation.

Mr. Speaker, I ask that my colleagues vote this down and rule on behalf of the people of America.

Mr. BARTON of Texas. Mr. Speaker, we are going to put the gentlewoman from Texas (Ms. JACKSON-LEE) down as undecided on this amendment.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from my California (Mr. ROHRABACHER).

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

Mr. Speaker, it has been long observed that a frog thrown into a pot of

boiling water will jump right out, but throw a frog into a pot of tepid water and then slowly turn up the heat under the pot, and the frog will stay there until he is cooked.

That boiled frog strategy is how Congress imposed a monstrous tax burden on the American people. Congress did not wake up one day and then pass a law that confiscates more than 20 percent of an American family's income, which is exactly how much in Federal taxes the American people are paying. Many people are paying more than 20 percent. But the heat was turned up on the American taxpayer over the last six decades. That is how we got to this position.

In 1934 the Federal Government took just 5 percent of an American family's income. Because of the increase in Federal taxes that we have seen, because that increase has been gradual, the American people have gone along just treading water while the heat was turned up. It made it even easier for Congress to increase taxes on the people, turning up the heat on the people all the time.

This has come to a point today where our freedom is threatened by the level of taxation that our people have to bear. We are now at a level of taxation that is totally inconsistent with what our Founding Fathers had in mind and what our Founding Fathers believed was consistent with a free society. We are just servants, unable to choose our servitude, and having the fruits of our labor stolen by the government.

We are here today to pass a tax limitation constitutional amendment which would make it harder to turn up the heat on the taxpayers. This resolution would amend the U.S. Constitution to require a two-thirds majority vote of the House of Representatives and the Senate to pass any legislation resulting in a tax increase.

Mr. Speaker, one of the arguments we are hearing against this amendment is that it requires more than just a simple majority, which is 50 percent plus one, and that that subverts majority rule. But a supermajority is a majority. It is just a stronger majority, because it is reserved for situations that are important.

In fact, there are two dozen instances in which the House of Representatives, or at least, excuse me, one House of Congress, is required to vote by more than a simple majority to get its work done. That is more. What is more, eight of these supermajorities are specifically written into the U.S. Constitution.

What we are saying today is let us just add another, a ninth constitutional requirement, that would make it more difficult for Congress to raise the taxes of the American people. Because what we are recognizing today is that by raising taxes, we are diminishing the freedom of the individual American citizen to make decisions with his or her life about the product of their labor. Today we have a chance to vote clearly on the side of the people's freedom against increasing taxes and boiling their freedom down.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT. Mr. Speaker, I wanted to correct the statement made in the earlier comments. It was indicated it required a two-thirds vote of the membership of the House. That was the bill as it had been introduced. The rule that we passed changed the bill, so it is only two-thirds of those present and voting. So if we want to cut Social Security, it would require a simple majority; if we want to cut education, a simple majority; cut Medicare, a simple majority. But to close the corporate loophole, it would require two-thirds of those present and voting.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, Daniel Webster, a great Member of this body, said, ''The power to tax is the power to destroy.''

Now, there are lots of folks that are saying we are taxed too much. They say, well, this is just the Federal level we are talking about. It is not a lot of taxes. But there are taxes on the local level, there are taxes on the State level, there are taxes on our gasoline, there are taxes on our bread. It goes on and on. So this simple amendment is needed if we are going to stem the tide here.

This is not a new idea. Fourteen States currently require supermajorities in their legislative bodies to increase taxes or revenue. Let me repeat that, fourteen States already do this. This is not something new. From 1980 to 1987 taxpayers in those States enjoyed a 2 percent decrease in personal income taxes paid.

More States are looking to protect their citizens from overtaxation. Since 1995, Mr. Speaker, legislators in 21 States introduced similar legislation. So what we have is the start of a rebellion across this country of ours of people saying, hold it, no more taxes; no more increasing taxes on the State, Federal, and local level until we pass it by a two-thirds majority.

A lot of folks will say this is a draconian step, but it was pointed out by another colleague here, the gentleman from California (Mr. DANA ROHRABACHER) that there are already on the books ten instances in which the Constitution already requires a supermajority vote. I will not go through and list all ten, I will make them part of the record.

Let me mention one: conviction and impeachment trials. On that we would all agree. What about consent to a treaty? We cannot pass it by just a simple majority vote, we have to have two-thirds.

☐ 1215

So surely if we consent to a treaty, we should have consent to taxes on the American people. State ratification of the original Constitution. And if the Electoral College is going to meet, if the Electoral College sits down and they want to vote, they have got to have a two-thirds presence and two-thirds vote to even start the procedures.

If the President has a disability, it requires two-thirds of this body to vote. To remove one of the Members from holding office who is engaged in insurrection requires a two-thirds vote. There is a long history of using two-thirds majority or supermajority requirement to take action.

So, Mr. Speaker, this is not undemocratic. It is not unusual. This is something that the States are now doing. The Federal Government is stepping up to the plate and many of us support this strongly. I urge my colleagues to align themselves with the States, align themselves with the people and move forward and pass this amendment today.

Mr. Speaker, I am providing for the RECORD a list of the instances where our Constitution already requires a supermajority vote, as mentioned in testimony on this legislation before the Committee on the Judiciary by Daniel Mitchell, McKenna Senior Fellow at the Heritage Foundation:

SUPERMAJORITY REQUIREMENTS AND TAXATION

There is nothing undemocratic or unusual about supermajority requirements in our system of representative democracy. Supermajority voting requirements are routinely used for legislative business in both the House and the Senate. Since 1828, the House has allowed a two-thirds vote to suspend rules and pass legislation. Senate rules require a two-thirds vote for suspension of the rules and for the fixing of time for considering a subject. The Senate requires a three-fifths vote of all Senators to end debate or to increase the time available under cloture. Senate Budget procedures require that three-fifths of the full Senate must agree to waive balanced budget provisions or points of order to consider amendments that would violate the budget approved by Congress.

There are ten instances in which the Constitution already requires a supermajority vote. Seven of these were part of the original Constitution and three were added through the amendment process:

Art. I, 3, cl. 6: Conviction in impeachment trials.

Art. I, 5, cl. 2: Expulsion of a Member of Congress.

Art. I, 7, cl. 2: Override a Presidential Veto.

Art. II, 1, cl. 3: Quorum of two-thirds of the states to elect the President.

Art II, 2, cl. 2: Consent to a treaty.

Art V: Proposing Constitutional Amendments.

Art. VII: State ratification of the original Constitution.

Amendment XII: Quorum of two-thirds of the states to elect the President and the Vice President.

Amendment XIV: 3: To remove disability for holding office where one has engaged in ''insurrection or rebellion.''

Amendment XXV, 4: Presidential disability.

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

Mr. Speaker, I would ask the gentleman from Florida (Mr. STEARNS), my good friend, about the revolution he described. Last April 15th it failed in the House. Does the gentleman have some additional information that will lead us to believe we are going to be overwhelmed today with the passage of this amendment?

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

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has always been very kind to question me after my speech, and I appreciate that because it gives me an opportunity——

Mr. CONYERS. That is why I do it.

Mr. STEARNS. To bring back some salient points that I may have forgotten.

Mr. CONYERS. Just answer the question. I have yielded only a minute.

Mr. STEARNS. Mr. Speaker, I would say to my colleague that frankly, from the time it was voted on the House floor until today, we have been enlightened. And since April 15th it has been very close to our minds and I think it will pass.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would ask if the gentleman remembers the $50 billion secret cigarette tax cut that has come into the legislation by Speaker Gingrich since April 15th? That is a question.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I do not know about a secret——

Mr. CONYERS. Oh, the gentleman does not know about it?

Mr. STEARNS. My colleague would realize that everything is passed on the House floor. There is nothing secret about it.

Mr. CONYERS. The $50 billion tobacco tax cut was public? The gentleman knew about it before it was revealed, after it had been found in the budget bill? Just answer the question.

Mr. STEARNS. Mr. Speaker, the gentleman is asking me a question that does have not an answer.

Mr. CONYERS. Did the gentleman know about it before all of us knew it? The gentleman knew about the $50 billion tobacco tax cut? Did he?

Mr. STEARNS. I knew what I voted on on the House floor and the gentleman from Michigan did too.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG) to respond. I do not mind doing it.

Mr. SHADEGG. Mr. Speaker, I simply want to make the point, the question was asked as to what has changed since the last time this was voted upon in this body that would cause a different result. I think it is worth noting that two States have enacted tax limitation amendments since the last vote in this House on this issue. Those two States did so by a margin of over 70 percent.

I think it is also very important to note that it is now broadly being publicized in this country that we are taxing the American people today at the highest rate we ever have in American history. Federal taxes are higher than at any point in time since the end of World War II, since 1945.

In 1945, by the way, a war year in which we were funding a war economy and a war, in 1945 Federal taxes were one-tenth of 1 percentage point higher than they are now as a proportion of our Gross Domestic Product. If we add the obviously higher State and local taxes, dramatically higher than 1945, to those almost all-time high Federal taxes, it is clear we are taxing the American people at the highest level in our history.

I think that is a change. It has been broadly publicized. It is part of the change which led two new States by a broad majority, 70 percent plus of the voters in those States, to enact their own tax limitation amendments.

I think those are changes that have occurred since the last vote and hopefully will encourage Members of this body to embrace this today. Clear changes that have occurred since the last vote.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, in response to the previous speaker, yes, taxes are high today on the American people. But they are highest because of the high FICA taxes on Social Security. More than half of American workers pay more in FICA taxes than they do in income taxes to the Federal Government.

The wealthy are paying a rate of taxes less than 50 percent of what the gentleman talked about in those years. Less than 50 percent. That is what this bill is all about today: the wealthy and the powerful. Not about middle income people, not about working people who are paying more in FICA taxes than they are income taxes.

We should be considering real reform today here on the floor of the House. The Tax Code could be reformed. It could be a lot simpler so people do not have to hire accountants. And if we make it simpler, we are going to cut out a lot of those loopholes and special interest tax breaks. That would be real reform.

We could have the IRS reform, the Taxpayer Bill of Rights that passed the House of Representatives last year which is held up by a Republican majority in the Senate for some strange reason. That would be real reform.

We could middle income tax relief. That would be real reform. Expand the Earned Income Tax Credit to get people working and not confiscate taxes from people who earn below the poverty level. That would be real reform.

But, no, what that is about today is quite simple. The Republicans are trotting out their same old tired, bait-and-switch constitutional amendment. It should be called ''The Special Interest Loophole and Deficit Promotion Act.'' It is not targeted toward average Americans.

What are the Republican majority afraid of? Are they afraid that they are going to raise taxes on average Americans, so that they want to require a two-thirds vote in the House of Representatives? I do not think so.

What they are afraid of is that the outrage, and there is real outrage that the previous gentleman spoke about, among the American people that they are being screwed because the wealthy, the large corporations and the foreign corporations are not paying their fair share, that that might sink in with the American people and they might demand real reform. They are afraid that they will not be able to protect their corporate and special interest sponsors here on the floor of the House from a real grass roots movement to reform the Tax Code.

Foreign corporations in this country, 73 percent of the foreign corporations operating in America pay no Federal income taxes because of a very generous loophole provided in our Federal Tax Code not provided by any of our competitor Nations. Won here, a gift to foreign corporations. It is beyond me why we cannot close that loophole and raise $15 billion a year from foreign corporations that make money in this country by just asking that they pay at the same pathetic rate that American corporations pay.

But, no. We allow them to pay zero. Nothing. And under this bill that will never change, because it requires two-thirds vote here on the floor of the House to require foreign corporations to begin to pay income taxes, maybe so we could provide income tax relief to middle income Americans.

U.S. multinationals use the same loophole to get around taxes. We have the pharmaceutical industry, a real darling. We have noticed the reasonable price of pharmaceuticals in this country. $3 billion tax loophole because they say all of our profits are made in Puerto Rico where we do not have to pay taxes, and all of our losses and development costs are here in the United States of America where we sell the drugs at inflated prices to the same people who are paying high taxes.

Now, that would be real reform but, no, we are going to protect against reforming and closing that loophole by this amendment.

Accelerated depreciation, the biggest loophole in the Tax Code. It would be nice if average Americans could get that. Eastman Kodak paid an average of 17.3 percent on their products last year. American Home Products, 15.6 percent on $4.2 billion of earnings. And Allied Signal, 10.7 percent on $3.4 billion of earnings.

It would be nice if a teacher working full-time could pay taxes to the Federal Government at the rate of 10.7 percent like Allied Signal did with their tax loophole. But that will never happen in the Republicans' world if this amendment passes. We will never close those loopholes. We will never provide that tax relief to average Americans.

This is not about wage earners. It is not about the middle-class. It is about the wealthy. It is about the people who have written the special interest loophole-ridden Tax Code that we have today, and it is about desperate attempts to protect those special interest loopholes against a real revolt by the American taxpayers.

Mr. Speaker, it is time to send this phony amendment packing as we have three or four times previously, and to take up real reform on the floor of the House with a simple majority. Close the tax loopholes; make the special interests, make the foreign corporations, make others pay their fair share, and give the American workers the tax relief they deserve.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Oregon (Mr. DEFAZIO).

Mr. Speaker, the gentleman is absolutely right. FICA taxes are a tax. Under this amendment it would take a two-thirds vote to raise FICA taxes, which would make it unlikely.

The gentleman may be right about some of the tax loopholes. I would point out that under this amendment we could close every loophole in the Tax Code if we wanted to, as long as we used that revenue that was generated to then lower the overall tax rate or tax burden, and the overall net effect was a de minimis increase in taxes. We could do that until the cows come home.

We could go to a flat tax, a sales tax. What we cannot do is raise the overall tax burden unless two-thirds of the Members of this House and the other body vote to do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, Tip O'Neill once made the statement, Tip O'Neill, the longtime Speaker of the House here in this Chamber made the statement, and I quote directly, ''God, I love big government.'' If my colleagues adhere to that philosophy, then they do not want this amendment.

But if my colleagues want a smaller government, a less intrusive government, a less expensive government, this amendment needs to be passed. It should not be easy to raise taxes and it is far too easy to do that now.

Mr. Speaker, I have listened to some of the comments coming from the other side on this issue and they keep telling us that we should not make it harder for Congress to raise taxes for the sake of the people. Do not do it because it would hurt seniors and Social Security. Do not do it because too many children are smoking. Do not do it because there are too many people out there that need our help. Always reasons to take more of the people's hard-earned money because we seem to know a better way to spend it than they do.

A great deal of my colleagues seem to think that if the Nation has a problem, we should simply raise taxes to solve it. They still do not understand that in so many cases higher taxes is the problem.

If we allow every American to keep more of their own money, lower taxes could make seniors and future retirees less reliant on the Federal Government and Social Security. It could mean that families might be able to spend a little more time together instead of one parent working to pay the taxes and the other parent working to pay the bills, as in so many families. The extra family time would do more to ensure our children are raised right than all the Federal programs that we can drag out.

Mr. Speaker, those on the other side of this issue still do not get it. And unfortunately if we do not get it, the American people will pay the price. '

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume just to engage in a colloquy with the gentleman from Colorado (Mr. HEFLEY), who made a very impassioned statement that I agree with in principle.

Mr. Speaker, the problem is, though, that if we do this, it may be virtually impossible to raise the excise tax on cigarettes pursuant to the pending tobacco settlement legislation. Had the gentleman considered that?

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

Mr. CONYERS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, there is no tobacco settlement at this point.

Mr. CONYERS. I said pending tobacco settlement legislation.

Mr. HEFLEY. Mr. Speaker, there is all kinds of pending out there that by the time we get through, it will change form many times. But by the time this amendment is ratified, we will have far more than enough time to do whatever the gentleman wants to do with the tobacco settlement.

Mr. CONYERS. Okay. I get it. Then the gentleman from Colorado, too, was one of the ones that presumably knew about the $50 billion tax cut for the tobacco people that was put into the budget amendment?

Mr. HEFLEY. Mr. Speaker, I think that is a ridiculous question.

Mr. CONYERS. That is a ridiculous question, is it not?

Mr. HEFLEY. My answer to the gentleman is I think that is a ridiculous question that not even the gentleman from Michigan——

Mr. CONYERS. The gentleman does not even want to answer it.

Mr. HEFLEY. Neither the gentleman from Michigan nor I know whether there was a $50 billion tax cut put in the budget agreements.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would say to the gentleman that we voted it out of the bill. It must have been put into the bill. I presume the gentleman was aware and awake the day we voted to take it out. What does the gentleman mean that he does not know if it was put in in the first place?

Mr. HEFNER. Mr. Speaker, as I said earlier, there is no tobacco settlement——

Mr. CONYERS. Mr. Speaker, I did not yield to the gentleman. I am not going to yield to the gentleman anymore.

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

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, today the House is listening to the American people by voting on the tax limitation amendment. I feel very strongly about this vote because I know that the citizens in my district, the Third District of North Carolina, need and deserve tax fairness. They, like so many Americans throughout this Nation, are tired of Congress raising their taxes time and time again with just a simple majority.

Taxes have been raised so many times over the years that the American citizen now spends more on taxes than on food, clothing, and shelter combined. In 1934, the American people paid just 5 percent of their income in Federal taxes, but today that burden has soared to over 20 percent. This is simply unfair to the American people.

The tax limitation amendment will protect the American people from elected officials who wish to raise their taxes on a lark by requiring a supermajority for such a vote. Four out of the last five major tax increases have passed with less than the two-thirds majority which this amendment would require. That means had the tax limitation amendment been in place, the American taxpayer could have kept approximately $660 billion of their hard-earned dollars instead of sending the money to Washington, D.C.

I imagine this is why polls show that 75 percent of the American people support this amendment. When I was elected to Congress in 1994, I made a promise to the people of my district that I would work to reduce their unfair tax burden. This legislation that we are voting on today represents a major step toward that goal. It is a protection for the taxpayer that is long overdue, and I urge my colleagues to support it.

Mr. Speaker, in closing, let me ask my colleagues to keep in mind a quote from an editorial in today's Investors Business Daily. I quote: ''The U.S. House will have the chance Wednesday

to perform a noble deed. It can begin to unshackle American taxpayers by passing a tax limitation amendment to the Constitution.''

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. SKAGGS).

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

Mr. Speaker, here we go again. It is the third time in as many years that we are considering amending the Constitution to require a two-thirds majority of both Houses regarding any increase in revenue. Note revenue, not just taxes.

I guess this is turning into one of those rites of spring, like the Cherry Blossom Festival, that comes around when the sap rises. But let us not be taken for saps in this.

This is not a spring fling that is harmless fun. It is very serious business. We need to take it seriously even though the process and the timing of this debate, like the cherry blossom parade, suggest that it is mainly for show.

The proposed amendment is a bad idea. But it is also coming before this House through a process that insults Members' intelligence, contradicts any aspiration that this body has to be a thoughtful one, and really demeans and debases the constitutional amendment process itself.

Second, perhaps, only to declaring war, an amendment to the Constitution ought to command the most serious deliberation and legislative review and analysis we are capable of. It deserves much better treatment than this kind of rush job. The Constitution is a little bit too important to be used as a prop for a political stunt.

Even if this were being considered in a serious way, it does not warrant approval, first, because it is undemocratic, and second, because it is grossly impractical.

First, this proposed amendment violates what James Madison called the fundamental principle of free government, the principle of majority rule. In the *Federalist* paper No. 58, Madison put it quite well, and I quote, ''It has been said that more than a majority ought to be required,'' in certain instances. Madison goes on, ''In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule, the power would be transferred to the minority.''

In other words, the logical corollary of supermajority rule is minority control. And this amendment demonstrates that in a dramatic way.

Under this proposed amendment, 34 United States Senators, who today might represent less than 10 percent of the American people, would have the power to control the government's tax and revenue policy.

The Constitution makes very few exceptions to the general principle of majority rule; none of them, none of them having to do with the core ongoing responsibilities of government.

The framers considered this very question of whether to require supermajorities for passage of certain kinds of legislation. They specifically rejected proposals to require a supermajority to pass bills on subjects such as navigation and revenues because of their experience under the Articles of Confederation and of the paralysis caused by the Articles' requirement for supermajorities to raise and spend money. Their judgment ought to resonate today and cause us great pause.

In those few exceptions where the framers did impose supermajority requirements, none deals with the ongoing core responsibilities of government. There were only two requirements for supermajorities in both Houses as this amendment would involve: one, to override a Presidential veto; two on the referral of other amendments to the Constitution. Both extraordinary matters.

Under this proposal, it would be, and this gets to the impracticability of it, much more difficult to close corporate loopholes than it would be to impeach the President of the United States. In sum, this goes far beyond any existing constitutional precedent.

But if it is bad in theory, it is even worse in practice.

For example, some of the things that would be made much more difficult, if not impossible, if this amendment were really in the Constitution would be: tax reform, which is hard to do if you do not also have offsetting revenues as well as revenue decreases; eliminating corporate welfare and improving the fairness of the Tax Code by getting rid of special tax breaks on loopholes; selling Federal assets.

There is no definition in this proposal of what internal revenue is. We recently sold the Elk Hills Petroleum Reserve for over $3 billion, certainly not de minimis, that went into the internal revenues of the country. Would that bill have required two-thirds? Nobody can answer that question because this thing was rushed through without any kind of careful deliberation.

Preserving Social Security, Medicare, balancing the budget, all of those things are likely to involve offsetting raises and subtractions. Presumably the raises are going to demand a two-thirds margin.

The SPEAKER pro tempore (Mr. SNOWBARGER). The time of the gentleman from Colorado (Mr. SKAGGS) has expired.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will now control the time for the opposition.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SKAGGS) is recognized for an additional 2 minutes.

Mr. SKAGGS. Mr. Speaker, we hear an awful lot about wanting to reduce taxes and everybody would love to lower taxes. But do we really think that reasonable, rational, serious-minded Members of future Congresses will be likely to reduce taxes in times when we have budget surpluses and are able responsibly to do so knowing full well that if times go bad and there were need, again, to balance the budget with increased revenues, that it would take two-thirds then to do so?

It is no wonder, Mr. Speaker, that when the House was constrained by its own rule requiring a three-fifths supermajority to deal with this same issue, it waived that rule repeatedly, to balance the budget, to reform welfare, to preserve Medicare, to extend health care coverage, and increase deductions for small business. But if this supermajority requirement were in the Constitution rather than in the House rules, we could not have waived it, and we could not have passed those bills.

One thing we can be very sure of, we do not know what the future holds. Why would this Congress wish to deprive our successors of the tools and ability to deal with future problems? How arrogant is it of us to say to our successor Members of Congress: We do not care what may be the problems that you face. We are so certain today that you will be incompetent to exercise good judgment in the future that we will make sure that you are deprived of the ability to do so through majority rule.

Rather than insulting those future Members of this body, we ought to honor the wisdom of the framers and protect that central principle of this wonderful government of ours: the principle of majority rule. It has stood us in good stead for over 200 years. We should reject this atrocious idea.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 64 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 61 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman from Colorado.

First, I want to commend the gentleman from Colorado (Mr. SKAGGS). He led the debate in opposition to this at least one of the times it has been on the floor. I thought we had a very good, informed, and intellectual debate. I would say to my good friend that the reason it is on the floor is because it is something that needs to be done.

We have 14 States that require some sort of supermajority for tax increase, including, I believe, the gentleman's State of Colorado. We have 27 groups that have endorsed this amendment. We have 10 national groups that have key voted it. We have approximately 10 Governors who have now come out in support of it. We can debate spending priorities; that is a fair thing.

We can debate whether we should have any tax increase or more tax increases, but if you look at the marginal tax rate that has gone up from 1 percent back in 1914 to around 40 percent today, you cannot debate that taxes have gone up tremendously, and to most Americans that tax burden is as high as it should be.

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

Mr. BARTON of Texas. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I commend the gentleman for the straight face with which he suggests that we are indulged in serious business. We all know we are doing this because it is close to tax day. We did this a year ago. We did this 2 years ago. It failed both times. This is a charade and the gentleman is well aware of it.

Mr. BARTON of Texas. Mr. Speaker, I am totally unaware of that. I think it is a serious issue. I would ask my good friend from Colorado to ask me to his congressional district at a time and place of his convenience, and we will engage in as serious a debate as the gentleman wishes to participate in before his constituents.

Mr. SKAGGS. Mr. Speaker, I would be delighted.

Mr. BARTON of Texas. We will see if they think it should be more difficult to raise their taxes.

Mr. SKAGGS. Mr. Speaker, if the gentleman will continue to yield, we will be in touch to work out a date.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding me the time. I listened with great interest to my colleague from Colorado who plans to return to private life, and I appreciate my colleague from Colorado a great deal, especially since he was one who spearheaded the notion of civility returning to this Chamber.

Let me humbly suggest in the most civil tones I can offer that when the people's business comes before the House, whether it is in April or December or a time in between, it will befit this House to call serious debate or to characterize serious debate as some form of stunt.

I also appreciate the gentleman's revision of American history because the gentleman, I know, swore to uphold and defend the Constitution. Let us just simply read the first clause from article 5, Mr. Speaker. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution. There is no subservience to some Washingtonized rules of the House.

This House, whenever it shall deem it necessary, shall propose amendments to the Constitution, but to the revisionist history offered by my colleague from Colorado on the left, I would point out that when it came to questions of revenue in the Federal Government and the intent of our founders, there is a larger question this House should consider. And that is, if revenue procurement was so noble and so necessary, why did not the founders include the direct taxation of income in the main body of the Constitution or in the subsequent Bill of Rights?

Indeed, if that is so noble, if that is so civic minded, it would appear to me if that were so sober that our founders would have incorporated that form of revenue procurement into the main body of the Constitution.

□ 1245

And yet, the amendment process gave us the 16th amendment. And, as my colleague from Texas pointed out, starting at a very modest level, we have seen taxes grow from 1 percent to almost 40 percent of the median family income.

Therefore, to be truly constitutional and true to the spirit of debate and civility in this Chamber, those of us who are here to serve the people bring this proposal forward again, not because of cherry blossoms in the spring or sap or any other derogatory comment that some gentleman may offer to score debating points but because, to be true to the spirit of the Constitution, the 5th article is a living, breathing part of the Constitution and we have every right to do this. Because the people govern; and the people in the 6th district of Arizona and across the State of Arizona who have enacted a supermajority limit for raising taxes in State government, and I see my colleague from Arizona, who helped lead that initiative when we were both private citizens, have said, enough is enough.

And so we stand here today to say, the people know best. Not that Washington knows best and not that any type of verbal gymnastics can obscure this basic notion, that it is not a profile in courage to go back to the pocketbooks of the American people again and again and again and, by the margin of one vote, enact what the liberal senior senator from New York called the largest tax increase in the history of the world.

Indeed, this amendment offers a tool completely constitutional, completely rational, and I daresay completely civil to allow Americans to hold on to more of their hard-earned money and send less of it to Washington.

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK) before I yield to the gentleman from Texas.

Mr. FRANK of Massachusetts. Mr. Speaker, I am reassured that this is not purely symbolism. But I am puzzled. As I calculate the debate, we have about 2 hours left. It is a quarter to 1. I went into my cloakroom assuming I would be told we would be voting between 3 and 3:30. But I am told that we have been informed that the vote will not be until 5:30 or so because the Speaker of the House is not in town. He is out doing something else, and we have to hold the vote so he can be sitting here.

Now, I hope that is inaccurate. And I am always glad to be corrected. Well, not always glad. Sometimes I am gladder than other times. If I am to be corrected, I would like to be. But if we are holding up a vote for 2 hours just so our out-of-town Speaker can rejoin us and preside on the vote, that seems to me a little symbolistic.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield for an answer?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I saw the Speaker in HT–5 less than an hour ago. So at least an hour ago he was in town.

Mr. FRANK of Massachusetts. So we will be voting right at the conclusion of this debate?

Mr. BARTON of Texas. If the gentleman would yield further, I do not know when we are going to vote. But the Speaker is in town.

Mr. SCOTT. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this Republican tax loophole preservation act.

Certainly, it is tempting to write off the proposal as just another expression of Republican frustration at their failure to advance the cause of true tax reform in this Congress. We know that even the bipartisan legislation that we approved here in the House last year to correct some of the abuses at the IRS continues to linger.

Indeed, one of the many subjects on which this do-nothing Republican Congress has done nothing this year is tax reform. There is not one taxpayer in this entire country that can point to a bit of help that it has gotten in 4 months out of this Republican Congress since it convened in January. And this constitutional amendment is no doubt a part of the overall Republican strategy with reference to the United States Constitution.

I have got some friends there in Austin and they wake up each morning and on their calendar they have a thought for the day. Well, the House Republicans always go them one better. They seem to have a constitutional amendment a day. They profess to be a conservative Congress, but we would never know that from the fervor and the furor to edit and tinker and rewrite one provision after another in the United States Constitution that has served our country so well over the last 2 centuries.

The document upon which this Nation was founded is in danger of being tinkered with and overwritten, until it commands as much respect as the municipal traffic code.

And, of course, the immediate effect of this proposal on our efforts to reduce youth smoking must also be considered.

In this morning's paper, our colleague, the gentleman from Texas (Mr.

DELAY), writes, ''No new taxes. No, not even on cigarettes,'' and he declares that any increase on Federal taxes on tobacco is unwise, unwarranted, and unfair.

Well, those of us who have seen the studies that this is the most effective way to cause young Americans to not become addicted to nicotine, the leading cause of preventable death in this country, reject that kind of thinking. We have had difficulty mustering a majority to overcome the stranglehold that big tobacco has had on this House, and to get a two-thirds majority would be impossible forever. And perhaps that is why the tobacco companies support this kind of an approach.

But even more is at stake on this particular matter, and that is why I call it the Republican tax loophole preservation act. Americans are rightfully dissatisfied with our tax system and our Tax Code. They know that it has one provision after another that is a special loophole or advantage that benefits the few at the expense of the many.

Let me reiterate one of the examples that has been given on this floor and enlighten my colleagues a little bit more about it. The $50 billion tax credit that the gentleman from Georgia (Mr. GINGRICH) and his cohorts put into this Tax Code last year as they proposed it was passed here in the House on about page 317 of an extensive bill under a title that masqueraded as assistance for small business. They included $50 billion for the tobacco industry. And only after the bill passed and that little provision was found tucked in there did they suddenly disavow any knowledge. They did not even know how it got there.

Well, if this piece of legislation, this constitutional amendment, passes, all that we need is to get some smooth lobbyist and the cooperation of the Speaker of the House to tuck in a provision like this $50 billion tax credit, and guess what? It will be there forever unless we can muster two-thirds to undo the damage. Unless we can find the will in the House to get two-thirds of this body to write out these loopholes, they are going to be there forever.

I am concerned about the loopholes, about the corporate welfare in our Tax Code. I think it is unfair. I think there is one provision, one special provision put in there by these thick-carpet lobbyists after another that ought to be repealed in the Tax Code. But if we want to ensure that our Tax Code has all the loopholes that it has today plus any that the Speaker and the lobby can throw in there in the future and that they stay there and that all the rest of us who are out there working for a living have to pay for those tax loopholes, approve this measure.

Because the only way we get rid of any of those loopholes is not only to get the majority we find so difficult to get for reforming the tax system today, we will have to have two-thirds of this body. This is the tax loophole protection measure that is up for consideration today.

And every American who wants to see this system change and changed fundamentally so that there is more fairness in our tax system, so that it does not take a bank of accountants to prepare a tax return on April 15, all of us who want to see real change in that system need to be here speaking out against this constitutional amendment. Because it will set back our effort at reform, not advance it.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I have listened to the arguments time and again against this amendment. This is straightforward.

Government survives on the generosity of its citizens. Should not changes that affect that generosity require more than 50 percent plus one vote?

When the people put on the cloak of responsibility inherent in citizenship of this great country, they understand that they will have an obligation to contribute. They must keep vigilant of the issues of the day, express their opinions, vote their conscience, and actually pay money into the system. This is the price of democracy.

Government has a responsibility, in turn, to respect its citizens. When we talk about legislating an increase in the cost of government, we are talking about taking by force more of the hard-earned money of our own constituents, the people who voted to have us represent them here in Washington, D.C.

In 1996, during my campaign, I pledged, like many other Members, to reduce the tax burden put on American families and to require a supermajority to raise taxes. Today, just a few days after April 15, we all agree that our Tax Code is too thick, our tax laws are too complicated, and our tax system is too burdensome. Our constituents agree. In fact, that is why many if not most of us are here.

An editorial from yesterday's Investor's Business Daily makes this point clearly. The tax limitation amendment is key to reforming a corrupt system that pushes the average American family's tax bill beyond the combined costs of food, clothing, and housing. It is hard to imagine that anyone could find fault with it, certainly not the taxpayers who will work until May 10 just to make enough money to pay taxes.

It is our responsibility today to restore respect for our citizen's generosity with the accountability that the they deserve.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect my friend and colleague, the gentleman from Texas (Mr. BARTON), and his genuine concern for high taxes, and I share that concern. But the more I study this constitutional amendment, the less I like it. It is bad policy, period.

This resolution should be named the tax loophole protection act. And this is how it works. If they can afford a million-dollar tax lobbyist, just hide a special interest tax break in a huge tax bill; and then, once it becomes law, it would require a two-thirds vote in Congress to undo their special deal.

Let us be specific. Just a few years ago, when we were trying to stop multi-billionaire American citizens from leaving this country and not paying their fair share of taxes, this would have been a dream come true for them. That is bad news for average working families. They will pay higher taxes to cover the costs of special-interest tax loopholes for multinational corporations and multi-millionaires.

If they can afford to hire well-heeled tax lobbyists, this bill is a dream come true. But if they are a typical hard-working American trying to support their family, this bill is a nightmare.

Mr. Speaker, what bothers most Americans is not paying their fair share of taxes. What bothers most Americans, and especially on April 15, is that their taxes are higher because some powerful special interest too often got back-room, one-of-a-kind tax loopholes. If they think it is a great idea that special interests get tax breaks and loopholes we do not get, they will love the tax loophole protection act.

The American people need to know, and we certainly know, the congressional tax bills are filled with special-interest tax breaks. Sometimes these bills are hundreds, hundreds of pages long; and the effect of hiding taxes, tax cuts, loopholes behind vague language would make Rembrandt and Picasso green with envy.

If there is a single Member of this House that claims that he or she is aware of every hidden tax loophole in our tax bills in recent years, I will relinquish the rest of my time right now. I did not think so.

Mr. Speaker, we should not enshrine into law tax loopholes by requiring the same supermajority vote to amend those loopholes that it would tax to amend our U.S. Constitution. Somehow it just does not seem right to give special-interest tax loopholes the same protection we give our American Constitution. This resolution may lower taxes for the powerfully connected, but it will raise taxes for average working Americans.

□ 1300

Vote no on this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. SHADEGG), one of the chief sponsors of this amendment.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding the time. It is often important in a debate to have a red herring. If we do not want to talk about the real issue in a piece of legislation, talk about something that we can imply is involved in the legislation but really is not, a red hearing.

In this debate today, sadly, we have a red herring. The red herring is the argument raised on the other side that this measure will make it harder to close tax loopholes. Member after Member after Member after Member of the other side has gotten up and said this is the Tax Loophole Protection Act. This will make it impossible to close tax loopholes. This is a bad idea because it will make it impossible to reach corporate tax loopholes. Sadly, it appears that those Members either have read it and know that to be false, or have not bothered to read the language that we are voting on.

Simply stated, this measure will make it no harder to close tax loopholes. Any tax loophole in the current Code, as the last speaker identified, and the speaker before him, and the speaker before him berated their concern about not being able to close tax loopholes, every single one of the tax loopholes about which they are concerned can be closed under this measure, and can be closed with a simple majority vote provided that the Congress does not use the closing of the tax loophole to raise overall taxes.

That is, if we close the tax loophole on one particular group or corporation as they would like to do, we have to give tax relief to some other group of Americans. If they are greatly concerned about individual taxpayers being punished when they close the tax loophole, all they have to do is grant tax relief to individual Americans, and only a simple majority vote is required.

All of this discussion of preserving forever tax loopholes is simply wrong. It is not the way the measure is written. The measure is written to provide that any tax increase, that means the closing of the tax loophole, which is revenue neutral, does not result in the increase in overall taxes, passes with a simple vote.

We close a tax loophole, we give other Americans a tax break, and there is, in fact, only a simple majority required. It is sad that they cannot comprehend the language of this measure and want to use a red herring.

Let us talk about some of the other arguments that have been made. It has been argued that this matter is impractical. Well, 14 States are currently operating under this measure and doing extremely well.

It has also been argued that it is confusing, and we do not know what will happen. Well, 68 million Americans know what will happen under tax limitation. In a 12-year statistical comparison of States with tax limitation against States without tax limitation, what happens is very clear.

In States where we have tax limitation, government spending goes up more slowly. As a matter of fact, in tax limitation States, while government spending went up by 132 percent over those 12 years, in nontax limitation States it went up by 141 percent.

There is another corollary. Taxes go up more slowly in tax limitation States. In this 12-year period, taxes went up 102 percent. It is clearly possible still to raise taxes. In nontax limitation States, taxes went up by 112 percent. So we slow the growth of government if we pass a tax limitation amendment.

But let us talk about the positive side of this for the American people. In tax limitation States, this 12-year study showed economies expand faster. Overall economies grow dramatically faster. In tax limitation States, economies grew by 43 percent, whereas, in nontax limitation States, the economies grew by only 35 percent.

Let us talk about the final benefit of this so we do know what would happen. In those States which have enacted tax limitation, employment, jobs, putting people to work grows faster and grew faster in those 12 years than in nontax limitation States.

In tax limitation States, States which have adopted a Constitutional amendment identical to this one, employment grew at 26 percent in the 12 years. By contrast, in States which refused to adopt this, as my colleagues on the other side are arguing, employment grew by only 21 percent.

The bottom line is it is very clear tax limitation slows the growth of government and boosts the private economy, including jobs for which my colleagues on the other side are so concerned.

Another colleague of mine got up and said that this is undemocratic. Somehow this flies in the face of democracy. He quoted James Hamilton, excuse me, James Madison. Let me make it very clear what James Madison said. He was a vocal supporter of majority rule. But he argued that the greatest threat to liberty in the republic came from an unrestrained majority rule.

On top of James Madison who argued that an unrestrained majority rule is bad for democracies, Alexander Hamilton also argued in favor of the danger of an unrestrained majority. The Presidential veto used by this President is the best example of the restraining the majority rule.

The final argument I want to turn to is the issue of how this is somehow inconsistent with the Founding Fathers' view of the world and that the Founding Fathers considered and rejected this. Absolutely nothing could be further from the truth.

Alexander Hamilton, who expressed his views on this issue, pointed out that direct taxes should require specific constitutional constraints. And I would note that, at the founding of this Nation, there was no direct tax. To argue that the Founding Fathers debated this issue and rejected it is silliness. At the founding of this country, there, we not only could pass an income tax with a simple majority vote, we could not pass an income tax with 100 percent vote. Because, at that time, direct taxation of the people was not permitted.

The second claim made by that same speaker was, well, if we pass a tax limitation amendment, no future Congress will ever cut taxes, because they will be afraid that they cannot raise them again in the future. Again the argument is false.

In my State of Arizona, we passed tax limitation in 1992. Since then, we have enacted four significant tax cuts. So with tax limitation in place, the legislature of the State of Arizona has said that they could still cut taxes and have the courage to do that.

There is a simple fact here. This measure will make it harder for this Congress to raise taxes, harder for this Congress to reach into the wallets of hard-working Americans and take money out of those wallets.

All the other discussion on the other side is red herring. What they want is they want it to be easy to reach into your wallet or your purse and take your money. And they understand the simple principle. If we have to have a two-thirds vote, it is going to be harder to raise taxes than if we have to have a simple majority vote. I urge my colleagues to support the amendment.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I gain the attention of the floor manager, the gentleman from Texas (Mr. BARTON)? He, in response to the gentleman from Massachusetts, said that he saw the Speaker. He was sighted recently this morning.

Mr. BARTON of Texas. Mr. Speaker, I did.

Mr. CONYERS. Mr. Speaker, I have not yielded yet. The fact of the matter is, if the Speaker's office is correct, they say he is out of town, and is not due back until late afternoon.

I just wanted to announce that so that everybody will know that there is not clones of Speaker GINGRICH around on the floor.

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

Mr. CONYERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I spoke with the gentleman. Apparently, he misspoke; that what happened, he had said that he had thought he had seen the Speaker an hour ago. He later told me he had seen him maybe a couple of hours or 2½ or 3 hours before. But we have since asked, because I was just puzzled.

This debate is going to end by 3:00 or 3:30, and we were told we would not vote until 5:30. We have been told that the reason for the delay is that the Speaker is out of town. He wanted personally to reside, and that is why we are going to delay it. I mention that in the context of whether or not that was symbolic.

So I appreciate the gentleman's information. Apparently, the gentleman from Texas miscalculated on the time, and he had seen the Speaker earlier. The Speaker since left town, and we are going to apparently delay the vote until the Speaker comes back.

Mr. CONYERS. Mr. Speaker, I add this information, not that I am concerned that he is here or not here, but I just want the record to be correct.

Mr. BARTON of Texas. Mr. Speaker, is there a question?

Mr. CONYERS. Mr. Speaker, I just wanted the gentleman's attention. No; it is not a question. I am making an announcement.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), chairman of the Joint Economic Committee.

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

Mr. Speaker, first let me commend the gentleman from Texas (Mr. BARTON), who recognizes the effect of high taxes on the economy. As a matter of fact, recently he traveled to my home State of New Jersey to boost an effort there to do a very similar type of thing that we are trying to do here, hopefully, with a successful vote today.

He went to New Jersey because New Jersey serves as a case study for the reasons that we believe strongly that this bill ought to be passed today. And let me just recite a bit about that case study.

Back in 1990, the then Governor of New Jersey proposed a $2.8 billion tax increase on the citizens of New Jersey, Mr. Speaker. By a single vote, by a single vote in both the State Assembly, that is the lower house, and, of course, the State Senate, also by a single vote in the Senate, the tyranny of a one-person majority pushed through the largest tax increase in New Jersey's history.

The consequences of this onerous tax cost 300,000 taxpayers in New Jersey their jobs. And 300,000 people, following that tax break, following that tax increase, were out of jobs. The economy of New Jersey, already hit by the nationwide recession, fell into further crisis. We called it a recession within a recession because of that large tax increase.

As a result, the leadership in New Jersey changed. It changed hands. And Governor Christie Todd Whitman was elected to reverse the devastating effects of the 1990 tax increase. Governor Whitman pledged during her campaign to cut taxes and then maintained the pledge, and followed through even earlier and more quickly and more efficiently than she had promised.

However, the real threat continues in New Jersey. The tyranny of a one-person majority still has the power to raise taxes on hard-working people in New Jersey. For this reason, Governor Whitman has set out on an ambitious endeavor to ensure that a one-vote majority in both Houses of the State legislature will never again raise the taxes on hard-working families in New Jersey with similar results of the 1990 increase.

Governor Whitman has begun to lobby the State legislature to enact a supermajority to raise taxes modeled after the attempt here today to pass the Constitutional amendment. The people of New Jersey have experienced firsthand the devastating impact of raising taxes on the work force and on the economy.

Providing an amendment to the Constitution requiring a supermajority to raise taxes will negate the possibility of the tyranny of a one-person majority as history in New Jersey has demonstrated. It will be more difficult to raise taxes on hard-working Americans. It will be easier for people to make a living, and easier for the economy to respond in a positive nature.

I urge Members to vote in favor of H.J. Res. 111, and commend the gentleman from Texas (Mr. BARTON), the gentleman from Arizona (Mr. SHADEGG), and the gentleman from Texas (Mr. HALL) for their leadership on this issue.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my good friend from Arizona (Mr. SHADEGG) made a statement about how great the seven States were doing that require a supermajority vote of the legislature. Sorry. Wrong report.

The fact of it is that the Heritage Foundation report is fundamentally flawed. My source is the Center on Budget and Policy Priorities, which point out that five of the seven States that the gentleman cited experienced slower than average growth in tax revenue, because the study is flawed for the reason that it considers only State level tax changes rather than changes in total State and local revenues. The gentleman forgot that. It is a small point, but it is critical.

By some measures, supermajority States have had less economic growth than other States, and have not had smaller tax increases. Sorry about that. Five of the seven States with supermajority requirements experience lower than average economic growth as measured by changes in per capita, personal incomes between the years 1979 and 1989.

In addition, five of the seven supermajority requirement States had higher than average growth of State and local revenues as a percentage of residents' income. Case closed.

Why do you not bring some accurate statistics and reports, I say to the gentleman from Arizona, who is still my friend? But let us be accurate. We are talking about constitutional amendments.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

□ 1315

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me and commend him on his work on this issue.

Why should we make it more difficult to raise taxes? Most Americans believe the Federal Government is too big, is too intrusive in their lives. It is a bureaucracy they cannot deal with, and they do not want it to grow, so we do not need to look at more money. This government grows and our taxes grow without raising them.

Many have said we are trying to protect the current Tax Code. That is a lie. If those really believe that, I urge them to join the Largent-Paxton bill that I joined and many have joined here that sunsets the current code on December 31st of 2001, but also requires that by July the 4th we have a replacement. We want to replace this code, but we do not want to make it easier to raise taxes.

The vast majority of Americans believe the Federal Government should stop growing. It grows because of the aggressiveness of our current Tax Code. I come from a State government where taxes were flat. We did not get the kind of growth we get, usually double the rate of inflation just with new money every year.

Then there are those that are salivating over the cigarette tax because it will allow government to grow even more. Now I am not opposing the cigarette tax, but I say for every penny that we bring in on a cigarette tax we need to decrease taxes an equal amount because we do not need more money in Washington. The cigarette tax should not come forward unless we agree that we are going to cut taxes equally.

Why are Democrats afraid of tax limitation? They ruled here for four decades by buying the people's support with new programs, more government, a bigger Federal Government, and this will stop them in their tracks. The American public changed here a couple years ago because they suddenly realized that all of this free money from Washington was not free. They were sending it to Washington, and they got less back than they sent and a Federal Government that does not answer their phone calls, a Federal bureaucracy that does not care about them, a Federal bureaucracy that is totally insensitive to the needs of our communities because they do not understand them.

Yes, the voters today realize that when they increase Federal taxes that the Federal Government is going to grow, and that is what Democrats want, that is what made them successful. But all of a sudden the American taxpayers had as much government as they could afford and as they could want, and that is why Republicans are running the Congress today. And this bill, this resolution, will lock in and make it more difficult to grow this Federal Government that by most people's standards is too big and too hard to deal with.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I think the previous speaker made it very clear. The motivation for this is a distrust of democracy in the

people. The gentleman from Pennsylvania said the Democrats kept control by buying the support of the people with programs. In other words, the people dared to disagree with him. The majority preferred certain programs.

For example, to take a program that I believe would have been made impossible by this amendment, the Medicare program, because the Medicare program was passed by less than a two-thirds majority, and it raised taxes because we financed Medigap through Social Security, and the gentleman is correct. The Democratic majority of 1965 would not have been able to buy the support of the people who crassly said, ''We'll take some Medicare in return for a tax increase.'' He would like to make it impossible.

What this amendment is about is a fundamental distrust of democracy, and arguing frankly as to what the results are of having tax limitation or not seems to me inappropriate because we do not in my view derogate from democracy because we think it will have better results.

If my colleagues are committed to majority rule, now we have a modified form of majority rule. We have 2 senators per State. We do not have undaunted majority rule, but within that framework we have always felt that a majority is a more democratic, more representative method than a minority, and what we are being told here is no, majority rule does not work.

The gentleman from Pennsylvania (Mr. PETERSON) made it clear. The darn people kept voting for Democrats. They were bought off. We cannot trust these people to make their own decisions. And then he said correctly, yes, people were unhappy so they voted Republican. But I think my Republican friends are not sure that is going to stick. They shut down the Federal government in 1995; it was not the best decision they ever made. They were a little worried.

So what do they want to do? We heard the gentleman from Pennsylvania; he wants to lock in the decision. In other words, Democrats had won, now Republicans have won, let us not trust democracy. We never can tell about those people, they may get bought off by support for programs again. As my colleagues know, they were for Medicare, they were for Social Security, they may be for another one of those other darn programs.

Let us therefore lock this in; let us change the rules. Let us, while we have a majority now, change the rules so if the people change their opinion, if the public decides that they want more of a public sector, if we were to decide that years from now we might want to increase this percentage of revenue, if the people decided they wanted to raise taxes on cigarettes and not necessarily reduce revenues elsewhere, if people decided they wanted to raise taxes on cigarettes just for programs dealing with health, let us make that impossible. Let us go to a two-thirds vote.

The question is democracy, and by the way, that is a pattern.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the gentleman understands that when we considered this the last time it got 233 votes, a majority. The only reason that they carried the debate with a minority is that it takes two-thirds in order to amend the Constitution.

Does the gentleman from Massachusetts think that Article V of the Constitution distrusts democracy? Does the gentleman think when three-quarters of the State legislatures have to approve what we are doing here today by a bare majority vote, not a supermajority, that it is not distrusting democracy?

Mr. FRANK of Massachusetts. Yes, it is. Mr. Speaker, I would be glad to respond to the gentleman.

Of course there is a difference, and this is a very profound and very clear difference. There is a difference between the day-to-day decisions that government makes and the question about what the basic rules will be.

Of course the Constitution treats amending the Constitution differently than passing legislation, because what we say is when we are creating the fundamental structure of government, that is a more fundamental decision. And yes it is, I think, reasonable to say. And, no, I am not going to yield yet. The gentleman apparently just discovered that the Constitution required two-thirds and three-quarters.

Mr. COX of California. If the gentleman would yield for a point of personal privilege, I went to the same law school at the very same time, and the gentleman and I were classmates.

Mr. FRANK of Massachusetts. Mr. Speaker, I must say the relevance of where either the gentleman or I went to law school, my friend talked about red herrings, that seems to me totally trivial. The fact is this:

There is a very clear distinction between a Constitutional Convention and the rules for amending the fundamental rules and the day-to-day decisions, and no, I do not think decisions about whether or not we should have a Medicare program. And I want to be clear, the Medicare program would have been made impossible by this.

This is a kind of imposition on the people they do not like. They try to whittle it down, now they would apparently wish they never had it. But the fact is that a decision about whether or not there were Medicare programs, a decision about whether or not to raise taxes on cigarettes, is not the same as the fundamental decision about the structure of government.

And, yes, I think it ought to take two-thirds to decide if we are going to change the Bill of Rights, if we are going to change the basic rules by which we govern ourselves, but that is not the same as saying that the decision to raise the cigarette tax or to institute Medicare, and those are two issues which are involved, should be done only by a majority.

And I think it is very clear the other side does not like a majority. The gentleman from California conceded that point. No, he does not want it to be by majority rule. They have had bad luck with the majority. They did come back into control of Congress in 1994, and it turned out the public has been less sympathetic to their wishes than they had hoped them to be.

So what they are trying to do, the gentleman from Pennsylvania was right, they want to lock it in. They want to use the temporary majority they have now to change the rules so in the future majorities that disagree with them will not have a chance to vote.

They do not like some of the highway bill. They think the highway bill is one of those programs where the Americans get bought off. I have heard some of the Republican leaders say that is what Democrats do. I think the American people have a right to decide they want to go forward with that program. I do not think they are getting bought off.

Now the point again I want to stress is this: Results in tax limitation States and nontax limitation States seem to me irrelevant. We do not decide whether or not we are going to stay with the fundamental precepts of democracy because it might be advantageous.

I will say as far as results are concerned there is a difference between a Federal and a State taxation base. I heard all these arguments about how terrible taxes were for the minority in 1993. They made all kinds of predictions about the tax bill of 1993 would hurt the economy. Never have they been more wrong. But the question is if we will stay with democracy or restrict the people because we do not trust them.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman, who went to the same law school as the gentleman from California.

Mr. FRANK of Massachusetts. Why do all my colleagues keep saying that?

Mr. CONYERS. It does not mean that everybody learned the same thing at that class. I mean everyone did their own thing. So some of this information is very important about the Constitution that we are discussing here today.

Now the $50 billion cigarette tax reduction for the tobacco industry, which the Speaker knows about since his fingerprints are the only ones on it, would have required a two-thirds majority to have taken out. That is what the gentleman from Massachusetts (Mr. FRANK) keeps telling the Republicans, that that is what the problem with this giveaway bill is that they are masquerading as something good for working folks. It is a corporate giveaway, and they are not going to get

away with it again. They did not succeed last year and it does not look like they are going to do it again.

APPENDIX

DATA DO NOT SHOW BETTER ECONOMIC PERFORMANCE IN STATES WITH SUPERMAJORITY REQUIREMENTS

The Heritage Foundation contends that states in which a supermajority vote of the legislature is required to raise taxes have experienced faster economic growth and fewer tax increases than other states. A March 1996 Heritage report looks at the seven states that have had supermajority requirements in place for a number of years—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—and finds that five of the seven states experienced slower than average growth in tax revenue. It also finds that five of the seven states (but not the same five states) experienced faster economic growth than the average state. The Heritage report suggests a casual link between supermajority limits, lower taxes, and faster economic growth, saying ''. . . there is no escaping the logical relationship between supermajorities and super state performances.''[3]

But the Heritage study is fundamentally flawed. It considers only state-level tax changes rather than changes in total state and local revenues, despite the capacity of states to shift costs and responsibilities to local governments. In addition, it compares 1980, a year in which the economy was just turning down from the peak of an economic expansion, with 1992, a year at the beginning of a recovery from a deep recession. Economists and analysts generally frown upon comparisons that use years representing different points in the business cycle.

If one measures state and local revenues, examines years that represent similar points in the business cycle, and looks at various measures of economic growth, conclusions very different from those Heritage has presented may be drawn. By some measures, supermajority states have had less economic growth than other states and have not had smaller tax increases. For example:

Five of the seven states with supermajority requirements experienced lower-than-average economic growth, as measured by changes in per capita personal incomes between 1979 and 1989. (These years both represented business cycle peaks.) Four of the seven supermajority states had lower-than-average economic growth during this period as measured by changes in Gross State Product.

In addition, five of the seven states with supermajority requirements had higher-than-average growth of state and local revenues as a percent of residents' incomes from 1979 to 1989. Five of the seven states (not the same five) had higher-than-average increases in state and local taxes per capita from 1984 to 1993, two other years falling at similar points in the business cycle.

This is not to say that supermajority requirements hinder economic growth and lead to revenue increases. Rather, the point is that different choices of years and of measures of taxes and economic growth lead to diametrically opposed results. This should serve as a strong caution that no valid conclusions about the effects of supermajority requirements can be drawn from the type of simplistic analysis the Heritage Foundation has conducted.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to summarize, to say I understand particularly that the conservative wing of the Republican party has been dissatisfied lately. They used to be dissatisfied with the Democrats, they were dissatisfied with the President. Now they are dissatisfied with their leadership, and I think they are beginning to show dissatisfaction with the American people. The American people are not quite as willing as they are to see the government dismantled.

Yes, people have criticisms of the government in general, but the people show more support for particular programs than is popular with some over there. That is why the gentleman from Pennsylvania talked witheringly about the people being bought off and locking these in, and I say to my friends on the other side, the response when they think the majority is no longer as supportive of their philosophy as they once were is to try to talk them back into being on their side. It is not to change the rules so that the country becomes structurally less democratic than it was the day before.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

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

Mr. FRANK of Massachusetts. Mr. Speaker, does that mean we will be voting at the close of approximately an hour and a half that is left? Will we be voting right away around 3:30, for the Members that want to know when we are going to vote? Does that mean when this debate ends we will proceed immediately to a vote?

The SPEAKER pro tempore. The Chair will make that judgment at that time.

Mr. FRANK of Massachusetts. Well, who will tell the Chair what judgment to make, Mr. Speaker?

The SPEAKER pro tempore. The Chair will be making that decision at that time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from Massachusetts (Mr. FRANK), I want in the interests of full disclosure and open and honest debate, subsequent to his conversation with me publicly and privately, I have called the Speaker's office to try to confirm his whereabouts. The Speaker is not on Capitol Hill at this point in time. He does expect to arrive between 5:00 and 5:30. I will at the appropriate time, at the end of all debate, if we use the full time, ask for the yeas and nays, and I have asked that the vote be held until the Speaker can be here which should be between 5:00 and 5:30.

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

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for clarifying that and for not mentioning where my friend and I went to law school

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

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for making that announcement, but I made it earlier. I made it first.

Mr. BARTON of Texas. So?

I would like to walk through some of the constitutional mechanisms which I believe are very important, and which show that the majority that supports this amendment wants the majority to speak on this amendment.

The 16th Amendment allowed a Federal income tax. That passed with a two-thirds vote in the House and the Senate, was sent to the States, and three-fourths of the States ratified it. It is my belief that because of the 16th Amendment, which allowed income taxes to be placed on the heads of the American taxpayer, that we need a constitutional amendment raising the bar to a two-thirds vote.

If we were to pass this amendment today, it would take two-thirds of the House. We would send it to the Senate, it would take two-thirds of the Senate. It would go to the States, it would take three-fourths of the States to ratify. Those States would ratify by a majority vote in the States, so there will be ample opportunity for a majority of the citizenry and their elected legislatures in this country to determine whether they want to raise the bar on raising taxes.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. COX of California. I think the gentleman raises a very important point. We were just having a debate about what are procedural rules and what are substantive rules. The gentleman from Massachusetts insists that it would be antidemocratic were we to have a two-thirds vote requirement to have procedural rules that govern revenue bills, and yet the gentleman makes a very fine point.

The Founding Fathers who wrote the Constitution, including the Bill of Rights that we now so cherish and would not amend without a two-thirds vote, said there could be no income tax at all, not Medicare payroll taxes, not any kind of tax. And it required the 16th Amendment to the Constitution in the 20th century, which passed not only the Congress by a two-thirds vote but all of the State legislatures, three-quarters of them by another majority vote in each, in order to change that rule.

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Clearly the constitutional requirements to raise revenue are the sorts of procedural rules that the Founding Fathers intended would be governed by Article V of the Constitution, and clearly the consequence of the amendment that the gentleman is proposing

[3] Daniel J. Mitchell, ''Why a Supermajority Would Protect Taxpayers,'' The Heritage Foundation, March 29, 1996.

here today is not only to ensure that two-thirds of the House and Senate are with us, so it is clearly majoritarian, but also all of the States get in on this debate.

In 75 percent of the State legislatures, at least we would have to have a majority vote in support of this proposal before it can become law. I can think of no more deep trust in democracy than this proposal.

Mr. Speaker, I would point out that the constitutional fathers wanted to make it impossible to have an income tax, so you could have had 100 percent vote, and it would have been unconstitutional, because direct head taxes were unconstitutional. It took an amendment to the Constitution in 1914 to make income taxes permissible.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the former mayor of Fort Worth.

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the tax limitation amendment. Ronald Reagan once said, ''We all work for the Federal Government. It's just that some of us don't take the civil service exam.''

The Gipper was making a joke, but he was not trying to be funny. He was referring to the fact that every American works from January 1 to May 9 just to pay his Federal income taxes. That is right, for over 4 months of the year, the income of Americans goes not to their savings account, not to their families, but to the government.

For too long, Washington has taken too much money from too many people. The only way to stop this is to lower taxes and keep them lowered.

How can we do this? With the tax limitation amendment. This amendment simply says if you want to raise taxes, you better have a good reason, and you better be able to convince two-thirds of the people's representatives in Congress.

For the critics of this amendment, I have some questions. Do you really think the American people are undertaxed? Most Americans do not think so. Do you really think a tax increase automatically equals a revenue increase? History suggests otherwise. Do you really think it is such a bad thing to make it difficult to raise taxes? After all, it is not our money we are talking about; it is the hard-earned, hard-won money of the American people.

Mr. Speaker, I would remind some of our friends on the other side of the aisle that Congress does not live on taxes alone. We have reached a budget surplus by controlling spending and growing the economy.

More importantly, Mr. Speaker, I support this amendment because it is true to the spirit and the soul of our Nation. Before there was an American dream, there was the dream of America; a place where free people could raise a family, work for a living, and maybe own a home. A place where free people were busy making a living by making a difference.

This is a story of America. Our greatness is found not in the halls of Congress, but in the heartland of the Nation. We have solved our problems not because of government programs, but because of our good people.

Mr. Speaker, just think what the American people can do and will do when we let them keep more of their own money. Just think of the history that will be written in the next century, if only we allow Americans to have the resources they need and the freedom they deserve.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to H.J. Res. 111, the tax limitation amendment. I support fiscal discipline, including strict adherence to the Balanced Budget Act we enacted just 8 months ago, and I support a simpler, fairer, and more efficient tax code. But this proposed constitutional amendment does not guarantee that we will stay the course of fiscal discipline or enact responsible tax reform. This legislation is bad process, bad politics and bad policy.

First, an amendment requiring two-thirds of both houses of Congress to raise taxes would allow a small minority to hijack tax policy. That's critical because only 146 members of the House could exert control over the Federal Government's most powerful policy lever. This is simply unwise. A small minority of the House could impose its will on the majority giving new meaning to the phrase, ''Taxation without representation.'' And why limit the two-thirds requirement to tax increases? Why not require a two-thirds increase to reduce Social Security benefits or to declare war? In making policy choices, the Constitution adheres to the time-honored principle of majority-rule. I believe we should stay the course.

Second, although the resolution would amend the Constitution to make it more difficult to raise taxes, it does not define what constitutes a tax or a tax increase. For instance, many of us support scrapping the Federal Tax Code. Yet, if this amendment were adopted it could result in a small minority blocking significant tax reform because any closure of a tax loophole to create a more simple and fairer tax system could be considered a tax increase. Eliminating the wasteful ethanol subsidy could be interpreted as a tax increase. Issues like this would kill tax reform.

Third, this is the third time in 3 years that we will go through this publicity stunt. In 1996, an identical resolution failed by 37 votes. In 1997, it failed by 49 votes. The Senate did not even consider the bill. Each time, more members are realizing that the resolution is a Republican Party publicity stunt performed around each April 15. This is a political device disguised as a solemn constitutional amendment; it embraces a popular goal while maintaining silence over the means to accomplish it.

I want to emphasize that this is not a vote on whether to raise taxes. many who oppose this legislation, myself included, voted for $95 billion in tax cuts as part of the balanced budget agreement reached last year. Rather, this is a vote about whether we will effectively put the President and the Congress in a policy straightjacket that would severely limit our ability to fight recessions, depressions, capital flights, currency devaluations, reform the Federal Tax Code, and other challenges posed by a new economy.

Rather than engage in making political points, this Congress should continue on the path of sound fiscal policy we established in the Balanced Budget Act of 1997. Passage of this act showed we could balance the budget while cutting taxes for working families, encouraging Americans to save for retirement, protecting Medicare, and investing in education and research.

If we are serious about reforming the Tax Code and maintaining fiscal discipline, we cannot rely on gimmicks that tinker with the Constitution. Rather, let us get on with the important work of this Congress, including passing a long-overdue budget resolution that abides by the budget agreement, committing any surpluses to paying down the $5.4 trillion Federal debt, and strengthening Social Security for future generations. These are steps that will make a real difference for the American people. This legislation will not.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of tax cuts for hard-working American families, but in opposition to this tax loophole protection bill.

Mr. Speaker, this bill would require a two-thirds majority vote to approve any legislation raising taxes. Now, that is a great sound bite, until you realize that it stops bills closing tax loopholes for the wealthy in order to provide tax relief to working middle-class families in this country.

For instance, it would allow billionaires, who have made their fortunes here, to decide to renounce their citizenship to go to live in another country, and, therefore, not have to pay for any taxes. It makes it harder to pass legislation raising tobacco taxes to stop children from smoking.

I support tax relief for working families. The first bill I introduced as a Member of Congress was a bill to cut taxes for middle-class families. In this Congress, I have introduced the bipartisan Smoke-Free and Healthy Children Act to raise taxes on tobacco by $1.50 per pack. This bill would deter children from starting to smoke. It would fund cancer research and public health initiatives, and it will support safe, affordable child care for all of our children. But if this two-thirds requirement passes, legislation raising tobacco taxes is doomed.

Mr. Speaker, the legislation before us today protects the tobacco industry and makes it harder for Congress to pass legislation increasing the taxes on cigarettes. Today, as we discuss tobacco legislation, the tobacco industry executives must be dancing for joy.

Mr. Speaker, I urge all of my colleagues to vote no on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 6 minutes to the gentleman

from California (Mr. COX), the Chairman of the Republican Policy Committee.

Mr. COX of California. I thank the gentleman for yielding me time.

Mr. Speaker, I would point out in response to my colleague who just spoke that she is incorrect about the way that the amendment would work. It would be very easy for us by mere majority vote to have a tobacco tax, even with this amendment in the Constitution. However, it would be very difficult for us to raise $300 billion or more from the American people and grow the government by that amount.

What would be required by this amendment is that we have a thorough debate on whether we want to grow the government with those new taxes or whether we want to offset other taxes on the working Americans that the gentlewoman says she favors simultaneously. If the net effect is to grow the government by $300 billion rather than impose a new tariff on tobacco, but return those revenues to the American people who earn the money in the first place in the form of other tax cuts, it makes a big, big difference.

What this legislation is all about is the tax burden on the American people, which right now is higher than at any time in two centuries of American history.

It is worth dwelling on that. In fact, we should have a moment of silence for the hard-working American people bearing this tax burden. Not just the highest tax burden in the history of the United States of America in terms of the raw number of dollars, not even the highest tax burden in terms of inflation-adjusted dollars, but the highest tax burden as a share of the economy in two centuries of American history, even with this large and growing economy, as a share of that economy, with the exception of 2 years, 1944 and 1945, when income taxation by the Federal Government reached 20.9 percent of gross domestic product.

We are up over 20 percent again now in peacetime, not World War II. That is where the tax limitation amendment passed the House of Representatives on April 15th, 1997, a year ago, with 233 votes, a significant majority. But the defenders of majority rule over there, who say we distrust majorities, are hiding behind the fact they have to have a two-thirds vote in order to pass this, and claiming victory because a minority of them want to have higher taxes on the American people, and it is minority rule and minority dictation that are actually controlling this debate today, because we need to get from 233 votes to 290 votes in order to succeed, where the State legislatures then, after we propose, and that is all we do in this process as Congress, is propose a constitutional amendment, will pass it or not by a majority vote. A majority will rule in the State legislatures.

That is how constitutional amendments under Article V of the Constitution become part of that charter document. Seventy-five percent of the State legislatures would have to enact it by a 50 percent vote.

So do not give us this stuff about ''We are for majority rule.'' You are hiding behind the supermajority vote requirement here to defeat tax limitation for the American people so you can keep taxes high and make them easier to raise. The tax burden on the American people now is unconscionably high, and we need relief.

It is currently a rule of the House of Representatives that we have a supermajority vote to raise taxes. That is the way we operate right now. Ever since Democrats lost their status as the majority party here in 1994, we have operated under this rule, and we have not raised taxes.

In 1993 we had the largest tax increase in American history, and that was the penultimate act of the Democratic Congress before they lost their status as the majority party.

In 1994, when we won majority status as Republicans in this Congress, the Dow Jones industrial average was at 3900. Today, it is around 9000. Today, tax collection by governments at all levels are higher than ever as a result of wise tax policy; not trying to soak the American people for every last red cent they are worth, but as a result of some common sense and moderation.

The 16th amendment to the Constitution, which made the income tax possible, was proposed by a Republican Congress. In the House of Representatives, in this very building, in 1909, Representative Sereno Payne of New York offered what became the 16th amendment to the Constitution; and Champ Clark, the minority leader from Missouri, also spoke in favor of that. Both of them were opposed to the kinds of tax regime we have today.

Mr. Payne, the chief sponsor of the 16th amendment, said he wanted to make sure that we had this power added to the Constitution so that we could exercise it only in time of national security emergency, in time of war.

As to the general policy of an income tax, he said,

> I am with Gladstone. I believe it tends to make a Nation of liars. It is, in a word, a tax upon the income of honest citizens, and an exemption, to a greater or lesser extent, of the income of rascals.

That is the chief sponsor of the 16th amendment that made this possible. It took two-thirds of both the House and the Senate to give us that amendment in the first place.

If you want to trust democracy, then trust our State legislatures, who, by majority vote, will give us this tax limitation upon the Congress, or they will not. Seventy-five percent of them must act by majority vote in order for this to happen.

If you want to trust democracy, consider the results of the last half century, when the income taxes exploded by leaps and bounds. As recently as the eve of Pearl Harbor, only one in seven Americans had to file an income tax. My folks, when raising me, making the average national income, like every family making the average national income in the 1950's, paid income tax at a rate of 2 percent. The FICA tax on my dad's paycheck was 1.5 percent. Look at where we are today.

If you think taxes need to be higher, vote against this. If you think it is undemocratic that we require two-thirds of the United States Senate to ratify a treaty, vote against this.

If you believe in the United States Constitution, if you believe in the wisdom of the Founding Fathers and the Constitution that they gave us, if you believe in the American people, and you do not think this is a giveaway, but rather letting them keep their money, vote with the gentleman from Texas (Mr. BARTON) and vote for this amendment. We desperately and dearly need it for the future of America.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I would say in response to the comments of the gentleman from California that I do believe in the United States Constitution, and I think sometimes that the Republican majority in this House thinks that the U.S. Constitution is a draft document that needs constant revision. Our Founding Fathers set up a document that establishes a balance between the branches and establishes majority rule on those issues of substance that come before this particular body.

There is a difference. As the gentleman from Massachusetts pointed out earlier, there is a difference between those rules laid out in the Constitution that govern how we operate here and the matters that relate to what working families in this country have to deal with.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. COX of California. I would point out, if I understood the gentleman, he said the Founding Fathers set up this balance, and that the Constitution is not a draft document. But the Constitution the Founding Fathers gave us made taxes unconstitutional and it took the 16th amendment to make it possible. So we are only amending the 16th amendment.

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Mr. ALLEN. Mr. Speaker, the Founding Fathers said very clearly that there is a process for establishing, for amending the Constitution. That is what we are going through. This is not hiding behind the supermajority vote. This is not minority dictation. This is an issue of how we are going to deal with substantial, substantive issues as we go forward.

There has been a lot of debate here about State examples. They are, in my

view, almost completely irrelevant. The States are not responsible for Medicare, the States are not responsible for Social Security, the States are not responsible for national defense, and the States are not responsible for taking this country out of a deep recession or depression, if we ever fall into one again.

We want to preserve majority rules on those issues that matter, mostly that involve the business of this House, as we conduct it.

I would say this. One speaker earlier said this limitation, constitutional tax limitation agreement, would make it harder for this Congress to raise taxes. That is right. It would make it harder for this Congress to raise taxes, and it would make it much harder for this Congress to reduce deficits, because the two go together.

If we look back at history, what has happened here in this Congress in recent years, since 1982, five of the six major deficit reduction acts that have been enacted since 1982 and helped us balance the budget have included a combination of revenue increases and program cuts. President Reagan signed three of those deficit reduction measures, President Bush signed one, and President Clinton signed one. Not one of those five passed with a two-thirds majority in this House of Representatives.

There is no one in this House, there is no one in this House who can look out into the future and see what is going to happen to Medicare in 10, 20, 30 or 40 years. There is no one in this House who can be absolutely sure that we are not going to need to do something with Social Security, or other issues that come before us.

This is a bad bill, and it should be voted down.

Mr. BARTON of Texas. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from the great State of Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, it is a big deal to amend the Constitution, I agree. Mr. Speaker, I want to talk about this issue from a little bit different level than what we have talked about it thus far.

Why should we change the Constitution and make it hard to raise taxes? One simple reason: freedom, freedom, freedom. If we take someone's money, we take their freedom away. The more money we take, the more freedom we take away. It is inherent upon us to try to restore some of the freedoms that have been lost in the last 50 years in this country.

Mr. Speaker, I can remember as a small boy and then as a young man and now here at 50 years of age, I can list the things I cannot do today as an American citizen that I could do at those times. So what I would want the American people to think, and for the Members of Congress to consider, is are they more free if we make it harder to raise Americans' taxes? Are Americans more free if we take less of their money, not more? That is what this is about. We are not amending the Constitution any more than we are amending the sixteenth amendment, which made it all too easy to raise taxes.

We just heard about the five tax increases that have been passed. Not one of those balanced the budget. The budget is not balanced now.

We have heard of surpluses. That is a joke. We are going to borrow $150 billion this year. There is no surplus.

The tax increase never gave us a balanced budget. For every dollar we increased taxes out of the last five, the Members of this body have not had the determination, except to spend another $1.46 for every dollar we increased the taxes. So we should make it very difficult to raise taxes, because it is very important we return freedom to the people of this society.

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

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

Mr. Speaker, I rise today in opposition to this amendment, because it is part of the annual rite of spring; that is, the Republicans wait until tax day and then they trot out this bill. And in a somewhat cynical fashion they suggest to us, you did not like paying your taxes, so here is our solution so you will not have to pay higher taxes.

Let us try to go behind the rhetoric and look at the reality. The fact of the matter is, it is not likely that we are going to raise taxes. Number one, we are in a period of unprecedented economic prosperity. We have projected surpluses for the next 5 to 10 years. There is absolutely no enthusiasm or inclination to raise taxes.

Second, as the gentleman from California pointed out, we are operating under House rules by the Republicans that say we have to have a supermajority to initiate a revenue increase. Unfortunately, they have waived it about three times, but the fact of the matter is, if we have the House rules that prevent raising taxes, if we have an economy that suggests there is no need to raise taxes, we have to wonder, why are they so determined to pass this measure?

Let me suggest that this is just another in the continuing chapter of the Republican efforts to provide tax reform for the rich. Why? Because what this bill would do is prevent us from closing tax loopholes in two areas: first, the corporate tax loopholes. What this bill would say is, if we Democrats propose to close tax loopholes, oh, that is raising revenue, we cannot do it. There are also tax loopholes for the very wealthy. We could also be prohibited under this amendment from closing those tax loopholes.

So the real beneficiaries of this amendment are not going to be average Americans, who are not likely to see a tax increase. The real beneficiaries are going to be the very wealthy and the corporations.

One other group we heard about, the billionaire expatriates; that is, the people who earned their money in this country and then decided to leave and take up foreign citizenship so they could avoid paying taxes. They, too, would be protected under this amendment.

Mr. Speaker, the point is this: We need to close some tax loopholes. We need to close corporate tax loopholes, we need to close corporate loopholes for the very wealthy, and we need to close the expatriate tax loophole. We need the ability to do it. This bill impedes that.

We do not need to tinker with the Constitution. I found it very interesting that the gentleman from California suggested, well, the reason we cannot get this bill passed is because we require a supermajority to amend the Constitution. That is the whole point. That is why this is a bad idea. I do not think the gentleman can have it both ways.

The Constitution is working. The economy is working. The only people who benefit from this April Fool's joke are the rich. It does not benefit the average taxpayer. I urge the rejection of this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will actually read the resolution we are voting on and explain it:

''Any bill, resolution, or other legislative measure,'' and that means any vehicle that we bring to the floor, ''changing the Internal Revenue laws,'' that is, the Internal Revenue Code we currently operate under, ''shall require,'' it means we must, ''for final adoption in each House,'' that is, the House and Senate, ''the concurrence of two-thirds of the Members of that House voting and present,'' it means it would take a two-thirds vote to raise taxes, ''unless that bill is determined at the time of adoption,'' i.e., through the normal committee process, ''in a reasonable manner,'' we would be open and transparent, ''prescribed by law, not to increase the internal revenue by more than a de minimis amount.'' De minimis is a Latin word that means a very little bit, if you want to talk Texan.

''For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax.'' That is, you can cut the capital gains tax rate with a majority vote, and if that raises revenues, so be it. ''On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered,'' so it has to be a record vote.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for all his hard work. I am proud to call him a fellow Texan,

and he has worked so hard on this constitutional amendment, along with the gentleman from Arizona and so many other people, just to get this amendment passed for the American people.

Mr. Speaker, I appreciate the gentleman clarifying what has been going on here. It will be tough to pass this legislation today, chiefly because of the efforts of liberal Democrats to kill it. We all know that.

There has been a lot of talk about addiction these days: drug addiction, cigarette addiction, other things. Make no mistake about it, liberal Democrats are addicted to higher taxes. They want higher taxes so they can spend more money and expand the size of this government. We know that. That is the difference between the two parties. They are trying to defend it, though, by covering up the reality of what this bill actually does.

The gentleman from Maryland was talking about the fact that we cannot close corporate loopholes for the rich. That is not true. What is in the amendment is, basically, if we want to close corporate loopholes, then cut taxes for somebody else and make it a tax-neutral bill, and we will not have to have the supermajority vote. That is covering up what is the truth here. He wants more taxes to expand the size of government.

The gentleman from Maine was talking about the fact that, since 1982, there have been five bills introduced in this House to lower the deficit and balance the budget, each one of them to raise taxes by a majority vote. He is absolutely right. But the fact was, in every one of those bills, including the ones signed by Reagan and Bush, the size of government expanded, the taxes went up, and the deficits went up, too. There was no balanced budget. The only budget that is close to being balanced is the one that we passed last year that cut taxes and restricted spending and the growth of this government.

The American people know that. They are not going to be fooled by all the rhetoric. Every proposal that has come out of this White House is a proposal that will be funded with higher taxes.

The gentleman from Maryland said we are not going to raise taxes around here because we have a surplus. Has he not been listening to the White House? They want to raise cigarette taxes. They are talking about it almost every day, about raising cigarette taxes to $1 or $2 a pack. Every proposal that comes out of this White House will be funded by more taxes.

In fact, later on this week, tomorrow, I understand, the White House is going to celebrate with those Members of Congress who voted for the largest tax increase in history in 1993. They are going to have a party over at the White House, imagine that, a celebration for those who voted for the largest tax increase in the history of this country.

I have to tell the Members, many of those people that will be celebrating tomorrow at the White House are now former Members of Congress. The American people spoke in that last election that made them former Members.

Mr. Speaker, clearly, clearly the White House, the President of the United States, liberal Democrats, are totally out of touch with the American people. If we look at the elections all across this country, their philosophy of higher taxes and bigger government is being rejected all across this country. The American people are overtaxed, they are overregulated, and they are overburdened by this Federal Government.

I am not talking about the tax burden of 38 percent. Over 50 percent of the average family's income goes to pay for government, if we add up all the costs of government, local, State, and Federal taxes, and the cost of regulations. Fifty cents out of every one of Members' constituents' hard-earned dollars goes to the government today. No wonder America's families are under such strain, because it takes one parent who is forced to support the government while the other one works for the family in this country.

We think that is immoral. We have got to stop this rampaging in the American family's pocketbook, Mr. Speaker. This amendment to the Constitution will make it more difficult to raise those taxes, and we should make it more difficult to raise taxes. That is why I support this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Virginia for yielding time to me.

I rise in opposition to this resolution to amend the U.S. Constitution to require a two-thirds vote to raise Federal taxes.

Last year, the Washington Post characterized this best under the editorial, Show Vote on Tax Day. That does not apply this year, because we were in recess when April 15 came and went, but the strongest argument is still applicable, we should not be using the Constitution as a political prop.

We know the political advantages of doing this kind of thing, but let me tell the Members some of the disadvantages of doing it and some of the fatal flaws that are involved with this legislation.

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One of them is that we fail to define a number of the most important terms. For example, what is ''de minimis''? We do not explain whether we are talking about a $50 million tax increase or a $1 billion tax increase.

What constitutes a ''broadening of the tax base''? Whose interpretation is it? The leadership of the Congress? When we are talking about something this serious, clearly we need to define precisely what it is we are talking about.

But it also needs to be stated and considered by the majority that this would preclude any fundamental reform of the IRS Code, because we cannot have a fundamental reform of the IRS Code without affecting tax rates and altering the present tax base. Any changes that would broaden the base, such as closing corporate loopholes or replacing the current tax system, as the majority leader wants to do with the new flat tax, or the chairman of the Committee on Ways and Means wants to do with a national sales tax, would now require a ⅔ vote and then ultimately would not be determined on the floor of the House. Instead, there issues would have to be determined across the street in the Supreme Court.

But let me tell my colleagues about another issue, one that smacks of hypocrisy. Let me bring the House back to 1995 when this body passed the Contract on America, and we had one provision which was the most celebrated. First of all we had a rule that passed in January, and I think all the Members remember that. We had to have a three-fifths vote to raise any taxes. It said ''no bill or joint resolution or amendment or conference report carrying a Federal income tax increase shall be considered or passed or agreed to unless determined by three-fifths of all the Members voting.'' That is a rule that applied to all of our legislation.

We then had the Contract With America Tax Relief Act of 1995 three months later, which became the first violation of that very rule. I raised a point of order because that so-called Tax Relief Act actually increased capital gains taxes on small business from 14 percent to 19.8 percent. There was a point of order that should have been applied. In a precipitous ruling it was originally rejected, but then I got a letter from the House Parliamentarian saying absolutely, it was a violation of the House rule.

Subsequently and because of that ruling, the House leadership, the Committee on Rules, has had to waive the three-fifths vote requirement on every single occasion they have brought up a tax bill. Four occasions in the last term. For the Balanced Budget Act of 1995, they had to waive the rule. For the Medicare Preservation Act, they had to waived the rule. The Health Coverage Affordability and Portability Act, waive the three-fifths requirement. Likewise, the Small Business Protection Act. Four times we waived the rule that required a three-fifths vote because we never had three-fifths of the votes to pass just those basic relatively non-controversial tax law changes.

Now, let me tell my colleagues about another more recent example, and that is the tax relief bill we just passed as part of the Balanced Budget Act. It was a compromise. The majority and the minority both agreed to it. It was called the Taxpayer Relief Act of 1997. It closed some tax loopholes, but it imposed a new aviation excise tax and

broadened the tax base to help pay for some of the bill's tax cuts. That also did not get three-fifths. It was a violation of the House rule.

Mr. Speaker, we know if this was passed we could never do that kind of a thing. We could never have that kind of a Balanced Budget Act.

Lastly, I want to go even further back to the Articles of Confederation. Initially they thought this was a good idea. They said that nine out of the original 13 States would have to vote. Article 9 of the Articles of Confederation required just this kind of supermajority, nine out of 13 States.

If we look back at some of the debate that occurred in the Constitutional Convention, we will find that tax increases became too politicized. They could never get 9 out of 13 States to actually do what was necessary to keep this Republic going. And so in 1787 at the Constitutional Convention our Founding Fathers recognized that this was a supreme defect and they established a national government that could impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my point is, this is a legislative responsibility. Do not take this legislative responsibility and pass the buck, send it across the street to the Supreme Court and have these difficult issues resolved by the Judicial Branch. They should properly be resolved by the legislative branch, by Congress.

I do agree with that Post article last year that this is another ''show vote.'' We do not need show votes in the Congress. What we need is people who are willing to make the tough choices, who are willing to look back at history and realize that the public is best served by majority rule and a Congress with the courage to do the right thing ahead of the politically expedient thing. This constitutional amendment is not the right thing to do, it is at best a politically expedient ''show vote''.

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

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Virginia for his contribution today. Four times they have had, the Republicans have had to waive their own requirement. Does the gentleman have there any explanation from them as to why that occurred?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time, obviously they felt that they got the political benefit from putting in that three-fifths rule requirement. But then when it would apply, they got a rule that waived it. We raised an objection but nobody seemed to care.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, why would people come to the floor crying about that same issue, then? Why would people now come to the floor crying about why they need to impose this two-thirds requirement rule, when the same rule they imposed in the House under NEWT GINGRICH, the Speaker, is the one they ignore, they honor in the breach, they never do it?

Mr. MORAN of Virginia. Mr. Speaker, I would say to the distinguished ranking member that he makes an excellent point. Here we cannot even meet the 60 percent requirement and they want to raise it to a 67 percent requirement. It seems to me, again, that this is just window dressing and not substantive legislation. I thank the gentleman from Michigan (Mr. CONYERS) for raising an excellent point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding me this time, and I thank the gentleman for bringing this very important issue to the floor.

Mr. Speaker, I would also like to compliment the gentlemen and ladies on the other side who have spoken out against this resolution, because I have to compliment them. They are brave to be able to come up here and speak their beliefs and really come out on the position of being for taxes. If I did something like that, I could not return to Texas. But I have to admire them for their willingness to come here and take a pro-tax position, so I think that is to be commended.

Mr. Speaker, I would like to suggest to our side that if we all in the Congress did a better job in following the Constitution, we would not need this amendment. Because if we took our oath of office seriously, if we followed the doctrine of enumerated powers, if we knew the original intent of the Constitution, this government and this Congress would be very small and, therefore, we would not have to be worrying.

The other contention we have and have to think about is if we do not already follow the Constitution in so many ways, why are we going to follow it next time? Nevertheless, this is a great debate. I am glad I am a cosponsor. I am glad it was brought to the floor.

We do have to remember there is another half to taxation and that is the spending half. It is politically unpopular to talk about spending. It is politically very popular to talk about the taxes. So, yes, we are for lower taxes, but we also have to realize that the government is too big. They are consuming 50 percent of our revenues and our income today, and that is the problem.

Government can pay for these bills in three different ways. One, they can tax us. One, they can borrow. And one, they can have the tax of inflation, which is indeed a tax. We are dealing here only with one single tax. But eventually, when we make a sincere effort to get this government under control, we will look at all three areas.

We will limit the borrowing power. We will limit the ability of this Congress to inflate the currency to pay the bills. And we certainly will follow the rules of this House and this Constitution and not raise taxes.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL).

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

Mr. NEAL of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman from Texas (Mr. PAUL) before he goes out, I just wanted to explain one thing. This is not a debate about those ''for'' taxes and those ''against'' taxes, so the gentleman misunderstands our position. Our position is not for enshrining corporate loopholes to the tune of $450 billion in a constitutional amendment. It is not about being for taxes. I am not for taxes. I am trying to keep the gentleman's side of the aisle from enshrining this $450 billion loophole.

Mr. NEAL of Massachusetts. Mr. Speaker, reclaiming my time, for the third year in a row we are now debating a resolution to pass a constitutional amendment to require a two-thirds majority for any bill making a change in the revenue laws unless it is, ''determined at the time of adoption in a reasonable manner prescribed by law not to increase revenue by more than a de minimis amount.'' The resolution failed to receive a two-thirds majority for passage the past two years, and last year the defeat was by a greater margin.

All I can say about this resolution is that we have said enough about it and it is time to move on, instead of this waste of time with the gimmicks that are typically associated with these efforts in this House. Let us get away from the gimmicks.

Mr. Speaker, if I can, we ought to call this the ''Republican Straight-Faced Amendment.'' There are Members of this House that vote for term limits after they have served for 20-plus years and do not retire. That constitutionally we ought to take the line-item veto and pass it down to the White House, because somehow they believe that there is more wisdom at that end of Pennsylvania Avenue than this end of Pennsylvania Avenue. And, Mr. Speaker, instead of doing our work, we ought to have a balanced budget amendment to the Constitution, which we balanced without disturbing the Constitution.

Mr. Speaker, it is gimmickry and it speaks to the lowest instincts of the American voter when these proposals are repeatedly put in front of them by people who lack the fundamental sincerity on most of these issues. If they are for term limits after 12 years or 6 years, pick up and go. If they pledge at home that they are going to do that, they ought to take advantage of it and

leave the institution. But no, we come back with this kind of a gimmick time and time again.

Since this is the third year in a row, Mr. Speaker, that this proposal is brought before us, let me give my testimony from the last 2 years as well and submit that for the RECORD:

Mr. Speaker, today is a day that is dreaded by most Americans for one reason or another. Today, April 15th is commonly known as ''Tax Day.'' Anxiety is high and many Americans are scrambling to meet the deadline. People across America are concerned if they have to pay or if they did their taxes right. Today, the House is participating in a publicity stunt to try to ease the anxiety and fear about our current tax system.

We went through this exercise exactly a year ago today and rational minds prevailed. The resolution fell 37 votes short of the two-thirds majority required to endorse a change in the Constitution. We should not waste our time by having this debate again and hear Mr. Speaker would like to have it every April 15th.

Instead of holding this publicity stunt, Congress should be working towards balancing the budget. This resolution will not help individual taxpayers. A balanced budget will benefit us all. If we want to help taxpayers, we should enact targeted tax breaks such as expanded individual retirement accounts (IRAs). IRAs will provide a tax incentive for savings. We need to increase our national savings rate.

Today, we are debating an amendment to the Constitution. Any time we amend the Constitution it should be done in a serious manner. Amending the Constitution should not be taken lightly. This proposed amendment to the Constitution would require a two-thirds majority for any bill making a change in the revenue laws unless it is ''determined at the time of adoption, in a reasonable manner prescribed by law, not to increase internal revenue by more than a de minimis amount.'' This resolution does nothing but compound our current budget debate.

As a former history teacher, I value the Constitution and I have tried to pass this on to my students. Currently, the Constitution requires a two-thirds majority vote in the House in only three instances—overriding the President's veto, submission of a constitutional amendment to the states, and expelling a Member from the House. These instances differ substantially from the issue before us today.

The proposed Constitutional Amendment is similar to a House rule which was adopted last Congress. The rule required a three-fifth majority for ''carrying a Federal income tax rate increase.'' This rule change was narrower than the proposed Constitutional amendment. The Constitutional Amendment would affect all taxes and would also prohibit revenue increases through eliminating loopholes or other base broadeners.

The experience with the House rule demonstrates the unworkability of the proposed Constitutional Amendment. This rule was narrowed at the beginning of this Congress and the rule is basically meaningless.

The issue of requiring a two-thirds majority is not a new issue. This issue plagued our Founding Fathers. This proposed amendment would gravely weaken the principle of majority rule that has been at the heart of our system for more than 200 years. The Constitutional Convention rejected requiring a super-majority approval for basic functions such as raising taxes. James Madison associated majority rule with ''free government.'' He believed a person whose vote is diluted by super-majority rules is not an equal citizen and his freedom is not fully enjoyed. The arguments of James Madison still hold true today. With the adoption of this amendment, power would be transferred to the minority. A minority would be able to prevent passage of important legislation. Our Founding Fathers recognized the difficulty of operating under a two-thirds majority. The Articles of Confederation required the vote of nine of the thirteen states to raise revenue. We should learn from the wisdom of our Founding Fathers.

The proposed Constitutional Amendment would change how the House currently functions. This amendment would require any bill closing loopholes for deficit reduction to require a two-thirds majority. However, the amendment would permit tax increases on one group of taxpayers to pay for a tax break for another group of preferences.

This proposed amendment would require a two-thirds majority to reinstate funding of the Superfund program. A supermajority would be required to reinstate the trust fund for the airport and safety and improvement program.

Deficit reduction should be our primary focus and this proposed amendment would make it harder to enact deficit reduction. The Coalition Budget which was a responsible balanced budget would require a two-third majority by closing unnecessary tax preferences.

We should take a hard look at the action we are about to take today. Last year the Washington Post ran an editorial entitled ''False Promises.'' This editorial hit the nail on the head. It reminds us that damage done to the Constitution cannot be undone. We simply cannot waive the Constitution.

We should realize that we are elected to make hard decisions. A majority of major legislation passes with less than a two-thirds margin. Our job would be easier here if two-thirds of us could always agree and this is not supposed to be an easy job. We have to make tough decisions which often result in close votes.

Between 1982 and 1993, five bills that raised significant revenue were enacted. President Reagan signed three and the other two were signed by President Bush and President Clinton. All five of these bills did not receive a two-thirds vote on the House Floor.

Raising taxes is never an easy decision. I voted for President Clinton's budget in 1993 and parts of this budget were hard to support enthusiastically. But as a package, it was the right thing to do. President Clinton's budget in 1993 tackled the deficit. In 1992, the deficit was equal to 4.7 percent of the gross domestic product. The deficit will drop to 1.4 percent of GDP. The difference is money available for investment in the private economy.

I cannot predict the future, but based on past precedents, I believe it will be extremely difficult for any President to have a budget pass Congress if this amendment is enacted. So many of us hear the complaints from our constituents about gridlock. This amendment could add to the gridlock. We would not be able to pass the budget deals of the past without a supermajority. We should all know from this year's budget process how difficult this could be.

We will hear today that this amendment is important because it will help reduce our taxes. If we really want to help the American taxpayer we can do better than this legislation today. Our energy should be focused on deficit reduction. This amendment would make deficit reduction more difficult.

We all want to make our tax system more fair and simpler. This amendment will not help reach that goal. We have not studied the effects of this amendment closely enough. The wording of this amendment is not clear and could result in years of litigation. The resolution is not specific enough to address questions such as the length of the budget window or what constitutes a tax or a fee.

I urge you not to support this proposed amendment. We do not know enough about its effects. Just because it is Tax Day, we should not support a Constitutional Amendment that sounds good at first. In reality, this amendment will create numerous problems and will change the concept of majority rule. With this Amendment, we are turning back the clock of history and not moving forward.

Mr. Speaker, what we should be doing here today, according to the Certified Public Accountants of America, is speaking to the 10 big taxpayer headaches that could be cured through a little tax simplification. We could use our time to correct legislation that would make the tax burden easier for the American people.

Number two and three are individual alternative minimum tax and individual capital gains. Democrats on the Ways and Means subcommittee have introduced two bills that would address these important issues.

But let me talk if I can about AMT. The accountants refer to the individual AMT as the ''iceberg on the horizon sneaking up on unsuspecting middle income taxpayers as fast as the Titanic went down.''

The individual AMT is a tax on the individual taxpayer to the extent that the taxpayer's minimum liability exceeds his or her regular tax liability. The AMT imposes a lower marginal rate of tax on a broader base of income. The nonrefundable credits available to an individual to reduce his or her regular tax liability generally may not reduce the individual's minimum tax.

But starting in 1998, individuals who take advantage of that tax credit enacted as part of the Taxpayer Relief Act of 1997 will now have to fill out the complicated AMT form. In 1998, 856,000 people will pay the AMT, and this will increase to 3,000,822 taxpayers in the year 2008.

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The AMT will affect middle-income earners and result in the individual not being able to fully benefit from the new credits. An example would be a married couple with three children, including one in college, with a gross income of $63,000 would be affected by the AMT. This couple is entitled to $2,300 in credits, but $620 of that amount would be disallowed due to the alternative minimum tax.

The gentlewoman from Connecticut (Mrs. KENNELLY) has introduced a good

piece of legislation that would fix that problem. Many of us have spent hours upon hours of filling out schedule D. The Taxpayer Relief Act of 1997 provides for five different rates. An additional tax rate is scheduled to take place in 2001 and another in 2006. The gentleman from Pennsylvania (Mr. COYNE) has introduced a very simplified Capital Gains Tax Act of 1998. This legislation would require a taxpayer to include 60 percent of their total capital distributions on appropriate tax lines.

My argument here today is simply this. The other side knows that this is not going to pass, and they are trying to position Members of this House again in an election year over this issue. Leave the Constitution alone. The Constitution works fine as we have demonstrated with the balanced budget amendment, as we have demonstrated internationally with the demise of the Soviet Union. The rest of the world envies this system and they view it with a great deal of envy. Yet we sit here and come up with gimmicks rather than speaking to the real issues that confront the American citizen every single day, whether in the workplace or in other avenues of their lives. It is time to move on from this gimmickry, Mr. Speaker, and get to the real issues that confront this Nation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, let me begin by commending the gentleman from Texas (Mr. BARTON) on a fine proposal here.

I have been here for about 45 minutes. I finally heard something I absolutely agree with on the other side. The purpose of bringing this bill to the floor today is to position Members officially, those that are for higher taxes, and those who think taxes are too high already. I absolutely agree that that is what this bill will do.

If Members do not support the Tax Limitation Act, they are clearly defining themselves as being a person who is for higher taxes. The reality is this debate is not about what has been discussed here so far, though. This debate is about who knows best how to spend the hard-working people of America's money. That is what this debate is about.

The United States Government right now today collects an average of $6,500 for every man, woman and child in the United States of America. A lot of citizens say, do not worry about me; I do not pay that much in taxes.

If one does something as simple as buy a pair of shoes in a store, and the store owner makes a profit selling that pair of shoes, the store owner then has to turn around, take some of that money, and send it here to Washington. The point is, the United States Government is too big and spends too much of the taxpayers money, and the people in this city want to maintain the power and the ability to even take more out of those paychecks of hard-working Americans, and that is wrong.

Why is it, why is it that that tax rate is so high? We need to understand the thinking in this town. The reason taxes are so high is because the people in this community believe they know how to spend the hard-working people of America's money better than those people themselves know how to spend it. The reason taxes are so high is because spending is so high.

When we got here in 1995, spending was growing at twice the rate of inflation. Think about that. What other family in America, what other institution in America was in a position where they could increase the spending rates at twice the rate of inflation? But that is what government was doing. The only reason we have a balanced budget today, the economy is strong, but the reason we have a balanced budget is because in the face of that strong economy we slowed the growth rate of Washington spending down to the rate of inflation, and one would have thought we were cutting it to ribbons. All we did was slow the growth rate so it was only going up as fast as the rate of inflation, and in this community one would have thought we were cutting it to ribbons.

I rise today to urge in the strongest way I can the support of this amendment to prevent higher taxes in the future.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, supporters of this resolution, as we have just heard, would like us to believe that this is a debate between those who would raise taxes and those who do not want to raise taxes. But this is a wolf in sheep's clothing, little more than an invitation, instead, to gridlock.

If Members need any evidence of that, just look to my home State to see how giving the power of a majority to a few has resulted in a deadlocked legislature that has been annually unable to govern effectively.

In California, we have a two-thirds rule requirement for passing taxes and budgets. As a result, State government has missed its budget deadline nearly every year. The legislative gridlock is intense, throwing the operation of the State into a crisis mode time and time again.

We had a taste of that kind of deadlock 2 years ago when the President and Congress were unable to see eye to eye on the budget and the government was shut down. I doubt any of us would want to relive that experience every year, least of all the new majority that brought it about.

Passage of this resolution would also thwart any attempts at real tax reform because it would take a two-thirds majority to pass changes in the tax system to make it fairer. The current tax system, laced with loopholes and complexities, would stay on the books forever.

So forget about any ideas for tax simplification because a two-thirds majority would be required. We will be stuck with what we have. Somehow I doubt those pushing this resolution today, as well as those who want a fairer, simpler tax system, would be happy about that.

It is also easy to see why special interests are lined up today to support this resolution. While it would still take only a majority vote to write a loophole to give a tax break to an industry, it would be nearly impossible to repeal it. Why? Because the two-thirds vote would be required.

If the voters are not happy with those who vote for tax increases in the best interests of our Nation, they have ample opportunity to express their opinions every other November. That is the way our democracy works. When George Bush said ''no new taxes'' and did otherwise, a simple majority of New Hampshire's Presidential primary sent him a punishing message. We would not have been able to slash our Federal budget deficit either, if this two-thirds rule had been in effect during the past 10 years.

In 1990, 1993 and 1997, we made tough votes, including one that passed by a single vote, to move this Nation from the $200 billion deficits of the Reagan era to our upcoming budget surplus of over $50 billion. Not one of those measures would have been passed if a two-thirds requirement was in place.

I know we have heard quotes from our Founding Fathers time and time again today about the tyranny of the minority, but the framers of our Constitution, who witnessed the collapse of the Articles of Confederation which required 9 of the 13 States to approve any tax, well understood the danger of the supermajority requirements.

As Madison wrote, ''the minorities might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences.''

This would be especially so in the Senate, where a third of the Senate represents only 10 percent of the population of this country. They would be in position to kill any legislation. In other words, the State of California—10 percent of the population with but two votes in the Senate, is equal to the smallest States adding up to a third of the Senate; and yet those 17 States could control what would be voted out of that institution, a rampant example of minority power which frustrates the will of the majority and only adds to the existing inequity in the other body.

For example, it would be nearly impossible to pass any tax increase on the tobacco companies because Senators representing the handful of tobacco-growing States with only a few allies could effectively thwart any tax increase. That might be a good example of what some of the advocates of this

proposal bring us today: To hand a small minority veto power over what the majority believes is important to democracy. This amendment ought to be defeated every year in April when it is brought back for political purposes, as it is today.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Woodlands, Texas (Mr. BRADY).

Mr. BRADY. Mr. Speaker, on a radio quiz program that premiered this day back in 1940, America first heard the phrase, ''the 64-dollar question.'' At that time that was pretty good money and a lot of listeners tuned in. Of course, it was just a few years after that that it had grown to the $64,000 question. And then that game was on a roll.

Of course, today we look at State lotteries; it is not unusual to see a $64 million prize handed out. It has gotten ridiculous and taxes have inflated over the years much the same way. And it is our families and our small businesses that are paying the price.

Look at what we do each day. As we get up in the morning, we drink the first cup of coffee, we pay a sales tax on it. Jump in the shower, pay a water tax; get in our car to drive to work, and pay a fuel tax. At work we pay on our income an income tax and the payroll tax; drive home to our house on which we pay a property tax; flick on the lights and pay the electricity tax; hit the TV and pay cable tax; talk on the telephone and pay a franchise tax. On and on and on until at the end of our life we pay a death tax. No wonder it is so hard for families to make ends meet these days. We are taking their dollars and they need to keep more of what they earn. And that is what this amendment is all about.

I have served on the city council, had the privilege of serving in the Texas legislature, and now in Congress. I can tell my colleagues, when revenues go down, government first tries to raise taxes. If that does not work, they borrow. If that does not work, they use accounting tricks. And finally, and only if they are forced to, they will live within their means.

That is what this amendment is all about, forcing the government, who historically has not lived within its means, to start living within its means.

I am proud to be an original cosponsor of this bill and urge its passage.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this resolution. I certainly share the goal of limiting taxes and strongly support reducing taxes. However, I cannot support a fiscally irresponsible proposal that allows us to increase spending with a simple majority, but requires a supermajority to pay for the spending increases that we have already enacted.

I want to start by saying that I have a great deal of respect for my colleague, the gentleman from Texas, who has worked diligently and honorably for years on behalf of this amendment, and I know that the gentleman from Texas (Mr. BARTON) has the highest level of integrity. Having worked with him on several efforts to control spending and bring fiscal responsibility to our government, I know that he advocates this amendment based on a sincere principle, and I respect that.

Unfortunately, I am not sure that everyone advocating this amendment is doing so for the same motivations. This debate today is part of a pattern of fiscal irresponsibility and a fiscally irresponsible legislative agenda of this year.

Two weeks ago we passed a highway bill that increased spending by more than $20 billion beyond the 42-percent increase in highway spending in the budget resolution without saying how we are going to pay for it. Next month, we will vote to sunset the current Tax Code without giving business and other taxpayers any idea of how they should plan for the future. We read about all kinds of promises about what Congress is going to do, but we do not have a budget resolution to show how we are going to pay for it all. If Congress is interested in keeping taxes low, we should focus our energy on controlling spending.

Unfortunately, the Republican leadership seems to be more interested in moving legislation to increase spending than they are in working to control spending. The Concord Coalition, one of the most credible watchdogs of deficit spending, opposes this amendment because it would be detrimental to maintaining a balanced budget, and they are right.

My foremost fiscal concern is that we not mortgage our children's future to pay for today's consumption. Balancing the budget honestly without depending on the Social Security surplus should be our highest priority. Under this amendment, we can increase spending by a majority vote, but would need a two-thirds vote to raise the revenues to pay for the increased spending.

The easy option will be for Congress to increase spending and pay for that by increasing the debt we will leave to our children and grandchildren. Witness the 1980's, if Members do not believe Congress left to its own whims, what we will do. This debate is just a distraction from a meaningful debate on genuine tax reform and budget priorities. If we were serious about helping American taxpayers, we would be doing our work to develop legislation that will actually accomplish something meaningful.

We would have passed a budget resolution to establish a road map to show how we are going on control spending and maintain a balanced budget. We would have passed IRS reform legislation to ensure that the important protections in this bill were available when Americans filed their tax returns this year. We would be conducting serious hearings to carefully examine the various options for tax reform. I am anxious to begin work on tax reform.

I thought we were supposed to start work on tax reform before the Presidential election in 1996. We have been talking about tax reform for almost 3 years now, but have not even begun to do any serious work in committees to bring legislation forward.

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I am a lot more interested in working to pass meaningful IRS reform and tax reform legislation that would do a lot more for American taxpayers instead of spending time debating amendments that are going nowhere.

Saying that a simple majority can increase spending but a two-thirds vote is necessary to pay for it is irresponsible. The truly conservative and responsible position is to protect future generations from having to bear the burden of our irresponsibility today. Vote responsibly. Oppose this amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair would advise the Members that the gentleman from Virginia (Mr. SCOTT) controls 10½ minutes and the gentleman from Texas (Mr. BARTON) controls 17 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ long minutes to the gentleman from North Carolina (Mr. COBLE), the distinguished chairman, a member of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, one issue distinguishing the two major political parties is a five-letter word, ''taxes.''

Now, I am not suggesting that all Democrats favor high taxes nor that all Republicans favor low taxes. There are exceptions to every rule. But I am suggesting that the philosophy of the two major parties is clear and that it is genuinely recognized from sea to sea, from border to border, that the Republican Party is generally the party that advocates low taxes, that the Republican Party is the party that generally advocates and permits workers to retain more of their earnings.

We talked for a long time about estate tax reform, capital gains tax reform. ''Oh, we can't do that. It costs too much money on collections.'' In fact, some of my Democrat friends about 5 or 6 or 7 years ago wanted to lower the exemption threshold on estate taxes from $600,000 to $200,000.

Well, we have raised it, raised the exemption. We have delayed the call of the tax man knocking on the door at the estate's house collecting the tax. We advocate low taxes.

What I am saying, Mr. Speaker, is that perhaps the bar in raising taxes of a simple majority may be too low. Let us raise that bar and make it a little more difficult and a little more challenging to negotiate in the resulting tax increase. Make it tougher.

I advocate the resolution that the gentleman from Texas (Mr. BARTON) is promoting and urge my colleagues to do likewise.

Mr. SCOTT. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the resolution.

Two things about today's tax bill are important to note:

First, it is a waste of time, and therefore—ironically—a waste of taxpayer's money.

And second, it is a diversionary tactic, intended to distract the public's attention away from the fact that the Republican leaders have stifled action on issues that most American families really want, like: Protecting thousands of teenagers and pre-adolescents from predatory practices of cigarette companies; passing a bill to protect the rights of patients unfairly treated by their HMOs and insurance companies; and enacting real campaign finance reform to reduce the influence of special interest money in politics.

Instead, because it does not want to act on any of these critical issues, the Republican leadership is running out the legislative clock by bringing to the floor a bill that has failed time and time again.

This proposal failed in 1996. It got even fewer votes when it was brought up in 1997. And the Republicans know full well that it will fail again today.

Today, ladies and gentlemen, you are witnessing a show. But shows belong in the theater, not on the floor of the People's House.

If Republicans had really wanted to get something done for taxpayers, they would have already sent the bipartisan IRS reform bill to the President for his signature.

The reason today's bill has failed in the past, and the reason it will fail again today, is that it is bad legislation.

Despite what you are being told, this bill would do very little to help, and a lot more to hurt, the average taxpayer.

In fact, this legislation is custom-made to perpetuate some of the most egregious inequities in the current tax system and to frustrate efforts at real reform, all at the expense of the American taxpayer.

This bill would effectively prevent any tax reform which would close tax loopholes for corporations and special interests.

It would make it virtually impossible to pass comprehensive tobacco legislation like the bipartisan bill developed by Senator MCCAIN.

It would cripple the ability of the government to act during national crises.

And it could saddle America with financial disaster by foreclosing any revenue increases to deal with future deficits.

This bill is yet another effort by this Republican leadership to further restrict the democratic process in the House of Representatives and to prevent a majority of Members from exercising its will. Under this bill, all it would take is one-third of members to block real tax reform or to block a tobacco settlement.

I congratulate my colleagues in advance for their resolve in standing up to the Republican leadership and voting against this legislation.

Mr. SCOTT. Mr. Speaker, I advise the gentleman from Texas (Mr. BARTON) that we have two speakers left; and if he has more than that, we would prefer that he go at this point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise to speak in favor of the tax limitation amendment.

It has amazed me today to listen to the opponents of this amendment call it undemocratic. I can think of nothing more democratic than doing what the majority of the American people want to have done. And the American people want this amendment. We have seen it in poll after poll. The latest polls show that, 3-to-1, people in this country favor this amendment, support for it is so strong, that a growing number of States are now requiring supermajorities in their own legislatures to raise taxes.

My colleagues, let us cut to the bottom line. This is not about democracy. It is about the fear some Members have of losing power, the power to increase the tax burden on the American people with a slim majority. We can see why some Members are afraid of losing that power when we see how often Congress has exercised that power in the past, usually unwisely.

In recent decades, Congress has raised taxes time and time again. Until today, working Americans struggle under the heaviest tax burden they have carried in the last 50 years. At the same time we have that shocking tax burden, we have a revenue surplus that is now predicted to swell annually for the next several years. Why? Because President Clinton acted too hastily when he asked for the largest tax hike in history 5 years ago and the Democratic-controlled Congress acted unnecessarily when it gave it to him by the slimmest of majorities, one vote.

For the last 5 years, working Americans have paid the price for that haste and imprudence. With this amendment, that would never have happened and it could never happen again. This amendment simply says that Congress must have a strong enough, compelling enough reason to raise taxes, a reason that is so sound it persuades two-thirds of the Congress. My colleagues, if there ever was time for this amendment, that time is now.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON), and we will have two speakers after that.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this must be an election year or something. The Republican majority this year fancies itself a constitutional convention, so many constitutional amendments have come forward.

The framers gave us a flawed document, but this was not the flaw in it. Why is two-thirds so rare in the Constitution for a presidential veto, for a constitutional amendment and for expulsion of a Member? Because the framers were democrats. They reserved minority power for fundamental rights only, not for everyday business of the House.

This amendment would create a field day for lawyers: the ''de minimis'' language in the amendment, for example ''De minimis'' in relationship to what?

Who is the majority afraid of? They control the House. Are they afraid they will raise taxes, like taxes on tobacco, for example, to save the lives of children?

We are not smarter than the framers. I like the framework they gave us. Let's keep it.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I was on the road within the last month and I happened to be at a Holiday Inn. I changed my clothes, and I was getting ready to leave the Holiday Inn, and I walked past the door where there was a family. It kind of took me back to my youth. Remember when we used to go on vacation as a kid? We would spend the first 24 hours arguing about where we were going to stay and then the next 12 hours arguing about the fact that we did not stay at the right place.

I looked inside the hotel room, and there was mom and dad and the kids. And I say to Members of the House, like many of them in the gallery here today, and there was grandma and grandpa. Then I looked inside the room real quickly, because I kind of thought I saw myself there for just a minute thinking about my childhood. And there was mom and dad taking lunch meat and making sandwiches for all the people in that room.

I knew the kids were going to go in that little swimming pool in that Holiday Inn, and they were going to have some of the greatest times bonding as a family, understanding each other's love and caring, which we all need more of in this world.

When I looked in the room of that hotel, do my colleagues know what struck me and what touched my heart? Would it not be great if that family had more, would it not be great if that family could take that trip more than once a year, and would it not be great if that family could, instead of having to take the lunch meat and make the sandwiches, maybe that night they would get to go to McDonald's and they can get the quarter-pounder and extra large fries.

There are so many people in this Chamber today smiling about that story because there are so many people in this Chamber today that live that life. And this proposal is designed to say to the government officials and the politicians, ''You are not going to get into the people's budgets anymore to make the government budget bigger and the family budget smaller.''

Why do we want to lock in two-thirds? Because we think there is a crisis in the family in America today. We are not going to solve the problems of violence in our schools with another cop in the school yard. We are going to solve it with love and support and rebuilding or families.

So I want to compliment the gentleman today; and I think every Member ought to come to this floor and say that if the government at some point decides it has to take more power from families, they ought to have a large percentage of this House that goes along.

Frankly, tax cuts are not about economic theory. They are about personal power. And the more that moms and dads have in their hands, the better off their children are, the better off their communities are, the better off all the American people are. So that is why we think this is such an important issue.

I ask my colleagues not just to vote for this amendment to help that family in that Holiday Inn that I saw, but why do they not exercise a little self-interest and help their children and the children of their constituents so that family budgets get bigger, so that families are more powerful, that we have more love and peace in this country?

That is what this is really all about, not economic theory. Although that is a part of it, not economic theory. It is about the stuff of life and about the stuff of caring.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN), who represents the entire State.

Mrs. CUBIN. Mr. Speaker, I rise in strong support of this resolution.

There is one fact that Americans must always bear in mind: The government spends their money because it does not have any money of its own to spend, period. It is their money when they earn it. It is their money when it is taken out of their paycheck before they ever see it. And it is still their money when the government spends it. And when it is their money that is spent, the government ought to be more accountable to them.

Do my colleagues know what we have done with the spending habits in this government? The average American family pays 40 percent of their income in taxes. What that means is we have stolen the choice of many of our young families as to whether or not one parent will stay home and raise the children and the other one go to work to support the family.

Now, as it is, one has to support the family and the other one works full-time to support the government. That means that they cannot be the room mother, they cannot stay home to take care of their ailing elderly parents, they have to work because they have to feed the government.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), in hope that he would talk fast.

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the tax limitation amendment.

This Congress, more than any other, has given the American people much-needed tax relief. But there is still a lot we must do. Taxes is still too high. The Tax Code is still too complicated.

Seventy-nine percent of the American people believe that it is far too easy for Congress to raise their taxes. Mr. Speaker, I agree with them.

Four out of the last five major tax increases passed Congress with less than a two-thirds majority. In my book, it should be much more difficult for this government to confiscate an even bigger chunk of the family's income. The time to turn this trend around has come. The tax limitation amendment will do just that.

Once again, we have heard from the naysayers and the doomsdayers who fear that the sky will fall if this tax limitation amendment is enacted. They say that a supermajority requirement will make it too difficult to raise taxes for their feel-good social policies. They are rightfully concerned, Mr. Speaker.

The tax limitation amendment will indeed make it tougher for Congress to raise taxes. That is exactly why I support it.

This year the average American family will work until approximately mid-May to earn enough income to pay an entire year's worth of taxes. Factor in local and state taxes, and U.S. taxpayers will spend more time working for the government than they will for their own families. Mr. Speaker, that is wrong.

This amendment will once and for all give Congress the needed discipline to hold the line on taxes. It will require a two-thirds supermajority vote in both Houses of Congress before any tax increase can be passed.

The American people know how to spend their hard earned income better than we do. It is time we let them keep more of it.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Texas (Mr. BARTON) has 8½ minutes remaining and the gentleman from Virginia (Mr. SCOTT) controls 9½ minutes.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am wiping the tears from my eyes from the touching Holiday Inn story of the gentleman from Ohio (Mr. KASICH), where he peeked into the door and saw himself with this family.

And I just want him to know, wherever he is, that if that family had gotten a fair and honest campaign financing system that the Speaker of the House continues to bottle up, they would have more money. If that family in the Holiday Inn that he peeked in on was relying on Medicare or Social Security, they would oppose the amendment because it threatens their viability. If that family relied on a minimum wage, they would be hurt by this Republican Congress that does not want to raise the minimum wage.

□ 1445

If for all of the Republicans that claim that they are for lower taxes but for really huge tax loopholes, they would realize how fraudulent this measure is. It really takes some acting to pull this off every April around tax time. The same people who are willing to throw out and undercut the cornerstone of our democracy majority rule to let this repose in a small and a controlled system, reversing the principles of James Madison. I think that this is outrageous that we would permanently enshrine $450 billion corporate and tax loopholes in an amendment like this.

Ladies and gentlemen, I call on you this year, I called on you last year, I called on you the year before, reject this foolishness that demeans the House of Representatives.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct pleasure and high honor to yield 4 minutes to the honorable gentleman from Rockwell, Texas (Mr. HALL), the chief Democratic sponsor of the tax limitation amendment. He has done an outstanding job on his side of the aisle in pushing this very necessary constitutional amendment.

Mr. HALL of Texas. Mr. Speaker, I stand here of course today with my colleagues to show my support for the tax limitation amendment. I have no ill will toward anyone on either side. It is an issue that reasonable men and women can differ. It is not a situation where a double handful of Republicans or just a few of us Democrats are for tax limitation. There are a lot of us that are for it. Last time, it got 170, 180 or 190 votes. That is not just a double handful of people. That is a ground swell, and it is a beginning.

We may not pass it this time. It has been said by my friend, the gentleman from Michigan (Mr. CONYERS), who is truly my friend, and he expresses his own thoughts on behalf of his own district and does it very well. I have to do the same thing. I can do it without rancor. I can do it without calling anybody names or anything. I just think that it makes sense to make it a little tougher to put taxes on anyone, to pass any more taxes.

Along the way to passing something like this, I think this will pass. It may not pass. As several speakers have said, it may not pass today, but it will pass in time and, along the way, good men and good women will differ.

It has been my privilege to work for this measure for the past 3 years with the gentleman from Texas (Mr. BARTON) and, of course, with the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New Jersey (Mr. ANDREWS) and others.

The gentleman from Texas (Mr. BARTON) and I share the representation of probably two of the most conservative areas in the State of Texas. But that does not mean that they have a corner on the market of being smart or knowing how we tax people or how we should not tax people. They are simply fiscally conservative districts, and

they think we ought to have a tax limitation amendment.

It will be a very responsible tool for providing continued budgetary discipline for those deserving constituents that we are standing here representing.

The premise behind the tax limitation amendment is simple, but it is very powerful. The Constitution would simply be amended to permanently reflect current House rules which were implemented in response to a past record of a lot of pork barrel spending. There is no question about that.

Look at the transportation bill we just passed. We just passed a balanced budget amendment and then passed a bill with an increase of 45 or 48 percent increase over the last budget, busts the budget by $20 billion or $30 billion. I think we just have to be sensible about it.

I think, also, it has been said that we cannot look into the future. One of the speakers over here who opposes this says we cannot look into the future. We may have more problems for Medicare and Medicaid. He is exactly right.

Henry Ford in 1913 thought he had the only assembly line that was ever going to be worth 15 cents. It happened so that same year they passed the IRS bill, the very first. And they could not look into the future, because they said it was temporary. It is a page and a half.

We will pass tax limitation. It is going to take some time. It took 15 or 20 years to get a balanced budget amendment, but it happened. It took 10 or 12 years to pass the Telecommunications Act, but it happened because good people kept pressing, good people kept pushing.

We are in the tenth or twelfth year on record to try to reauthorize the superfund legislation, but it is going to happen because it ought to happen. And I think so with the tax limitation, not for the rich, but for the working, for people who are working for money, have to buy school clothes in September, people who have to make payments on cars. They ought not to have their taxes passed on to them without having some say in it.

We are not taking that say away from anybody today. We are passing it on to the 50 States. They get last guess at whether or not this amendment ought to pass. Are we afraid of their decision? I think not.

I ask each Member of this Congress, maybe not today but before we vote again on it, for it or against it next year, and, yes, on tax day is a good day because people are very interested in taxes on April the 15th, walk out into your district and talk to the first 10 people you see. Do not handpick them and do not have a poll that you like. Walk out there and talk to the first 10 people that are having to pay taxes, no matter what their station in life is, no matter how far they are. Ask them if they are for making it a little more difficult to put taxes on their poor old backs. I think 9 out of 10 will tell you they are for the limitation tax bill, and so am I.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules.

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

Mr. SOLOMON. Mr. Speaker, I rise to associate my remarks with a good Democrat, the gentleman from Texas (Mr. HALL) and another good Republican, the gentleman from Texas (Mr. BARTON). Thank you for bringing this bill before us.

Mr. Speaker, I rise in support of this amendment to the Constitution of the United States to require a two-thirds vote to increase taxes.

This Congress needs to act to limit taxes. Our current tax system takes so much out of the take home pay of the average family that it is difficult to pay the rest of the bills.

We talk about the need to preserve families and family values, but then government takes away more and more, leaving families with less and less.

This tax limitation amendment is designed to make it more difficult for the Federal Government to take more of the people's money.

It will require the Congress to focus on options other than raising taxes to manage the Federal budget.

Some on the other side of this issue have argued that a requirement for a two-thirds vote to increase taxes is somehow undemocratic.

But the truth is that there are already numerous supermajority voting requirements.

For over a century and a half the House has required a two-thirds vote to suspend the rules and pass legislation. It requires a two-thirds vote to take up a rule on the same day that it is reported from the Rules Committee. The House also requires a three-fifths vote to pass bills on the Corrections Calendar.

On the other side of this building, the Senate requires a three-fifths vote of all Senators to end a filibuster.

Senate budget procedures require that three-fifths of the Senate must agree to waive points of order that would violate the budget approved by Congress.

There are ten instances in which the Constitution currently requires a supermajority vote. Seven of these were part of the original Constitution, and three were added through the amendment process.

The seven in the original Constitution are:

(1) Conviction in impeachment trials;

(2) Expulsion of a Member of Congress;

(3) Override a presidential veto;

(4) Quorum of two-thirds of the states to elect the President;

(5) Consent to a treaty;

(6) Proposing constitutional amendments; and

(7) State ratification of the original Constitution.

The three additional supermajority requirements included in the amendments to the Constitution are:

(1) Quorum of two-thirds of the states to elect the President and the Vice President;

(2) To remove disability for holding office where one has engaged in ''insurrection or rebellion''; and

(3) Presidential disability.

It is no doubt important to require a two-thirds vote to remove the disability for holding office where one has engaged in ''insurrection or rebellion''. But it seems to me that increasing the burdens of taxation on our own citizens is a much more important decision in the life of this nation.

The adoption of a requirement for a two-thirds vote to raise taxes will ensure Congress has to think twice before it increases the burdens on hardworking American families. Members should vote for this rule and the constitutional amendment to make it harder to raise taxes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the resolution. The Constitution does not need to be fixed. If it is not broken, it does not need fixing.

Mr. Speaker, I rise today in strong opposition to House Joint Resolution 111, a constitutional amendment that would require a two-thirds majority vote in the U.S. House of Representatives and U.S. Senate to pass any bill increasing federal taxes, except in time of war or military conflict.

Mr. Speaker, I oppose this bill for many reasons, but the fundamental reason is the change in our tradition of majority rule which has governed our country, with limited exceptions, for the past two centuries. Over the years I have seen our system of checks and balances work to the benefit of the American people time and time again. When Congress gets out of sync with the American people, the people elect new Senators and Members of Congress. When the views of the public change more than those of the Members of Congress, we see more significant changes in the membership of the two Houses of Congress. These larger changes take place because individual voters take their right to vote seriously, and vote for individuals who represent their interests.

This system has worked well for over 200 years. Today, H.J. Res. 111 proposes to alter this system and give to one-third of the Members of either House of Congress the power to prevent Congress from increasing revenue collected by the government. Why is this being proposed? Supporters of this resolution say it is too easy to raise taxes. I find that difficult to accept. While I cannot vote on the floor of this House, I generally find consideration of legislation which will raise taxes difficult enough just to support, let alone vote for.

Our voting records are all reviewed carefully by our opponents at election time, and votes which are perceived to be unpopular back home are brought to the public's attention over and over again through political advertising. Votes to increase taxes are difficult votes, but there are times when it is in the national interest to do so. Traditionally, it has been the majority of the Members of Congress, together with the President, who determine what is in the national interest. H.J. Res. 111 would permit one-third of either House of Congress to make that decision for what could be the vast majority of Congress. For example, thirty-four Senators could subvert the wishes of 435

Members of the House and 66 Senators. This is an important point because the Constitution gives the power to originate tax measures to this body, the U.S. House of Representatives. Under the terms of H.J. Res. 111, the will of a vast majority of this body could be thwarted by 34 Senators. Mr. Speaker, this is not democracy and should not be supported.

There are many examples of the problems the proposed constitutional amendment would create, and I want to take a moment to briefly mention a couple. For example, would a provision that reduces revenues for five years but would raise them every year after that be prohibited? Are we to be stuck with current tax rates on the rich? Are those to be the maximum tax rates forever? Currently, the poor pay no federal income taxes. Are we to be stuck with the tax rate of zero percent for them forever? Under the terms of H.J. Res. 111, I submit we would be, because it will be very difficult to get two-thirds of both Houses of Congress and the President of the United States to sign a bill which would change those rates.

There is also the issue of tax loopholes. It is hard enough under current law to end these provisions which inure to the benefit of special interest groups. Let us not make it any harder.

Mr. Speaker, we are all up for re-election every two years. That alone is a strong enough disincentive to raise taxes only when it is in our national interest to do so. The voters are the check in our current system and the current system is working well. Under the current system, majority rules. Under H.J. Res. 111, the minority rules. Let's not change the Constitution to give this significant power to a minority of Congress.

Mr. SCOTT. Mr. Speaker, I yield the balance of the time to the gentleman from Michigan (Mr. BONIOR), the Minority Whip.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 7½ minutes.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding to me, and I appreciate the debate that we have had this afternoon.

This amendment would rewrite the Constitution to say that the tail should wag the dog. How else would you describe an amendment that empowers a minority of the Congress to dictate policy to the majority? How else can you describe an amendment that effectively denies a majority of Americans a voice on their own taxes? That is what the amendment would do.

But it is only one of 99 constitutional amendments that have been proposed in this Congress. So were Jefferson and Madison and the other framers of the Constitution so negligent that our Constitution actually needs 99 amendments? Are members of the 105th Congress so wise that we can propose 99 improvements to one of the greatest documents in the history of democracy?

America needs tax reform. We agree on that. But we do not need a constitutional amendment that would protect special interest loopholes.

Now, this proposal that we have been discussing today might as well be called a loophole protection act, because it will make it nearly impossible to eliminate tax loopholes that cost, every day, American taxpayers billions of dollars, like the tax breaks that companies that send American jobs overseas would get.

Or do you remember the bill we had just last Congress that would reward billionaires who renounce their American citizenship just to avoid taxes? That would be protected under this proposal. You would need supermajorities to deal with that, to repeal those benefits.

We have seen this proposal before. We voted it down in 1996. We defeated it again just last year. Bad ideas, like rotten fish, do not improve with age. This amendment is just one of a whole series of bad tax proposals the Republicans have put forward lately.

It is almost as bad as their plan to enact the national sales plan. They have a plan, listen to this, that would effectively force Americans to pay 30 percent more for a house, 30 percent more for a car, 30 percent more for your child's education, 30 percent more for everything. It's their sales tax proposal.

Under this plan, the heaviest burden, of course, would fall on those who could least afford it, working families, senior citizens, those on fixed income. They need tax relief, not what these folks are offering over here in the GOP.

What if the price of prescription drugs went up 30 percent overnight? Look at this chart: blood pressure, arthritis, diabetes, heart disease, inhaler drugs priced at a 30 percent increase on these basic commodities oftentimes used by our seniors. How would that affect them? How would it affect our mothers and our fathers and our grandparents who are living on a budget that is tight? How could they afford this 30 percent GOP tax increase?

The flat tax is another idea that they have, the GOP flat tax. If you are a middle-class family making between $25,000 and $100,000 a year, the GOP flat tax would actually mean a tax increase for you, a tax increase for you. If you make over $100,000 a year, as this chart shows, you would get a tremendous tax break. If you make between $25,000 and $100,000, you are paying.

So our message is that working families need tax relief, not a tax increase. Let us leave the Constitution alone. Let us defeat this ill-conceived amendment.

We are for tax cuts. I believe those cuts must be a part of a fair and a reasonable approach to tax reform, tax reform that genuinely helps America's working families. Like the education tax credit we recently adopted that would provide Hope scholarships and other types of tax credits and scholarships for higher education, make education more affordable for our families. Like the child care tax credit that makes raising families a little bit easier. Like the earned income tax credit that helps literally tens of millions of people in this country, those were Democratic proposals that help people specifically. And like, of course, the tax credit that we are suggesting this Congress that would help in child care for our families.

This kind of tax relief makes sense. It makes a difference in people's lives. We ought to focus on that, not on half-baked constitutional ideas that would take away from the majority the right to control, to have a say in the tax policies of this country.

I urge my colleagues to vote no on this proposal.

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

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 4½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, first, I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) for the tone of the debate. I thought we had a good debate this year, and I appreciate your participation. I want to thank the gentleman from Texas (Mr. HALL), my chief Democratic sponsor, along with the gentleman from New Jersey (Mr. ANDREWS) for his efforts.

Mr. Speaker, the first Federal income tax that was levied on the American people was 1 percent of any net income over $3,000. Today, the average American taxpayer pays 39.8 percent in Federal and State taxes. That is an all-time high with the exception of World War II when we were fighting to maintain democracy against Naziism and imperialism of the empire of Japan.

Simply put, something needs to be done about that. We need a tax limitation amendment to the Constitution of the United States of America. When the original Constitution was written by our Founding Fathers, they made it unconstitutional to have an income tax. Unconstitutional. You could have had a 100 percent vote, and there would be no income tax because it was unconstitutional.

But the sixteenth amendment to the Constitution, which was passed in 1913, made income taxes constitutional. So we need a ⅔ vote to raise taxes, Federal taxes on the American people.

The question is, would it work? That is a fair question. We have not had anybody who opposes it say that it would not work. They are opposed to it for the reason that it would work.

There are 14 States that have requirements for supermajorities to raise taxes. And in those 14 States, their taxes are lower, their taxes go up slower, their economies grow faster, and more jobs are created than States that do not. So if it works in the States, I think it would work here in the Federal Government.

Is it supported by the American people? I will enter into the RECORD an endorsement letter from the American

Legislative Exchange Counsel which is 3,000 legislators on a bipartisan basis around this country, endorsing the tax limitation amendment. The signer of this is the Speaker of the Arkansas House, a Democrat, Bobby Hogue. So the State legislators support it and think that it would work.

Mr. Speaker, I include that letter for the RECORD as follows:

AMERICAN LEGISLATIVE
EXCHANGE COUNSEL,
Washington, DC, April 17, 1998.

Congressman JOE BARTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BARTON: The 3,000 state legislators who are members of the American Legislative Exchange Council (ALEC), the nation's largest bipartisan membership organization of state legislators, would like to voice their support of a federal amendment requiring a two-thirds supermajority vote in each chamber of Congress to pass any bill that would increase taxes.

The federal tax burden is at a record high. This year the average American family will spend more than 38 percent of their total income on federal, state and local taxes. More than they will spend on food, clothing, shelter and medical expenses combined. Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard working Americans should not be an easy task for the tax and spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.

Fourteen states already require a supermajority to raise taxes. These states have demonstrated faster economic growth, higher employment growth and experienced slower tax and spending increases, than the states without a supermajority requirement. A supermajority amendment would constrain tax and spend policies that squash economic opportunities for American families.

Congress has a momentous opportunity to provide a brighter, more prosperous future for this great nation. The states have shown the benefits of a supermajority requirement, now it is time to apply this experience to the federal government.

Sincerely,

SPEAKER BOBBY HOGUE,
Arkansas, National Chairman.

We have over 27 national groups that have endorsed the tax limitation constitutional amendment. I will enter that into the Record at this point in time.

The document referred to is as follows:

SUPPORTERS OF H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Association of Concerned Taxpayers; American Conservative Union; American Legislative Exchange Council; Americans for Hope, Growth & Opportunity; Americans for Tax Reform; Associated Builders & Contractors; Christian Coalition; Citizens for a Sound Economy; Competitive Enterprise Institute; Concerned Woman for America; Council for Affordable Health Insurance; Council for Citizens Against Government Waste; Empower America; Family Research Council; Food Distributors International; National Association of Manufacturers; National Association of Wholesaler-Distributors; National Beer Wholesalers Association; National Federation of American-Hungarians; National Federation of Independent Business; National Tax Limitation Committee; National Taxpayers Union; Seniors Coalition; Small Business Survival Committee; United Seniors Association; U.S. Chamber of Commerce; and 60 Plus

We have 10 groups that have keyvoted it, saying it is something that they have really taken a look at: the U.S. Chamber of Commerce, the Americans for Tax Reform, the Citizens for a Sound Economy, the National Taxpayers Union, the National Association of Manufacturers, 60 Plus, Seniors Coalition, Associated Builders and Contractors, National Beer Wholesalers.

We have got 10 governors who think it will work. I will enter their names in the Record, and they support it.

The document referred to follows:

KEY POINTS ON H.J. RES. 111, THE TAX LIMITATION AMENDMENT

Highest cosponsor total ever—186.

27 diverse groups from pro-business to pro-family have endorsed TLA (See attached endorsement list).

Keyvote by: U.S. Chamber of Commerce; Americans for Tax Reform; Citizens for a Sound Economy; National Taxpayers Union; National Association of Manufacturers; 60 Plus; Seniors Coalition; Associated Builders and Contractors; and National Beer Wholesalers.

Have received encouragement/endorsement letters from the following Governors: Governor Christine Todd Whitman (NJ); Governor Mike Huckabee (AR); Governor Paul Cellucci (MA); Governor Frank Keating (OK); Governor Pete Wilson (CA); Governor Jane Dee Hull (AZ); Governor Kirk Fordice (MS); and Lt. Governor Bob Peeler (SC).

But the reason that I am here on the floor of the House of Representatives supporting this as strongly as I am is not because of all the groups that are for it, it is not because all of my colleagues are for it, it is because it is in the best interest of my family.

Nell Barton, retiree, widow on Social Security and teacher retirement, had to write a check for over $1,000 to pay her Federal income taxes 2 weeks ago. My son, Brad Barton, has graduated from graduate school, going into the job market; my daughter, Allison, just graduated from college, wants to be a teacher; my wife, Janet, who has been a homemaker while we have raised our children, wants to go back into the job market.

□ 1500

I do not want their taxes to go up, I am sorry. Our problem in Washington, D.C., is not lack of revenue. Do my colleagues know how much revenue increased from last year to this year at the Federal level? $126 billion. $126 billion. Do my colleagues know what the average is for the last 4 years? $106 billion. Do my colleagues know what the average is for the last 10 years? Over $60 billion.

My colleagues, our problem is not lack of revenue. Our problem is lack of spending discipline.

As the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), pointed out about 15 minutes ago, we need to make it tougher to raise taxes. Let us vote for a two-thirds constitutional requirement to raise taxes, send it to the other body, send it to the States, and hopefully three-fourths of the legislatures will ratify it and it will become a part of the Constitution of the United States of America.

Mr. Speaker, it is time to stop debating. It is time to vote to make it tougher to raise taxes.

Vote for the constitutional amendment.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the tax limitation amendment to the Constitution. Mr. Speaker, this amendment is not appropriately named. A more accurate title would be the "Minority Rules Amendment,'' because it would require a two-thirds majority vote in the House and Senate to pass any bill increasing Federal revenues.

What we are debating here today is not whether taxes should be raised or lowered, but whether the majority of the House of Representatives should be empowered to make the tough decisions on one of the most important areas of governmental operation. The effects of the legislation before us would go far beyond debates on personal tax rates—this legislation would impose dangerous limits on our ability to address the health and social welfare needs of millions of Americans.

Some of the most critical areas of policy that this House will consider in the near future will involve debates about taxation, including tobacco control, Medicare, and Social Security.

On the issue of tobacco, we have research showing that price increases can be effective at reducing teen smoking—the most important aspect of tobacco legislation being considered this year.

Passage of the constitutional amendment before us would undermine our ability to enact legislation which puts this research to work, by making it more difficult to impose tax increases on tobacco products. It would mean that we cannot equally and fairly consider the range of options available to limit tobacco use among young people. Why should a minority of Members be empowered to proscribe our consideration of the options to reduce teen smoking?

On Social Security, there are numerous proposals being offered to secure the financial health of the trust fund for decades to come. And there are few issues more important to our constituents than protecting the stability of the social Security system. If we pass the legislation before us today, one potential ingredient of a comprehensive plan to support Social Security will become far more difficult to enact. I ask again, why should a minority of Members be able to stop congressional action in this area?

The point is not to make taxation easier. None of us want to do that. The point is maintain the principle of majority rule on essential matters before the Congress. It is to recognize that on the key issues before this House, we must take responsibility to act thoughtfully and wisely. The issue of taxation has implications for our ability to promote public health, lift seniors out of poverty, and address other national priorities. We must not abandon majority rule and limit our ability to fairly and honestly consider policy on these and other critical issues.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 111.

This joint resolution would eviscerate the principle of majority rule in this House with respect to the most fundamental power of the Congress. Article I, Section 8 of the Constitution enumerates the powers of the Congress. It begins with the words, ''The Congress shall have Power to lay and collect Taxes.''

Those words make clear the view of the Founders of the Constitution that the power to tax is the most basic power of the legislative branch of government. The men who wrote the Constitution were acutely aware of the dangers of the government's power to tax. Their anger and frustration over the taxing practices of the British government led to the American Revolution.

The framers of the Constitution also were familiar with the use of supermajority requirements. The Constitution reserves supermajorities to instances involving the fundamental processes of government, not substantive policy proposals. The House is required to produce a supermajority in only three cases—overriding a presidential veto, submitting a constitutional amendment to the states, and expulsion of a member from the House.

What is clear is that the American people are disgusted with our federal tax system. What is also clear is that the problem with the tax system in this country is not found in the Constitution. It is found in this Congress. Instead of tax reform, we continue to add complexity and confusion to a tax code that is already beyond comprehension for most Americans. We need tax reform, not constitutional gimmickry.

The fact is that this proposal is unworkable. The evidence of this is in the record of the majority party in this House. In January of 1995, fresh upon taking control of the House for the first time in forty years, the new majority amended the rules of this House to require a three-fifths majority to pass any tax increase.

During the 104th Congress, the rule came into play on five occasions. And each time, five out of five, the majority chose to waive the rule. At the start of this Congress, having learned from that embarrassing experience, the majority narrowed the rule to make it unlikely it will ever apply to any legislation.

Imagine the crisis that might have ensured had this constitutional amendment been in effect instead of the provision amending the rules of the House. Instead of simply having the Rules Committee waive the rule to permit the legislative process to function, we would have had a potential constitutional crisis. The last thing this country needs is to have the legislative process bogged down in extended court battles every time a revenue increase is included in any legislation.

Let me emphasize this problem. The vagueness of this amendment is a constitutional shipwreck waiting to happen. Most members of this body, and the overwhelming majority of the American people, agree on the need for comprehensive reform of our tax system. Under this amendment, however, tax reform—already facing an uphill political battle—will become all but impossible.

Tax reform will involve tremendous shifts in the ways the federal government collects revenues. As a supporter of a plan to move from the current tax system to a fairer, more simple, more efficient system based on a broad-based consumption tax, I am committed to the principle that tax reform must be accomplished on a revenue neutral basis.

But in tax reform, there will be winners and losers. If the constitution says that revenue increases must be approved by a two-thirds majority, the losers in tax reform will be sure to pursue the matter in court. The resulting delay and confusion will make it even more difficult to give the American people the tax reform they deserve.

Let me make one final point. The sponsors of this proposal argue that it is needed because without it, it is just too easy to raise taxes. Respectfully, that is a ridiculous notion. It is not easy to raise taxes. It has never been easy to raise taxes. It never should be, and it never will be.

Consider the 1993 tax bill, which the supporters of this proposal cite as an example of the horrors that the amendment would prevent. It passed by one vote margins in both Houses. It definitely wasn't easy.

But more important, had this amendment been in effect, that legislation would not be law. The budget of the United States, instead of heading for the first surplus in thirty years, would be hundreds of billions of dollars in the red. The national debt, instead of heading down, would be climbing toward $7 trillion. And instead of looking at the third tax cut bill in the three years, we would be in the depths of the fiscal crisis that gripped this country and choked our economy.

Mr. Speaker, let us not trivialize the Constitution. We should defeat this diversion, and move quickly to get on with the real business of tax reform.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 111, the Tax Limitation Constitutional Amendment.

Since I was first elected to this body, I have fought against the growth of government in Washington. For most of my tenure, that fight was an uphill battle, and our rising debt and annual deficits were testaments to that fact. The last time our government enjoyed a budget surplus was the year I was first elected to Congress, 1969. Until recent years, Congress has been to blame for the lack of fiscal discipline, not the taxpayers. Even though we are enjoying a budget surplus, Americans have the highest tax burden since World War II.

Quite simply, the Tax Limitation Amendment proposes a constitutional amendment requiring a two-thirds majority vote of both the House and Senate for passage of a bill that would raise taxes, except in the case of war. Even taxes that were increased as a result of the United States involvement in a war would be in effect for no more than 2 years. That provision alone would have forced Congress after World War II to revisit the high taxes, and the implementation of mandatory tax withholding, that helped to fund our victory over tyranny, but which were unnecessary after peace was achieved.

Since 1980, four of the five tax increase bills passed with less than a two-thirds majority. The last tax increase, the 1993 Clinton tax increase, was the largest in America's history. That bill passed both Houses by a two-vote margin. Although it will do nothing to redress past tax increases, a supermajority requirement will protect the American taxpayers from future Congresses.

To those who have reservations or objections to making this part of the Constitution, I assure you that the Tax Limitation Amendment is completely consistent with that document. The Constitution demands that Congress consider important matters such as overriding presidential vetoes and passing constitutional amendments by two-thirds majorities. Certainly, protecting the wallets of American taxpayers from profligate Washington spending is just as important.

I urge my colleagues to join me in voting for the Tax Limitation Amendment.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to H.J. Res. 111, proposing an amendment to the Constitution to require a two-thirds supermajority vote in both House and Senate for any legislation that would raise revenues through changes to the Tax Code.

A supermajority requirement is a profoundly bad idea. Majority rule is a fundamental principle of our American government. To allow a minority in one Chamber to block urgently needed legislation for any reason—ideological, partisan, whatever—would stand that principle on its head.

Today, with no supermajority requirements, Congress can do a great many things with only a simple majority in each Chamber. Many of us consider these just as important as raising taxes. Yet no supermajority requirement is proposed for them:

Congress can declare war, surely one of the most significant powers granted us by the Constitution—by majority vote.

Congress can pass appropriations to protect and enhance the well-being of our people, through education, biomedical research, law enforcement, public health, housing, food safety, national security—by majority vote.

Congress can pass bills that invest in America's physical infrastructure, our highways and airways, transit systems, ports, and parks—by majority vote.

Congress can balance tax and spending provisions to deal with pressing budgetary and economic situations—by majority vote.

Congress can create or close tax loopholes for wealthy special interests or pass a steep hike in the federal tobacco tax—by majority vote.

Congress can permit or deny access to federally-funded abortions—by majority vote.

Congress can impose the death penalty for more crimes, and for ever-younger criminals—by majority vote.

Surely these policies are as important and deserve as much deference as raising taxes does.

Mr. Speaker, why are we wasting a day on this loser? The same amendment failed to pass in 1996 and actually lost support in 1997. There's no reason to believe it will do better this year. This is an exercise in empty rhetoric, nothing more.

There are other bills we could have taken up today that might actually accomplish something. But no, Republicans must prove their devotion to tax cuts above all other priorities by engaging in 3 hours of unproductive bombast and then failing to pass anything.

I urge my colleagues to oppose this misguided legislation.

Mr. PORTER. Mr. Chairman, I rise today to express my opposition to H.J. Res. 111, the Tax Limitation Amendment, which would require a two-thirds supermajority in both houses of Congress to approve increases in taxes.

Mr. Chairman, I believe our fiscal problems result from excessive spending and I do not favor tax increases. I voted against tax increases in 1983 and 1990 and President Clinton's 1993 tax increase, and I have supported

fiscally conservative policies throughout my service in Congress. My voting record in this regard has earned numerous awards from groups such as the National Taxpayers Union, the Grace Commission's Citizens Against Government Waste, the U.S. Chamber of Commerce, Watchdogs of the Treasury, Inc., Citizens For A Sound Economy and the Concord Coalition, which rated my work in the last Congress at 100 percent.

Despite my strong opposition to tax increases, however, I do not feel it is appropriate to amend the Constitution by adding a two-thirds supermajority requirement to it for Congress to pass tax increases. Over 200 years ago, our forefathers founded our nation in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of ''no taxation without representation.'' The British crown's impositions, including heavy taxation, were among the principal causes of the American Revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new national government, the states, and the people. Heavy upon their minds was the power of the central government to tax, as can be seen throughout the document. Yet having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new constitution.

Supermajorities are found in our Constitution for a number of purposes, but each one relates to the separation of powers and the system of checks and balances among the branches of government. No supermajority provisions concern policies which federal governments might seek to follow in the future. Our nation's wise founders clearly and explicitly placed their faith and the entire structure of our government in simple majority rule. This is the essence of our democratic Republic under the Constitution.

To write a two-thirds requirement for tax increases into the House rules is one thing. I support it and voted for ti during the last Congress. But to write the same provision into our Constitution to bind Americans for all time to come is quite a different matter. I cannot support it. I believe it should be a matter for the people of each time to determine on their own.

As always, I remain committed to cutting federal spending and to opposing tax increases. My view is that these policy decisions should be driven by the will of the people and the individuals they choose to elect in their time, not by the views of one generation enshrined as a constitutional mandate.

Mr. ISTOOK. Mr. Speaker, taxes are too high. Federal taxes take over a fifth of America's entire economic output—more than ever before in history, and many Americans pay half of their income in combined Federal, State, and local taxes.

And some people will do anything to throw up roadblocks and detours in our trip to fiscal responsibility. They don't want to make the journey toward a balanced budget in the first place. They like joyriding instead, and sending the bill to taxpayers. They want to spend, spend, spend, without regard for how much it costs or how much debt we build.

When confronted with the debt, they always do the same thing: Raise taxes, and pat themselves on the back for ''making the tough decisions!''

Mr. Speaker, the joyride is over. This time we move toward a balanced budget, and we can't bill taxpayers for the trip.

Big government got us where we are. So big government can foot the travel costs to get us back to fiscal sanity. Cutting spending is the way to reach a balanced budget.

But the joyriders won't stop looking for a free ride from taxpayers, and that's why we need the Barton tax limitation amendment. No more detours. No more tax increases.

Let's pay our own way to a balanced budget. Support the Barton amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

Pursuant to House Resolution 407, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

The question was taken.

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on final passage are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

INVESTIGATION VIOLATIONS

Mr. STUPAK. Mr. Speaker, there are a number of issues I would like to address today in my time here as a special order: leaking underground storage tanks, on this, today being Earth Day; and also on food safety; but first, Mr. Speaker, I have something I would like to say. I think I, as all Americans, we should be outraged by the actions of the so-called investigations that are going on here in Washington, D.C.

Mr. Speaker, unfortunately these are not investigations but violations of everything that we hold as dear as American citizens. Every basic right, every fundamental belief on which this great country was founded upon is being trampled by a select few. But it is this few, those who think they are above the law, that give Congress and government a bad name.

But this is more than just giving Congress or government a real bad name. This is about privacy, it is about the Constitution, it is about the laws of this Nation, it is about the oath of office, and it is about our word.

Mr. Speaker, the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), has released private recorded conversations covered by the Privacy Act to the news media. The conversations released were those of Mr. Hubbell, and those conversations were amongst himself to his wife and his family, and they were subpoenaed by the committee from the Justice Department.

The gentleman from Indiana (Mr. BURTON) was allowed access to these recordings because of his position as a Member of Congress and as chairman of the Committee on Government Reform and Oversight. The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy, and that the gentleman from Indiana (Mr. BURTON) and his committee should safeguard these tapes against improper disclosure. The gentleman from Indiana (Mr. BURTON), a Member of Congress, put himself above the law and has purposefully released these tapes.

Does not a Member's oath of office, the Constitution of the United States, in which we are sworn to uphold the Bill of Rights, the Privacy Act, human decency mean anything any more? Since when is it okay for a Member of Congress to trample the rights of individual citizens, no matter who that Member of Congress is? It is never okay for anyone, let alone a Member of Congress, to trample the individual rights of individuals.

Mr. Speaker, the rule of law applies to everyone on every occasion. This government cannot pick and choose when to follow the law. The laws of this Nation mean everyone must follow the law. Everyone includes, and especially it includes, Members of Congress, those of us who are sworn to uphold the law.

When Members or individuals who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding elected office. That is why I can no longer sit by while the gentleman from Indiana (Mr. BURTON) continues to place himself above and beyond the rule of law.

And then I must ask who is going to be the next target? Who is the next target of invasion of privacy, of violation of our constitutional rights? I often have to ask myself, in the last few days, why do the American people sit idly by and tolerate such an invasion of rights of privacy?

Mr. Speaker, in this case let us be very, very clear what is going on here. In this case the gentleman from Indiana (Mr. BURTON) is the first chairman in congressional history, in the 200-and-some years that we have had Congresses, to have the power to unilaterally, unilaterally issue subpoenas and release confidential information.

The Committee on Government Reform and Oversight set up a so-called document working group, and it is comprised of three Republicans, including the gentleman from Indiana (Mr. BURTON) and two Democrats. The working group is supposed to issue nonbinding recommendations on whether the chairman should release particular documents.

The gentleman from Indiana (Mr. BURTON) subpoenaed the Hubbell tapes from the Department of Justice. The Department of Justice is prohibited from publicly releasing these tapes because of the Privacy Act. But the Privacy Act has an exemption, and that exemption is for releasing information to Congress. So DOJ under the Privacy Act releases it to the Burton committee because they can, under an exception to the Privacy Act.

At the time of the release the Department of Justice informed the gentleman from Indiana (Mr. BURTON) of his responsibility to treat the tapes in a very sensitive manner. After all, the privacy law does apply to the Department of Justice, the custodian of these tapes.

Well, what happens? Then on March 19 the Wall Street Journal ran an article that excerpted pieces of tapes, of conversations contained on these tapes. So they put in their paper, they print parts of recorded private conversations. This is on March 19. At the time the Chairman was trying to force Mr. Hubbell to testify before the committee, so the way he was trying to force it was by leaking information. He was trying to intimidate the witness to testify.

And then in the May edition of the American Spectator, if anyone reads it, if you read the American Spectator, they ran an article on information from the tapes that the gentleman from Indiana (Mr. BURTON) received from the Department of Justice.

As Democrats learned of this, the gentleman from California (Mr. WAXMAN) in particular, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him stop leaking the tapes: These are highly sensitive, you have been warned, do not do it. That was back on March 20, 1998. The gentleman from Indiana (Mr. BURTON) wrote back and said, ''Look, I didn't leak the tapes. Since I had a unanimous consent, inserted it in the record, then the tapes could be released.'' That was on March 27, 1998.

The gentleman from California (Mr. WAXMAN) went back through the tapes and went back through the record, and he found by going through the record of the committee that there was no unanimous consent to release these tapes. And that was on April 2 when the gentleman from California (Mr. WAXMAN) wrote back and said there is no authority or unanimous consent to release this information.

The gentleman from Indiana (Mr. BURTON) did inform the gentleman from California (Mr. WAXMAN) on April 14 of his decision to make the tapes public. Private recorded conversations now going to be made public.

The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) should immediately convene the working group, convene the working group to meet to determine whether the documents could even be released. That was on April 15, 1998. The gentleman from Indiana (Mr. BURTON) answered that he would not convene the working group and he was going to release the tapes immediately on April 15, 1998. At this point it is unclear how much of the tapes were released.

Mr. Speaker, the problem is here we have the Privacy Act that governs the release of information, a Member of Congress uses his office to obtain the information, and despite warnings that they not be released because they are subject to the Privacy Act, they are released anyway to intimidate a person to come and testify before a committee.

I do not know Mr. Hubbell and I do not know all the players involved here, but when do we allow Members of Congress to place themselves above the letter, the intent and the spirit of the law? Since when do we as Members of Congress sit by and watch other Members openly violate the law? And such an abuse of power, if we cannot do it through a front door, we try to slip it in through the back door.

Mr. Speaker, prior to coming to Congress I was a police officer up in the upper peninsula of Michigan, in Escanaba, and also with the Michigan State Police. I was injured in the line of duty and I was medically retired. But one of the last cases I worked on when I was in the State Police and actually was finalized was a criminal investigation involving a State legislator.

I did not leak information to the news media about the case. I did not violate her rights. I did not treat her unjustly, but only with humaneness and respect. I did not invade her right to privacy. I did not violate her constitutional rights. I did my job in a professional manner, and we got the conviction. I did my job within the bounds of the law, and we were still able to get our conviction. The case went to the Michigan Supreme Court and they upheld the conviction.

The point I am trying to make: There is a proper way and a way as Americans that we expect to conduct ourselves, not only as individuals but as law enforcement officers, as prosecutors, as chairmen of committees. You can do an investigation, an investigation which honors the law, and not violate the privacy rights. We did our investigation within the bounds of the law and not out of bounds.

Mr. BURTON's treatment of Mr. Hubbell is wrong, it is outside the law and is outside common decency, and it is contrary to what people and what we in government should and do stand for. I would hope that no future tapes would be released by the gentleman from Indiana (Mr. BURTON). I would hope that the Justice Department would intervene to protect the rights of citizens to their privacy, to their right of privacy and to the rights afforded all citizens of this great country.

Mr. Speaker, my theory is with the majority party, with all these investigations going on in Washington, D.C., from Mr. BURTON's committee to special prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of criminal investigations or grand jury investigations.

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Mr. Speaker, the joke around here is, have you received your subpoena today? But it really is no joking matter when the prosecutor uses the grand jury and the subpoena power of the grand jury to conduct even the most basic initial inquiry of a witness; that is no substitute for professional investigation. It is my understanding from reading news accounts that the special prosecutor has some 70 to 75 FBI agents. People are being subpoenaed without ever being interviewed by law enforcement.

Why have a subpoena power or law enforcement working on a case when you are just going to subpoena people in. Every time you subpoena people in before a grand jury there is a cost involved of getting legal counsel; there is humiliation and probably the damage to the reputation. Instead of doing our work and doing our job the old-fashioned way, actually going out and pounding the pavement and interviewing witnesses to see if you have anything worthy to tell a grand jury, we are now dragging people underneath subpoena power.

When and under what right and authority does the special prosecutor have to go into book stores to get a list of the latest books you may have read or purchased? Is there not a privacy right there protecting individuals on the books they read? Or have we sunk so far as a country that we now start making lists of books that people read?

When is a mother forced to testify under subpoena about her own daughter? Once again, isn't there some privileged conversations here between a parent and their child?

When is it allowable for someone to leave a message on a telephone answering machine and then only to have the caller be subpoenaed for expressing an opinion about the special prosecutor investigation?

Mr. Speaker, I think we ought to ask ourselves what is going on here? How far have we gone? Why are we allowing this to go on? Where is the privacy? Where is the authority? Under what authority, what right, does the government have to do these things? Why are FBI agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

In the 5 years that I have been here, we have been working so hard to get government out of our lives, but now government has not only taken over our lives, they are taking over every aspect, even the most private of conversations. Even conversations in which we have been warned that there is a Privacy Act here and these are sensitive matters, but we still release them in the name of some investigation.

Whether you are a Democrat or Republican, a Liberal, a Conservative, or an Independent, you are an American, and if you are an American, you should be outraged by the actions and the abuses of power recently displayed in committees and by special prosecutors in these past few months.

I do not personally know the individuals involved, who may or may not have been subpoenaed. I only know what I read and have heard about in the newspapers. I do not know the guilt or innocence of people, and I am not here passing judgment on guilt or innocence. But I do know that as you do an investigation, there is a right way and there is a wrong way. There are certain rights and liberties as Americans that we hold dear to us. And if there is going to be agility or innocence determination, then the evidence must be fairly obtained, without violating the law, without the abuse of power. And then the guilt or innocence of an individual is brought before a judge and a jury.

It is not obtained by one government agency, subpoenaed by another government agency, and then released under the guise of some cloak of exception to the privacy rule because we are a Member of Congress. Whoever would do that has put themselves and this great body, the Congress of the United States, above the law, and we are not above the law. We are equal underneath the eyes of the law.

I know, and I believe, that as an American citizen, I have certain rights. As an American citizen, not even the Congress of the United States can take away those rights, and the Congress does not have the legal authority to violate or take away any of these rights.

As a human being, there is a certain decency and kindness, a dignity and respect, that all Americans and every individual should be afforded. Some would call those inalienable rights. They are to be upheld and honored. And that requirement goes to the chairman of the Government Reform and Oversight Committee. It goes to the special prosecutors in this town, and I wish they would begin to conduct themselves in professional, courteous manners, as law enforcement does in this country.

Having been there and having been in law enforcement and done these investigations, just coming back from break, I can't tell you how many of my friends in law enforcement have said what is going on out there? If we tried to do any of those things when we were doing criminal investigations or working the street, we would have certainly been in great difficulty.

Mr. Speaker, I yield to the gentleman from California, Mr. WAXMAN, the ranking Democrat on the Government Oversight Investigation Committee. I certainly appreciate his efforts in trying to bring these violations of rights forward that he sees happening on that committee. I am, quite frankly, ashamed of the way Congress has been conducting these hearings.

Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to compliment the gentleman on the superb job he has just done laying out the problems that we are seeing in the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana (Mr. BURTON). This committee has wide-ranging responsibility to conduct an investigation on an issue that is important to the American people. But the Republicans on that committee have delegated to Mr. BURTON extraordinary powers.

No chairman of any committee in the history of the House of Representatives has had the power to go out and issue subpoenas without asking anybody to approve it; not the minority, not even the majority members of his committee. And to date, Chairman BURTON has issued 1,049 information requests in connection with the campaign finance investigation.

Of these, by the way, 1,037 or 99 percent were issued to investigate allegations of Democratic fund-raising abuses, and he also had 532 out of 541 subpoenas, and 144 out of 146 depositions all targeting Democrats.

Now, no one in this Congress or the country can believe that the only campaign finance abuses have been by Democrats.

What is also so troubling to me is the statement that Congressman BURTON just made back home in his district. He was quoted as saying about the President of the United States, if I could prove 10 percent of what I believe happened, he would be gone. This guy is a scum bag. That is why I am after him.

This is the statement of the chairman involved in an investigation. It is clear that he has a vendetta. He is not in any semblance trying to conduct an inquiry that will be fair and bring out all the facts, wherever they may lead. He is out to get the President of the United States.

His statements, it seems to me, are so outrageous, quite vial. If they were delivered on the House floor as a Member of Congress, his words could be taken down. It is inappropriate for Members of Congress to speak that way. It is inappropriate for any American to speak that way about the President of the United States.

But you have reported in this special order one of the most troubling things that also concerns me, and that is the fact that Chairman BURTON has taken tapes of private, intimate, personal conversations, that Webb Hubbell has had with his wife and personal friends, and made them public.

These are tapes about very personal matters. They have nothing to do with anything that relates to the campaign finance question. For his staff to have sat there and eavesdropped over these conversations, and then to send them, as he did, to the American Spectator, one of the right-wing magazines in this country, and other publications, to humiliate the man, there is really know other purpose but to humiliate him.

Now, I do not know whether Webb Hubbell has committed any other crimes than that which he admitted to, and it is appropriate for law enforcement to investigate it. It would be appropriate for our committee to investigate any wrongdoing on his part that relates to the jurisdiction of our committee. But to use the power to release these personal conversations as a weapon against him, is so offensive, it reminds me of that comment that has gone down so well in history, that Joe Welch said at the Armey-McCarthy hearings: After all, have you no decency?

I wrote to the Attorney General and, by the way, she, under the law, could not have made these tapes public. Ken Starr could not have made these tapes public. And under the Rules of the House, even Chairman BURTON is not permitted to make these tapes public. He has done it, in violation of the rules of our committee, and I believe that the members of the committee will have to deal with that matter, and maybe even the Members of this House will have to further deal with the question of the ethical propriety of the chairman's conduct.

But when he was given these tapes by the Attorney General, he was specifically told that these personal matters were to be kept personal and confidential.

I am so troubled by Chairman BURTON's conduct, I think it is reprehensible. His statements are vial. They do not befit a chairman who is trying to take on such important responsibilities.

A lot of people have not paid attention to the investigation of the Burton committee, the way they did with Senator THOMPSON's committee. They just cannot take it seriously. But the power that this man has to subpoena documents, to force people to come in and be deposed, to have to hire lawyers to be there with them, and to ask questions that have nothing to do with campaign finance investigations. We have had witnesses who have been brought in and asked questions about their drug use, and if they don't want to answer that question, because it is not the business of the committee looking at campaign finance questions to ask such personal matters, they can argue that it is not pertinent, but then the chairman would make a ruling that it is.

They then have the choice of being in contempt of Congress and fighting it out in court, where they would probably win. But do you know what it means when an American citizen, who has never been accused of doing anything wrong, has to face the overwhelming intrusive power of the Congress of the United States, asking for their personal records, asking them the most personal questions? I can think of no greater invasion of personal liberties than what we have seen in this Burton investigation.

I think the disclosure, so out of sync with the rules of these Hubbell tips, are only the tip of the iceberg. What they have done to other witnesses by way of harassment speaks so poorly of any committee of the Congress of the United States.

I thank the gentleman for yielding me time and allowing me to join with him in expression of concern about the conduct we have seen.

Mr. STUPAK. If the gentleman would remain, we still have some time left. Before I get to other issues, you said a couple of things I would just like to ask about. You said there has been 1,049 different documents subpoenaed and depositions taken by this committee.

If the chairman of the committee, Mr. BURTON, is going to release information protected underneath the Privacy Act, obviously contrary to the intent and spirit in the written law, then what is there to prevent him from releasing these documents or the depositions or interviews of other people?

Have we gone so far that whatever government wants to do, despite personal liberties that we as Americans possess, government, at least this committee, can release whatever they want with impunity towards the law? Is there any recourse for action like this?

Mr. WAXMAN. Let me draw a distinction. If a committee of Congress asks a witness to come and testify at a hearing or to testify under oath in a deposition, that information should be made public. That is on the record.

Mr. STUPAK. A committee hearing.

Mr. WAXMAN. A committee hearing or deposition ought to be made public. We have insisted these depositions be made public, and some of them are still being held back from the public. But what we have in these that is so offensive about the process is that witnesses are being harassed to come in and testify, not one day, but sometimes two, three, four and five days. Just to answer any question they want to ask these witnesses. And that means that any witness that comes before a committee of Congress has to have an attorney. He just can't take a chance that he will do anything wrong. You need to have legal representation.

For someone working in the Department of Commerce, for example, or Secretary Babbitt's committee, where they were looking at the question of whether there ought to be a dog track approved to be turned into a gambling casino in Hudson, Wisconsin, we had 3 days of hearings on this issue. A lot of people were deposed before those hearings. Their depositions were released, but they never testified.

The people who worked as government civil servants were brought in to answer extensive questions. They had to hire a lawyer at their own expense, answer the questions. They did.

□ 1530

But they were asked to give depositions after they had already testified in the Senate and given depositions in the Senate committee. So they were being harassed for no purpose, because the information was already available.

This is a different issue, these subpoenas and depositions, than what happened with Web Hubbell, because what happened with Web Hubbell was a tape made without the intention of it ever being made public. Those who were involved in the conversations never dreamed that their private discussions would be made public. That is different from someone who comes in for a deposition.

Imagine just having a conversation with your wife about the family, about very intimate kinds of things, being taped; and you may even know it is being taped, but you expect it is never going to be disclosed; but then having it disclosed, or pored over by people who are, in effect, eavesdropping on the most sensitive kinds of communications.

Mr. STUPAK. Mr. Speaker, my concern with this whole mentality we have going right now in Washington, D.C. with all of these investigations, as we see in the Ken Starr case, going in the bookstores to find out what people read or what they may have purchased, someone leaving a message on a telephone answering machine, and then being subpoenaed before a grand jury to explain it because they expressed an opinion contrary to what, contrary to what the special prosecutor thought in this case; or a mother being forced to testify under subpoena about her daughter's activities.

As American citizens, again, whether you are a liberal, conservative, Democrat, Republican, or Independent, I think we should be concerned about where these investigations are going. Whether it is Web Hubbell, whether it is the Ken Starr investigation, we have certain rights and certain liberties that must be respected by law enforcement, by prosecutors.

Certain things are guaranteed in the Constitution, and I am afraid that in the last few months these things are getting so out of focus that we are using every possible means to force people to testify, whether it is against their will or not.

Certainly in the Hubbell matter, he chose not to testify before the committee, so tapes are being released to try to coerce him into testifying. We always hear that people are concerned about government is always in their face and is all-intrusive, and you cannot get away from the government. What are we getting, here? We are getting more and more of this, not less.

As we try to get government out of our lives, when it comes to an investigation, government not only is in our life, it is in the bookstore, it is on our answering machine, and it is in our personal conversations, and we have no control over it. And if we object, they find a way to come through the back door and violate our rights on what they cannot get through the front door.

As a former law enforcement officer and an attorney, I just really resent what is going on here. It reflects terribly upon every Member of Congress, because it is the Committee on Government Reform and Oversight and everyone who sits on that committee. I no longer sit on it. I did at one time, and we did some work in my first term here.

Where have we gone with this whole thing? This is totally out of control. Every Member of Congress should be outraged, and every American citizen should be outraged. These are rights and personal liberties guaranteed to us which are being trampled in the name of an investigation.

Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this committee spent $6 million. They ought to have something to show for it. We have had only six public hearings over a period of 13 days, as opposed to Senator THOMPSON, his investigation, where they held 33 days of hearings, and they issued a 1,100 page report at a cost of less than $3.5 million.

The gentleman from Indiana (Mr. BURTON) it has been reported in the press is hoping to be on the committee that Speaker GINGRICH will set up if there is a possible inquiry of impeachment of the President of the United States. How can we have someone on a committee to decide whether to impeach the President of the United States when a Member has already said such a vile accusation against the President, and indicated he is out to get the President of the United States? We have clear bias, a vendetta, no objectivity or fairness. He is not interested in the facts. He has already made up his mind.

So I point that out. Let us stop spending money unless it is really for an investigation that will get to the facts, and not just be used recklessly for partisan purposes. I thank the gentleman for yielding to me.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I am not sure if he is aware, I was reading some articles, and I was so outraged over what I read. When I think back over what has happened in the last few months, I think every American should be outraged over what is going on.

I often tell my folks back home that when you have politicians investigating other politicians, what do you get? More politics. I really wish we would

leave these to professional law enforcement, who certainly do respect the rights of individuals.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for yielding to me. It is an honor to be here. I want to compliment the gentleman for bringing this to the body's attention here, and I want to compliment the gentleman from California (Mr. WAXMAN) for the fine job he has done.

Like the gentleman, I was amazed when I looked at the article in the Wall Street Journal several weeks ago that talked about the taping of Webster Hubbell's conversations. I am not here to defend Webster Hubbell. I do not think anybody here is doing that. But there is a concern here that I think every American has to pay attention to, what we are doing here.

I heard the gentleman from California (Mr. WAXMAN) ask the question, have you no decency? That was exactly what went through my mind as I read what is going on here with the gentleman from Illinois (Chairman BURTON) and the committee we are dealing here with today.

The article was from the Wall Street Journal of March 19, 1998: ''As he wasted away, the prisoner had but one thing on his mind. What he had on his mind was food during the time he was in prison. Webster Hubbell lost a lot of weight. He was concerned about food.

''His conversations were recorded, his phone conversations with his wife were recorded. There were no nefarious plots discussed, there were no illegal discussions that took place. They talked about incredibly mundane matters between a man and his wife. Unfortunately, those verbatim conversations made their way not only into the Wall Street Journal, but also into the American Spectator.''

I would like to read or make reference to a letter that the gentleman from California (Mr. WAXMAN) wrote to the Attorney General, if I may, talking about this.

In the letter, which is dated April 20, the gentleman from California (Mr. WAXMAN) wrote: ''I wrote to Chairman BURTON on March 20, 1998, and noted that the only possible sources for the tapes,'' the release of the tapes, ''to the Wall Street Journal and the American Spectator were Independent Counsel Kenneth Starr or Chairman BURTON. It would be illegal for Mr. Starr to release the tapes, and it would be a violation of our committee rules if Chairman BURTON had released the tapes without notice.''

On March 27 the gentleman from Indiana (Chairman BURTON) responded and argued that the released tapes were not a leak. In his letter he noted that, ''In fact, the tapes in question were entered into the committee record on December 10th, 1997, during a hearing regarding Attorney General Reno's decision to seek appointment of an independent counsel.''

That statement was not correct, as the gentleman from California (Mr. WAXMAN) responded on April 2 to Chairman BURTON'S letter and informed him, and this is Mr. Waxman, now: ''I have thoroughly reviewed the transcript from the December 10th committee hearing. At no point were the tapes entered into the hearing record.''

Mr. Waxman also challenged Chairman BURTON'S assertion that the leaked tapes discussed matters under investigation by the committee. Again, the reference in the media was to food.

''On April 14th of this year, just last week, in an apparent recognition that he had not received prior approval for the release of the Hubbell tapes, Chairman BURTON wrote and informed him of his intent to release the tapes and other records. And then in an April 15 letter the minority staff director informed Chairman BURTON'S staff director that he objected to the release of the tapes because they would be an unnecessary invasion of privacy and serve no purpose.''

So what we have here is we have a situation where these tapes have been released. I understand that the gentleman from Indiana (Mr. BURTON) does not like Mr. Hubbell, and it is clear he does not like President Clinton. That is his right. If he does not like these two gentlemen, that is his right. He is in a position of authority. He is in a position of authority that should not be abused.

My concern is that the committee that I serve on along with the gentleman from California (Mr. WAXMAN) is abusing not only the rules of this House, but common rules of decency. We have an individual who has been punished under the law, as he should have been, Mr. Hubbell. But that does not mean that he has lost his citizenship, that does not mean he has lost all his rights. What it means is that he should be punished, and he has been. But even as a prisoner, he has some rights. To violate those rights I think is a gross invasion of privacy and is an embarrassment to this body.

I wanted to come down here to share the gentleman's sentiments, share the sentiments of the gentleman from California. The letter I was reading from was a letter from the gentleman from California (Mr. WAXMAN) to Attorney General Janet Reno. I concur with his question. The Attorney General should be looking into this matter, because it is an important matter. As soon as this body starts violating the rights of American citizens, we are on the road to tyranny, because it is just not something that should be tolerated.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for adding to this discussion here today. The issue is not whether the conversation was about food or how mundane the discussion may have been, and what was or what was not the discussion that was recorded and then later released. It is the principle here. It is the constitutional right. It is the invasion of privacy.

We are not here defending Mr. Hubbell or even the President of the United States. They can defend themselves. If someone does not appreciate the job they are doing or did, that is their right. But there are some rights where you are restricted from going, whether you are a private citizen or a member of the United States Congress or a law enforcement officer.

The principle of privacy is something we as Americans have always held near and dear to us, so when they say you have no shame, or you have no respect or no decency, I guess those who would release this information have no shame and have no respect for the Constitution and the laws of this country.

When we start putting ourselves above the law, or using documents that are obtained, and the only way they were obtained is because a Member of Congress, a chairman of a committee, subpoenaed them, otherwise, no other citizen could get them; and then to be used to release or to try to intimidate a person to come in and testify, where have we gone as a country?

We talk about morals and ethics and values in this country, but when we use those kinds of tactics to try to force people to testify, if you will, against themselves, then have we really gone way too far?

I really do hope that the Attorney General does investigate this and puts some restriction on, or calls back these tapes. I would hope that the media would use their good judgment and not release these documents that are sensitive and private conversations between a husband and his wife.

Whether we agree with the parties or not, they still have an expectation of privacy. We know that expectation of privacy has been invaded, has been violated, but I do not think that then gives the media justification to print it. So I would hope that by bringing forth this discussion today, that all Members of Congress and our friends in the media would use some good common sense as these investigations go on and as questionable tactics come to light.

Again, it is not just the Burton investigation, if you will, but also what is happening with Ken Starr, with people going into bookstores to see what you may or may not have read or purchased recently, on tape recordings, on answering machines, and people then get subpoenaed.

I would hope, I would certainly hope, that we would respect and bring some decency to these investigations and what is going on. Whether people are guilty of this or that will be determined by another body. We would need a judge or jury, and we should at least respect the Constitution and laws which we all live under.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to echo what the gentleman is saying. I think the people of this body and of this country have to understand the magnitude of what is going on. Webster Hubbell may not be a particularly admirable figure to many Americans, but he does have rights. Every American has rights.

If we start down the road where we can basically violate someone's rights because we do not like them, then I think every one of us in this Chamber is in danger, I think every American is in danger.

Just think about it for a second. Think about any conversation that you have with your spouse, about any conversation you have with a family member, think about any conversation you have with a friend. Think about that conversation being taped. Then think about that conversation being released to the public, to the media, because someone in a position of authority does not like you. They do not like your politics, they do not like what you have done in the past, and they are going to use that position of authority to try to destroy you.

That is extremely dangerous. That is something that Americans cannot just let happen on a daily basis. I am afraid that what we are seeing in this Chamber and what we are seeing in this committee structure and some of the investigations is we are seeing steps toward that, where truly the ends justify the means, and an investigator has decided that we do not like this person and they are guilty of something.

There is an article from the Star News today, or actually from April 16, and it talks about the committee's database that we have here in Washington from the committee that I serve on:

> The oversight committee's database on Capitol Hill contains 90,000 entries that pertain to questionable conduct by the administration. Somewhere in all that BURTON believes is an indictable offense.

I will take any American, any American, and if you give me 90,000 entries about their life, they have done something wrong. What we have here is we have a situation where a completely one-sided investigation is out to paint Democrats and the administration in a bad light.

I think the American people see through it. They recognize that virtually none of the subpoenas have been directed towards Republicans, and there is not a person in this world, in this country, who believes that all Republicans are wonderful and all Democrats are terrible. That is just not the way it is. I am not here to say that Democrats are 100 percent good, but I am certainly here to say that Republicans are not 100 percent good.

If we are going to have an investigation, we should have a fair investigation. This is not a fair investigation.

□ 1545

Mr. STUPAK. Mr. Speaker, I thank the gentleman. And whether we are a Democrat or Republican, again it is the basic principles and beliefs that all Americans hold near and dear to them. And if we are going to do an investigation, let us do it based upon the law of this land and not upon the position we may hold in the government or elsewhere, and respect those laws.

I thank the gentleman and thank him for coming down. He probably did not realize that I was going to do this today, and neither did I until I woke up this morning and read the paper. It got me going.

Mr. Speaker, I did say I was going to spend a few minutes on leaking underground storage tanks and if there is time, I would still like to do that. Being Earth Day, one of the bills that I have worked on in the 104th and 105th Congresses is the leaking underground storage tanks. Today being Earth Day, it is a bill that both myself and the gentleman from Colorado (Mr. DAN SCHAEFER), a Republican and member of the Subcommittee on Health and Environment with me on the Committee on Commerce, we have been pushing this bill for the last two years.

The last Congress, the 104th Congress, it passed this House by near unanimous agreement and went to the other body, and unfortunately it died over there. In the 105th Congress, I believe it was July of last year we once again passed the bill.

The bill is supported by the administration and supported by the Environmental Protection Agency. And the reason why it is, the greatest pollutant of our groundwater is leaking underground storage tanks which contain gasoline and other petroleum products, oil, gas, kerosene, whatever it may be.

That bill once again sits before the other side of this House, over in the Senate side, and we would hope that they would see to it that they would bring that bill up very, very soon.

What the bill does is reorganize the program. There is a trust fund which petroleum companies and others pay into to help clean up leaking underground storage tanks. Again, the greatest pollutant of our groundwater is leaking underground tanks. On this Earth Day one of the best things we could do is pass this bill to get that leaking underground storage tanks program up and running in this country.

In my home State of Michigan we did have a Michigan Underground Storage Tank Act. Unfortunately, that fund has gone bankrupt and we need to pump some new life and some new money into it, and the bill we have would certainly do that.

Mr. Speaker, one other issue that I said I would speak on is food safety. In my work on the Subcommittee on Health and Environment we have been watching closely food safety and food safety agreements and how they are affected by trade agreements.

In this country we have the world's highest standards when it comes to food and food safety. Unfortunately, from statistics from the Centers on Disease Control, we have found that every second of every day an American is stricken with food poisoning. We know that 33 million Americans this year will suffer from food poisoning. Of those 33 million Americans, 9,000 deaths will occur due to food poisoning.

Why do we have so many deaths when we have the highest standards in the world? Why are so many Americans getting sick based on food poisoning? If we take a look at statistics put forth by those who are in charge of food inspection, the Food and Drug Administration and the Department of Agriculture and others, back in 1981 we used to make 25,000 inspections of food. In 1996, we made 5,000 inspections of food in this country.

During that same period of time, especially since the passage of NAFTA, the North American Free Trade Agreement, food imports in this country have gone up some 40 percent. In fact, in my home State of Michigan during the winter months 70 percent of the food, the fruits and vegetables, 70 percent of the fruits and vegetables that come into Michigan come from foreign countries. And we know that a food item from a foreign country is likely to have three times greater amount of pesticides on it than those grown domestically in the United States.

So as we were doing food safety issues relating to trade agreements, we asked the President as we are negotiating these trade agreements if three things could happen: Number one, certainly increase our inspections at the border so that we prevent contaminated foods or foods laced with pesticides, prevent them from coming into this country, and to make sure that those foods, fruits, vegetables, meats, fish or poultry, meet United States standards.

Secondly, to renegotiate some of the provisions of the trade agreements that allow us time to inspect food shipments coming into this country. Right now we inspect about 1 percent. We have 9,000 trucks a day coming in from the southern border bringing in food products, but we are only inspecting 1 percent. Is it any wonder why more and more food is getting into this country not being inspected?

And finally, the last but not least, we asked the President if we could put forth and if he would endorse the idea of a country of origin food labeling, so if we go to the supermarket and take a look at the tomatoes and decide whether or not to purchase those tomatoes, we would know if they were grown in Florida, which at one time had the world's tomato market and now they are second to Mexico, or whether or not they were grown in Mexico. And those are the issues that the American consumers, who will have the ultimate choice here, consumers really should make.

In my home State of Michigan we had, in the spring of 1997, 179 schoolchildren stricken by tainted strawberries in the school lunch program.

Now it is up to 324 case of hepatitis A. Those strawberries came from Mexico. When they were shipped into the United States, they were packaged in the hot lunch program and distributed throughout this country.

Our concern and our problem, and I said earlier that are there is a greater likelihood that foods and fruits and vegetables from other countries have three times more pesticides than what we use here in the United States, our concern is simply this: While we have these young children ages 10 to 11 in Michigan being very ill with hepatitis A, they got over hepatitis A but now they are suffering from secondary symptoms. The secondary symptoms are atypical of hepatitis A. By that I mean they have hair loss and skin rashes and sores in their mouth and shingles at 10 years old, and a number of secondary symptoms and illnesses, certainly not due to hepatitis A but other things that were in those strawberries.

Recently we were down in Mexico doing some work on trade agreements and we saw the sanitation, or I should say the lack of sanitation, the lack of clean water, the use of pesticides on agricultural crops. So it is no wonder that they are having secondary symptoms when we do not know what is the cause of those secondary symptoms. Could it be lead? Could it be mercury? Could it be pesticide use? Those are some of the suspected agents that we have.

We then went to the Central Valley of California and we saw their conditions and standards that they use to grow, package and bring forth produce in this country. A vast world of difference. But yet the farmers there were telling us that many of the products that we may see in our store and canned under U.S. label are actually grown in other countries, and they do not have to put where it was grown, just where it was canned or packaged.

In particular, olives, black olives, the market used to be in California. It is now in Mexico. It comes over, they cut off the top and the bottom, take the pit out and put it in the can and it says ''canned in the United States.'' It does not say that the produce, or in this case the olives, were canned in the United States but in fact they were grown in Mexico.

So we can see how the problems of food safety enter into our food supply each and every day. So having the world's highest standards concerning fruits vegetables, meat, poultry, there are some things we can do as American consumers.

We have been pushing legislation to get proper labeling with country of origin, so that we as the American consumer can decide whether or not we want to serve these strawberries from Mexico or from southern California to our family; or Guatemalan raspberries, where we had 15,000 people stricken last year with those; or whatever other fruit or vegetable or meat or poultry it may be.

So as we continue this debate, Mr. Speaker, on trade issues, I would hope that we stop and not lower our standards to allow trade and items to come into the United States, but maintain the rigid standards that we have in the United States, not just for fruits and vegetables and meats and fish and poultry but for all products. I find it amazing that in this country we can insist upon standards for CDs and intellectual property and movie rights, but yet we cannot insist on the same standards that would apply to our food and our food sources in this great country. While we have the world's highest standards, we must maintain them.

We are not opposed to trade policies; we are opposed to trade policies which reduce or lessen our standards that we have accepted here in the United States.

So, Mr. Speaker, with that I would close. The next big fight on trade may be the Multinational Agreement on Investment, which once again would attack our health, our environmental and our food and safety standards in this country. So I would ask all Members to be alert for the MAI, the Multinational Agreement on Investment, which once again is a way of lowering our standards that we are used to here in this country and attacks our sovereignty as a Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5:15 p.m.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until 5:15 p.m.

□ 1737

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 37 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–491) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. The pending business is the question of the passage of House Joint Resolution 111 on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

RECORDED VOTE

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—ayes 238, noes 186, not voting 9, as follows:

[Roll No. 102]

AYES—238

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

NOES—186

Abercrombie	Barrett (WI)	Bishop
Ackerman	Becerra	Blagojevich
Allen	Bentsen	Blumenauer
Baesler	Bereuter	Boehlert
Baldacci	Berman	Bonior

Borski	Jackson-Lee (TX)	Ortiz
Boucher	Jefferson	Owens
Boyd	Johnson (CT)	Pascrell
Brown (FL)	Johnson (WI)	Pastor
Brown (OH)	Johnson, E. B.	Payne
Campbell	Kanjorski	Pelosi
Capps	Kaptur	Peterson (MN)
Cardin	Kennedy (MA)	Pickett
Carson	Kennedy (RI)	Pomeroy
Clay	Kennelly	Porter
Clayton	Kildee	Poshard
Clement	Kilpatrick	Price (NC)
Clyburn	Kind (WI)	Rahall
Conyers	Kleczka	Rangel
Costello	Klink	Reyes
Coyne	Kucinich	Rivers
Cummings	LaFalce	Rodriguez
Davis (FL)	Lampson	Rothman
Davis (IL)	Lantos	Roybal-Allard
DeFazio	Lee	Rush
DeGette	Levin	Sabo
Delahunt	Lewis (GA)	Sanders
DeLauro	Lipinski	Sawyer
Deutsch	Lofgren	Scott
Dicks	Lowey	Serrano
Dingell	Luther	Shaw
Doggett	Maloney (NY)	Sisisky
Dooley	Manton	Skaggs
Doyle	Markey	Slaughter
Edwards	Martinez	Smith, Adam
Engel	Mascara	Snyder
Eshoo	Matsui	Spratt
Evans	McCarthy (MO)	Stabenow
Farr	McDermott	Stark
Fattah	McGovern	Stenholm
Fazio	McHale	Stokes
Filner	McKinney	Strickland
Ford	McNulty	Stupak
Frank (MA)	Meehan	Tauscher
Frost	Meek (FL)	Thompson
Furse	Meeks (NY)	Thurman
Gejdenson	Menendez	Tierney
Gephardt	Millender-McDonald	Torres
Gillmor	Miller (CA)	Towns
Gutierrez	Minge	Turner
Hall (OH)	Mink	Velazquez
Hamilton	Moakley	Vento
Hill	Mollohan	Visclosky
Hilliard	Moran (VA)	Walsh
Hinchey	Morella	Waters
Hinojosa	Murtha	Watt (NC)
Holden	Nadler	Waxman
Hooley	Neal	Wexler
Hostettler	Oberstar	Weygand
Houghton	Obey	Wise
Hoyer	Olver	Woolsey
Jackson (IL)		Wynn
		Yates

NOT VOTING—9

Bateman	Gonzalez	Istook
Brown (CA)	Hastings (FL)	Schumer
Dixon	Hefner	Tanner

□ 1758

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I regret could not be present to vote for the Tax Limitation Amendment. I am attending a special family milestone—my oldest son's graduation from college. Had I been present I would have voted AYE.

CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SMITH of Oregon submitted the following conference report and statement on the Senate bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–492)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150), to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Research, Extension, and Education Reform Act of 1998''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) 1862 INSTITUTION.—The term ''1862 Institution'' means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

(2) 1890 INSTITUTION.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

(3) 1994 INSTITUTION.—The term ''1994 Institution'' means 1 of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)) (as amended by section 251(a)).

(4) ADVISORY BOARD.—The term ''Advisory Board'' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(5) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) SMITH-LEVER ACT.—The Act of May 8, 1914 (commonly known as the ''Smith-Lever Act'') (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), is amended by adding at the end the following:

''SEC. 11. SHORT TITLE.

''This Act may be cited as the 'Smith-Lever Act'.''.

(b) HATCH ACT OF 1887.—The Act of March 2, 1887 (commonly known as the ''Hatch Act of 1887'') (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.), is amended by adding at the end the following:

''SEC. 10. SHORT TITLE.

''This Act may be cited as the 'Hatch Act of 1887'.''.

TITLE I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) IN GENERAL.—The Secretary shall ensure that agricultural research, extension, or education activities described in subsection (b) address a concern that—

(1) is a priority, as determined under section 102(a); and

(2) has national, multistate, or regional significance.

(b) APPLICATION.—Subsection (a) applies to—

(1) research activities conducted by the Agricultural Research Service; and

(2) research, extension, or education activities administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

SEC. 102. PRIORITY SETTING PROCESS.

(a) ESTABLISHMENT.—Consistent with section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

(b) RESPONSIBILITIES OF SECRETARY.—In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

(c) RESPONSIBILITIES OF 1862, 1890, AND 1994 INSTITUTIONS.—

(1) PROCESS.—Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, and 1994 Institution shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

(2) REGULATIONS.—The Secretary shall promulgate regulations that prescribe—

(A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and

(B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

(d) MANAGEMENT PRINCIPLES.—To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

(1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;

(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

SEC. 103. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

(a) REVIEW OF COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

(1) PEER REVIEW OF RESEARCH GRANTS.—The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

(2) MERIT REVIEW OF EXTENSION AND EDUCATION GRANTS.—

(A) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

(B) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

(b) ADVISORY BOARD REVIEW.—On an annual basis, the Advisory Board shall review—

(1) the relevance to the priorities established under section 102(a) of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and

(2) the adequacy of the funding.

(c) REQUESTS FOR PROPOSALS.—

(1) REVIEW RESULTS.—As soon as practicable after the review is conducted under subsection (b) for a fiscal year, the Secretary shall consider the results of the review when formulating each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

(2) INPUT.—In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

(d) SCIENTIFIC PEER REVIEW OF AGRICULTURAL RESEARCH.—

(1) PEER REVIEW PROCEDURES.—The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department.

(2) REVIEW PANEL REQUIRED.—As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

(3) MISSION AREA.—If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

(A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 102; and

(B) the national or multistate significance of the activity or research.

(4) COMPOSITION OF REVIEW PANEL.—

(A) IN GENERAL.—A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

(B) SCIENTISTS FROM COLLEGES AND UNIVERSITIES.—To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

(5) SUBMISSION OF RESULTS.—The results of the panel reviews shall be submitted to the Advisory Board.

(e) MERIT REVIEW.—

(1) 1862 AND 1890 INSTITUTIONS.—Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(2) 1994 INSTITUTIONS.—Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(f) REPEAL OF PROVISIONS FOR WITHHOLDING FUNDS.—

(1) SMITH-LEVER ACT.—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1444 (7 U.S.C. 3221)—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f);

(B) in section 1445(g) (7 U.S.C. 3222(g)), by striking paragraph (3); and

(C) by striking section 1468 (7 U.S.C. 3314).

SEC. 104. RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (c)—

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

(B) by striking paragraph (3) and inserting the following:

''(3) Not less than 25 percent shall be allotted to the States for cooperative research employing multidisciplinary approaches in which a State agricultural experiment station, working with another State agricultural experiment station, the Agricultural Research Service, or a college or university, cooperates to solve problems that concern more than 1 State. The funds available under this paragraph, together with the funds available under subsection (b) for a similar purpose, shall be designated as the 'Multistate Research Fund, State Agricultural Experiment Stations.''; and

(2) by adding at the end the following:

''(h) PEER REVIEW AND PLAN OF WORK.—

''(1) PEER REVIEW.—Research carried out under subsection (c)(3) shall be subject to scientific peer review. The review of a project conducted under this paragraph shall be considered to satisfy the merit review requirements of section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(2) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 a description of the manner in which the State will meet the requirements of subsection (c)(3).''.

(b) CONFORMING AMENDMENTS.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (b)(1), by striking ''subsection 3(c)(3)'' and inserting ''subsection (c)(3)''; and

(2) in subsection (e), by striking ''subsection 3(c)3'' and inserting ''subsection (c)(3)''.

SEC. 105. EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS.

Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end the following:

''(h) MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—

''(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the amounts that are paid to a State under subsections (b) and (c) during a fiscal year shall be expended by States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as 'multistate activities').

''(2) APPLICABLE PERCENTAGES.—

''(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under subsections (b) and (c), the Secretary of Agriculture shall determine the percentage that the State expended for multistate activities.

''(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under subsections (b) and (c), the State shall expend for the fiscal year for multistate activities a percentage that is at least equal to the lesser of—

''(i) 25 percent; or

''(ii) twice the percentage for the State determined under subparagraph (A).

''(C) REDUCTION BY SECRETARY.—The Secretary may reduce the minimum percentage required to be expended for multistate activities under subparagraph (B) by a State in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

''(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 4 a description of the manner in which the State will meet the requirements of this paragraph.

''(3) APPLICABILITY.—This subsection does not apply to funds provided—

''(A) by a State or local government pursuant to a matching requirement;

''(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

''(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

''(i) MERIT REVIEW.—

''(1) REVIEW REQUIRED.—Effective October 1, 1999, extension activity carried out under subsection (h) shall be subject to merit review.

''(2) OTHER REQUIREMENTS.—An extension activity for which merit review is conducted under paragraph (1) shall be considered to have satisfied the requirements for review under section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998.''.

SEC. 106. RESEARCH FACILITIES.

(a) CRITERIA FOR APPROVAL.—Section 3(c)(2)(C)(ii) of the Research Facilities Act (7 U.S.C. 390a(c)(2)(C)(ii)) is amended by striking ''regional needs'' and inserting ''national or multistate needs''.

(b) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—Section 3 of the Research Facilities Act (7 U.S.C. 390a) is amended by adding at the end the following:

''(e) NATIONAL OR MULTISTATE NEEDS SERVED BY ARS FACILITIES.—The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.''.

(c) 10-YEAR STRATEGIC PLAN.—Section 4(d) of the Research Facilities Act (7 U.S.C. 390b(d)) is amended by striking ''regional'' and inserting ''multistate''.

(d) COMPREHENSIVE RESEARCH CAPACITY.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is amended by adding at the end the following:

''(g) COMPREHENSIVE RESEARCH CAPACITY.—After submission of the 10-year strategic plan required under subsection (d), the Secretary shall continue to review periodically each operating agricultural research facility constructed in whole or in part with Federal funds, and each planned agricultural research facility proposed to be constructed in whole or in part with Federal funds, pursuant to criteria established by the Secretary, to ensure that a comprehensive research capacity is maintained.''.

TITLE II—REFORM OF EXISTING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

SEC. 201. COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended in the last sentence by striking ''State institutions'' and all that follows through the period at the end and inserting ''1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), or the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University, located in any State.''.

SEC. 202. PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) SMITH-LEVER ACT.—Section 4 of the Smith-Lever Act (7 U.S.C. 344) is amended—

(1) by striking ''SEC. 4.'' and inserting the following:

''SEC. 4. ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.

''(a) ASCERTAINMENT OF ENTITLEMENT.—'';

(2) in the last sentence, by striking ''Such sums'' and inserting the following:

''(b) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which a State is entitled''; and

(3) by adding at the end the following:

''(c) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

''(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address the issues.

''(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

''(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

''(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(5) The education and outreach programs already underway to convey available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

''(d) EXTENSION PROTOCOLS.—

''(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a).

''(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research,

Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

''(e) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements.''.

(b) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) (as amended by section 103(f)(2)) is amended—

(1) by striking ''SEC. 7.'' and inserting the following:

''SEC. 7. DUTIES OF SECRETARY; ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS; PLANS OF WORK.

''(a) DUTIES OF SECRETARY.—'';

(2) by striking ''On or before'' and inserting the following:

''(b) ASCERTAINMENT OF ENTITLEMENT.—On or before'';

(3) by striking ''Whenever it shall appear'' and inserting the following:

''(c) EFFECT OF FAILURE TO EXPEND FULL ALLOTMENT.—Whenever it shall appear''; and

(4) by adding at the end the following:

''(d) PLAN OF WORK REQUIRED.—Before funds may be provided to a State under this Act for any fiscal year, a plan of work to be carried out under this Act shall be submitted by the proper officials of the State and shall be approved by the Secretary of Agriculture.

''(e) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for a State required under subsection (d) shall contain descriptions of the following:

''(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address the issues.

''(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

''(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

''(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(f) RESEARCH PROTOCOLS.—

''(1) DEVELOPMENT.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d).

''(2) CONSULTATION.—The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) and land-grant colleges and universities.

''(g) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (d) to satisfy other appropriate Federal reporting requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 203. CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT.

(a) HATCH ACT OF 1887.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended by striking subsection (d) and inserting the following:

''(d) MATCHING FUNDS.—

''(1) REQUIREMENT.—No allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of the research.

''(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

''(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

''(B) the amount of matching funds actually provided by the State.

''(3) REAPPORTIONMENT.—

''(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

''(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).''.

(b) SMITH-LEVER ACT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs 1 and 2 as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as so redesignated), by striking ''census: Provided, That payments'' and all that follows through ''Provided further, That any'' and inserting ''census. Any''; and

(2) by striking subsections (e) and (f) and inserting the following:

''(e) MATCHING FUNDS.—

''(1) REQUIREMENT.—Except as provided in subsection (f), no allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for cooperative extension work.

''(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

''(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

''(B) the amount of matching funds actually provided by the State.

''(3) REAPPORTIONMENT.—

''(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

''(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

''(f) MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS.—There shall be no matching requirement for funds made available to a 1994 Institution pursuant to subsection (b)(3).''.

(c) TECHNICAL CORRECTIONS.—

(1) RECOGNITION OF STATEHOOD OF ALASKA AND HAWAII.—Section 1 of the Hatch Act of 1887 (7 U.S.C. 361a) is amended in the second sentence by striking ''Alaska, Hawaii,''.

(2) ROLE OF SECRETARY OF AGRICULTURE.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(A) in subsections (b)(1), (c), and (d), by striking ''Federal Extension Service'' each place it appears and inserting ''Secretary of Agriculture''; and

(B) in subsection (g)(1), by striking ''through the Federal Extension Service''.

(3) REFERENCES TO REGIONAL RESEARCH FUND.—Section 5 of the Hatch Act of 1887 (7 U.S.C. 361e) is amended in the first sentence by striking ''regional research fund authorized by subsection 3(c)(3)'' and inserting ''Multistate Research Fund, State Agricultural Experiment Stations''.

SEC. 204. INTEGRATION OF RESEARCH AND EXTENSION.

(a) IN GENERAL.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) (as amended by section 104(a)(2)) is amended by adding at the end the following:

''(i) INTEGRATION OF RESEARCH AND EXTENSION.—

''(1) IN GENERAL.—Not less than the applicable percentage specified under paragraph (2) of the Federal formula funds that are paid under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343) to colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), during a fiscal year shall be expended for activities that integrate cooperative research and extension (referred to in this subsection as 'integrated activities').

''(2) APPLICABLE PERCENTAGES.—

''(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the Secretary of Agriculture shall determine the percentage that the State expended for integrated activities.

''(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), the State shall expend for the fiscal year for integrated activities a percentage that is at least equal to the lesser of—

''(i) 25 percent; or

''(ii) twice the percentage for the State determined under subparagraph (A).

''(C) REDUCTION BY SECRETARY.—The Secretary of Agriculture may reduce the minimum percentage required to be expended by a State for integrated activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

''(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 of this Act or section 4 of the Smith-Lever Act (7 U.S.C. 344), as applicable, a description of the manner in which the State will meet the requirements of this paragraph.

''(3) APPLICABILITY.—This subsection does not apply to funds provided—

''(A) by a State or local government pursuant to a matching requirement;

''(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

''(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

''(4) RELATIONSHIP TO OTHER REQUIREMENTS.—Federal formula funds described in paragraph (1) that are used by a State for a fiscal year for integrated activities in accordance with paragraph (2)(B) may also be used to satisfy the multistate activities requirements of subsection (c)(3) of this section and section 3(h) of the Smith-Lever Act (7 U.S.C. 343(h)) for the same fiscal year.''.

(b) CONFORMING AMENDMENT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) (as amended by section 105) is amended by adding at the end the following:

''(j) INTEGRATION OF RESEARCH AND EXTENSION.—Section 3(i) of the Hatch Act of 1887 (7 U.S.C. 361c(i)) shall apply to amounts made available to carry out this Act.''.

Subtitle B—Competitive, Special, and Facilities Research Grant Act

SEC. 211. COMPETITIVE GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in the first sentence of paragraph (1), by inserting ''national laboratories,'' after ''Federal agencies,'';

(2) in paragraph (2), by striking ''regional'' and inserting ''multistate'';

(3) in the second sentence of paragraph (3)(E), by striking ''an individual shall have less than'' and all that follows through ''research experience'' and inserting ''an individual shall be within 5 years of the individual's initial career track position''; and

(4) in paragraph (8)(B)—

(A) by striking ''the cost'' and inserting ''the cost of''; and

(B) by adding at the end the following: ''The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a smaller college or university (as described in section 793(c)(2)(C)(ii) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(C)(ii))) if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.''.

SEC. 212. SPECIAL GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (c)—

(1) in paragraph (1)—

(A) by striking ''5 years'' and inserting ''3 years'';

(B) in subparagraph (A), by inserting '', extension, or education activities'' after ''conducting research''; and

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting '', extension, or education'' after ''agricultural research'';

(ii) in clause (i), by inserting '', extension, or education'' after ''research''; and

(iii) in clause (iv), by striking ''among States through regional research'' and inserting '', extension, or education among States through regional''; and

(2) by adding at the end the following:

''(5) REVIEW REQUIREMENTS.—

''(A) RESEARCH ACTIVITIES.—The Secretary shall make a grant under this subsection for a research activity only if the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary.

''(B) EXTENSION AND EDUCATION ACTIVITIES.—The Secretary shall make a grant under this subsection for an extension or education activity only if the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary.

''(6) REPORTS.—

''(A) IN GENERAL.—A recipient of a grant under this subsection shall submit to the Secretary on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results.

''(B) PUBLIC AVAILABILITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.''.

Subtitle C—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 221. DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) FOOD AND AGRICULTURAL SCIENCES.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended by striking paragraph (8) and inserting the following:

''(8) FOOD AND AGRICULTURAL SCIENCES.—The term 'food and agricultural sciences' means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including activities relating to the following:

''(A) Animal health, production, and well-being.

''(B) Plant health and production.

''(C) Animal and plant germ plasm collection and preservation.

''(D) Aquaculture.

''(E) Food safety.

''(F) Soil and water conservation and improvement.

''(G) Forestry, horticulture, and range management.

''(H) Nutritional sciences and promotion.

''(I) Farm enhancement, including financial management, input efficiency, and profitability.

''(J) Home economics.

''(K) Rural human ecology.

''(L) Youth development and agricultural education, including 4–H clubs.

''(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis.

''(N) Information management and technology transfer related to agriculture.

''(O) Biotechnology related to agriculture.

''(P) The processing, distributing, marketing, and utilization of food and agricultural products.''.

(b) REFERENCES TO TEACHING OR EDUCATION.—Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) is amended by striking ''the term 'teaching' means'' and inserting ''TEACHING AND EDUCATION.—The terms 'teaching' and 'education' mean''.

(c) CONFORMING AMENDMENTS.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in the matter preceding paragraph (1), by striking ''title—'' and inserting ''title:'';

(2) in paragraphs (1), (2), (3), (5), (6), (7), (10) through (13), (15), (16), and (17), by striking ''the term'' each place it appears and inserting ''The term'';

(3) in paragraph (4), by striking ''the terms'' and inserting ''The terms'';

(4) in paragraph (9), by striking ''the term'' the first place it appears and inserting ''The term'';

(5) by striking the semicolon at the end of paragraphs (1) through (7) and (9) through (15) and inserting a period; and

(6) in paragraph (16)(F), by striking ''; and'' and inserting a period.

SEC. 222. ADVISORY BOARD.

(a) REPRESENTATION ON BOARD.—Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by adding at the end the following:

''(7) EQUAL REPRESENTATION OF PUBLIC AND PRIVATE SECTOR MEMBERS.—In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.''.

(b) CONSULTATION.—Section 1408(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(d)) is amended—

(1) by striking ''In'' and inserting the following:

''(1) DUTIES OF ADVISORY BOARD.—In''; and

(2) by adding at the end the following:

''(2) DUTIES OF SECRETARY.—To comply with a provision of this title or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

''(A) solicit the written opinions and recommendations of the Advisory Board; and

''(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.''.

(c) LIMITATION ON EXPENSES OF ADVISORY BOARD.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) ANNUAL LIMITATION ON ADVISORY BOARD EXPENSES.—

''(1) MAXIMUM AMOUNT.—Not more than $350,000 may be used to cover the necessary expenses of the Advisory Board for each fiscal year.

''(2) GENERAL LIMITATION.—The expenses of the Advisory Board shall not be counted toward any general limitation on the expenses of advisory committees, panels, commissions, and task forces of the Department of Agriculture contained in any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, unless the appropriation Act specifically refers to this subsection and specifically includes this Advisory Board within the general limitation.''.

SEC. 223. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (f), (g), (h), (i), (j), (k), and (l), respectively;

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

''(c) PRIORITIES.—In awarding grants under subsection (b), the Secretary shall give priority to—

''(1) applications for teaching enhancement projects that demonstrate enhanced coordination among all types of institutions eligible for funding under this section; and

''(2) applications for teaching enhancement projects that focus on innovative, multidisciplinary education programs, material, and curricula.''; and

(3) by inserting after subsection (d) (as redesignated by paragraph (1)) the following:

''(e) FOOD AND AGRICULTURAL EDUCATION INFORMATION SYSTEM.—From amounts made available for grants under this section, the Secretary may maintain a national food and agricultural education information system that contains—

''(1) information on enrollment, degrees awarded, faculty, and employment placement in the food and agricultural sciences; and

''(2) such other similar information as the Secretary considers appropriate.''.

SEC. 224. POLICY RESEARCH CENTERS.

Section 1419A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(a)) is amended by inserting ''and trade agreements'' after ''public policies''.

SEC. 225. PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) EXTENSION AT 1890 INSTITUTIONS.—Section 1444(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)) is amended—

(1) by striking ''(d)'' and inserting the following:

''(d) ASCERTAINMENT OF ENTITLEMENT TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; PLANS OF WORK.—

''(1) ASCERTAINMENT OF ENTITLEMENT.—'';

(2) in the last sentence, by striking ''Such sums'' and inserting the following:

''(2) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which an eligible institution is entitled''; and

(3) by adding at the end the following:

''(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work for an eligible institution required under this section shall contain descriptions of the following:

''(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address the issues.

''(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

''(C) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional extension efforts) to work with those other institutions.

''(D) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

''(4) EXTENSION PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under this section.

''(B) CONSULTATION.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

''(5) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under this section to satisfy other appropriate Federal reporting requirements.''.

(b) AGRICULTURAL RESEARCH AT 1890 INSTITUTIONS.—Section 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(c)) is amended—

(1) by striking ''(c)'' and inserting the following:

''(c) PROGRAM AND PLANS OF WORK.—

''(1) INITIAL COMPREHENSIVE PROGRAM OF AGRICULTURAL RESEARCH.—''; and

(2) by adding at the end the following:

''(2) PLAN OF WORK REQUIRED.—Before funds may be provided to an eligible institution under this section for any fiscal year, a plan of work to be carried out under this section shall be submitted by the research director specified in subsection (d) and shall be approved by the Secretary.

''(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each plan of work required under paragraph (2) shall contain descriptions of the following:

''(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address the issues.

''(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

''(C) Other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State.

''(D) The current and emerging efforts to work with those other institutions to build on each other's experience and take advantage of each institution's unique capacities.

''(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

''(4) RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2).

''(B) CONSULTATION.—The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

''(5) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the maximum extent practicable, the Secretary shall consider a plan of work submitted under paragraph (2) to satisfy other appropriate Federal reporting requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 226. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT 1890 INSTITUTIONS.

(a) IMPOSITION OF REQUIREMENT.—Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1448 (7 U.S.C. 3222c) the following:

''SEC. 1449. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT ELIGIBLE INSTITUTIONS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the 'Second Morrill Act'), including Tuskegee University.

''(2) FORMULA FUNDS.—The term 'formula funds' means the formula allocation funds distributed to eligible institutions under sections 1444 and 1445.

''(b) DETERMINATION OF NON-FEDERAL SOURCES OF FUNDS.—Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999—

''(1) the sources of non-Federal funds made available by the State to the eligible institution for agricultural research, extension, and education to meet the requirements of this section; and

''(2) the amount of such funds generally available from each source.

''(c) MATCHING FORMULA.—Notwithstanding any other provision of this subtitle, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

''(1) For fiscal year 2000, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

''(2) For fiscal year 2001, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

''(3) For fiscal year 2002 and each fiscal year thereafter, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.

''(d) LIMITED WAIVER AUTHORITY.—

''(1) FISCAL YEAR 2000.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c)(1) for fiscal year 2000 for an eligible institution of a State if the Secretary determines that, based on the report received under subsection (b), the State will be unlikely to satisfy the matching requirement.

''(2) FUTURE FISCAL YEARS.—The Secretary may not waive the matching requirement under subsection (c) for any fiscal year other than fiscal year 2000.

''(e) USE OF MATCHING FUNDS.—Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) may be used by an eligible institution for agricultural research, extension, and education activities.

''(f) REDISTRIBUTION OF FUNDS.—

''(1) REDISTRIBUTION REQUIRED.—Federal funds that are not matched by a State in accordance with subsection (c) for a fiscal year shall be redistributed by the Secretary to eligible institutions whose States have satisfied the matching funds requirement for that fiscal year.

''(2) ADMINISTRATION.—Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) and shall be made in a manner consistent with sections 1444 and 1445, as determined by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1445(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as paragraph (2).

(c) REFERENCES TO TUSKEGEE UNIVERSITY.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1404 (7 U.S.C. 3103), by striking ''the Tuskegee Institute'' in paragraphs (10) and (16)(B) and inserting ''Tuskegee University'';

(2) in section 1444 (7 U.S.C. 3221)—

(A) by striking the section heading and ''SEC. 1444.'' and inserting the following:

''SEC. 1444. EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.'';

and

(B) in subsections (a) and (b), by striking ''Tuskegee Institute'' each place it appears and inserting ''Tuskegee University''; and

(3) in section 1445 (7 U.S.C. 3222)—

(A) by striking the section heading and ''SEC. 1445.'' and inserting the following:

''SEC. 1445. AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.'';

and

(B) in subsections (a) and (b)(2)(B), by striking ''Tuskegee Institute'' each place it appears and inserting ''Tuskegee University''.

SEC. 227. INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING.

(a) INCLUSION OF TEACHING.—Section 1458 of the National Agricultural Research, Extension,

and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

(1) in the section heading, by striking ''RESEARCH AND EXTENSION'' and inserting ''RESEARCH, EXTENSION, AND TEACHING'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''related research and extension'' and inserting ''related research, extension, and teaching''; and

(ii) in subparagraph (B), by striking ''research and extension on'' and inserting ''research, extension, and teaching activities that address'';

(B) in paragraphs (2) and (6), by striking ''education'' each place it appears and inserting ''teaching'';

(C) in paragraph (4), by striking ''scientists and experts'' and inserting ''science and education experts'';

(D) in paragraph (5), by inserting ''teaching,'' after ''development,'';

(E) in paragraph (7), by striking ''research and extension that is'' and inserting ''research, extension, and teaching programs''; and

(F) in paragraph (8), by striking ''research capabilities'' and inserting ''research, extension, and teaching capabilities''; and

(3) in subsection (b), by striking ''counterpart agencies'' and inserting ''counterpart research, extension, and teaching agencies''.

(b) GRANTS FOR COLLABORATIVE PROJECTS.—Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) make competitive grants for collaborative projects that—

''(A) involve Federal scientists or scientists from land-grant colleges and universities or other colleges and universities with scientists at international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research;

''(B) focus on developing and using new technologies and programs for—

''(i) increasing the production of food and fiber, while safeguarding the environment worldwide and enhancing the global competitiveness of United States agriculture; or

''(ii) training scientists;

''(C) are mutually beneficial to the United States and other countries; and

''(D) encourage private sector involvement and the leveraging of private sector funds.''.

(c) REPORTS.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by adding at the end the following:

''(d) REPORTS.—The Secretary shall provide biennial reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on efforts of the Federal Government—

''(1) to coordinate international agricultural research within the Federal Government; and

''(2) to more effectively link the activities of domestic and international agricultural researchers, particularly researchers of the Agricultural Research Service.''.

(d) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECTS.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by inserting after subsection (d) (as added by subsection (c) of this section) the following:

''(e) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECTS.—Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund.''.

(e) SUBTITLE HEADING.—Subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by striking the subtitle heading and inserting the following:

''Subtitle I—International Research, Extension, and Teaching''.

SEC. 228. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following:

''SEC. 1459. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

''(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary may provide for an agricultural research and development program with the United States/Mexico Foundation for Science. The program shall focus on binational problems facing agricultural producers and consumers in the 2 countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

''(b) ADMINISTRATION.—Grants under the research and development program shall be awarded competitively through the Foundation.

''(c) MATCHING REQUIREMENTS.—The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least a dollar-for-dollar basis, any funds provided by the United States Government.

''(d) LIMITATION ON USE OF FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.''.

SEC. 229. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by inserting after section 1459 (as added by section 228) the following:

''SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

''(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

''(b) PURPOSE OF GRANTS.—Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

''(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

''(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

''(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

''(4) enhance the capabilities of colleges and universities to provide cooperative extension education to promote the application of new technology developed in foreign countries to United States agriculture; and

''(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 230. GENERAL ADMINISTRATIVE COSTS.

(a) LIMITATION ON CHARGING INDIRECT COSTS.—Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following:

''SEC. 1462. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

''Except as otherwise provided in law, indirect costs charged against a competitive agricultural research, education, or extension grant awarded under this Act or any other Act pursuant to authority delegated to the Under Secretary of Agriculture for Research, Education, and Economics shall not exceed 19 percent of the total Federal funds provided under the grant award, as determined by the Secretary.''.

(b) LIMITATION ON DEPARTMENT ADMINISTRATIVE COSTS.—Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) by striking the section heading and all that follows through ''Except as'' and inserting the following:

''SEC. 1469. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

''(a) IN GENERAL.—Except as'';

(2) by striking paragraph (3) and inserting the following:

''(3) the Secretary may retain up to 4 percent of amounts appropriated for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and''; and

(3) by adding at the end the following:

''(b) COMMUNITY FOOD PROJECTS.—The Secretary may retain, for the administration of community food projects under section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

''(c) PEER PANEL EXPENSES.—Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

''(d) DEFINITION OF IN-KIND SUPPORT.—In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term 'in-kind support', with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.''.

SEC. 231. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting ''or other colleges and universities'' after ''institutions''.

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 241. AGRICULTURAL GENOME INITIATIVE.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended to read as follows:

''SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

''(a) GOALS.—The goals of this section are—

''(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

''(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

''(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

''(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

''(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

''(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

''(7) to encourage international partnerships with each partner country responsible for financing its own strategy for agricultural genome research.

''(b) DUTIES OF SECRETARY.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall conduct a research initiative (to be known as the 'Agricultural Genome Initiative') for the purpose of—

''(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

''(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

''(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

''(4) ensuring future genetic improvement of agriculturally important species;

''(5) supporting preservation of diverse germplasm;

''(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future; and

''(7) otherwise carrying out this section.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) AUTHORITY.—The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318).

''(2) COMPETITIVE BASIS.—A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

''(d) ADMINISTRATION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of a grant or cooperative agreement under this section.

''(e) MATCHING OF FUNDS.—

''(1) GENERAL REQUIREMENT.—If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

''(2) WAIVER.—The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

''(f) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the Agricultural Genome Initiative.''.

SEC. 242. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended to read as follows:

''SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

''(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsections (e), (f), and (g). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—Except as otherwise provided in this section, paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

''(1) BROWN CITRUS APHID AND CITRUS TRISTEZA VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

''(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

''(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

''(2) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

''(3) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

''(4) MESQUITE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

''(5) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

''(6) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

''(7) RED MEAT SAFETY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing—

''(A) intervention strategies that reduce microbial contamination on carcass surfaces;

''(B) microbiological mapping of carcass surfaces; and

''(C) model hazard analysis and critical control point plans.

''(8) GRAIN SORGHUM ERGOT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing techniques for the eradication of sorghum ergot.

''(9) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

''(10) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

''(11) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

''(12) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

''(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

''(B) transferring the results of the research for use by agricultural producers.

''(13) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

''(14) WOOD USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying

wood and wood fibers to produce better building materials.

''(15) LOW-BUSH BLUEBERRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

''(16) WETLANDS USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better use of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

''(17) WILD PAMPAS GRASS CONTROL, MANAGEMENT, AND ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

''(18) FOOD SAFETY, INCLUDING PATHOGEN DETECTION AND LIMITATION, RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of pathogens (including hepatitis A and E. coli 0157:H7) in domestic and imported foods.

''(19) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

''(20) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

''(21) SHEEP SCRAPIE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

''(22) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including Lymantria dispar (commonly known as the 'gypsy moth'), that contribute to significant agricultural, economic, or environmental harm.

''(23) FORESTRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as—

''(A) forest land use policies;

''(B) multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply; and

''(C) improved development, manufacturing, and marketing of forest products.

''(24) TOMATO SPOTTED WILT VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

''(f) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

''(1) TASK FORCE.—The Secretary shall establish a task force pursuant to subsection (b)(2) regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals under this subsection in consultation with the task force.

''(2) INITIAL GRANTS.—

''(A) REQUEST FOR PROPOSALS.—The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

''(B) SELECTION.—Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

''(3) SUBSEQUENT GRANTS.—

''(A) EVALUATION OF INITIAL GRANTS.—If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

''(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

''(4) SELECTION AND SUBMISSION OF NATIONAL PLAN.—

''(A) EVALUATION OF SUBSEQUENT GRANTS.—If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

''(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

''(C) SUBMISSION.—The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.

''(g) FORMOSAN TERMITE RESEARCH AND ERADICATION.—

''(1) RESEARCH PROGRAM.—The Secretary may make competitive research grants under this subsection to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

''(2) ERADICATION PROGRAM.—The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

''(A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and

''(B) collecting data on the effectiveness of the projects.

''(3) FUNDING PRIORITY.—In allocating funds made available to carry out paragraph (2), the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

''(4) MANAGEMENT COORDINATION.—The program management of research grants, cooperative agreements, and projects under this subsection shall be conducted under existing authority in coordination with the national formosan termite management and research demonstration program conducted by the Agricultural Research Service.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 243. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672 (7 U.S.C. 5925) the following:

''SEC. 1672A. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

''(a) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities specified in subsection (e). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) NUTRIENT MANAGEMENT RESEARCH AND EXTENSION AREAS.—

''(1) ANIMAL WASTE AND ODOR MANAGEMENT.—Research and extension grants may be made under this section for the purpose of—

''(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;

''(B) investigating the unique microbiology of specific animal wastes, such as swine waste, to develop improved methods to effectively manage air and water quality; and

''(C) conducting information workshops to disseminate the results of the research.

''(2) WATER QUALITY AND AQUATIC ECOSYSTEMS.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus Pfiesteria and other microorganisms that are a threat to human or animal health.

''(3) RURAL AND URBAN INTERFACE.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to

urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

''(4) ANIMAL FEED.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

''(5) ALTERNATIVE USES OF ANIMAL WASTE.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies for economic use or disposal of animal waste.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 244. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672A (as added by section 243) the following:

''SEC. 1672B. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

''(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, the Secretary of Agriculture (referred to in this section as the 'Secretary') may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purposes of—

''(1) facilitating the development of organic agriculture production and processing methods;

''(2) evaluating the potential economic benefits to producers and processors who use organic methods; and

''(3) exploring international trade opportunities for organically grown and processed agricultural commodities.

''(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (1), (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

''(c) MATCHING FUNDS REQUIRED.—

''(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

''(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

''(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

''(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

''(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.''.

SEC. 245. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) A*DEC.—The term 'A*DEC' means the distance education consortium known as A*DEC.''; and

(C) by adding at the end the following:

''(7) SECRETARY.—Except as provided in subsection (d)(1), the term 'Secretary' means the Secretary of Agriculture, acting through A*DEC.'';

(2) in subsection (d)(1), by striking ''The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education,'' and inserting ''The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture,''; and

(3) in the first sentence of subsection (f)(2), by striking ''the Assistant Secretary for Science and Education'' and inserting ''A*DEC''.

SEC. 246. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a), by striking paragraph (6);

(2) in subsection (b)—

(A) by striking ''DISSEMINATION.—'' and all that follows through ''GENERAL.—The'' and inserting ''DISSEMINATION.—The''; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 1999 through 2002.

''(2) NATIONAL GRANT.—Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b).''.

Subtitle E—Other Laws

SEC. 251. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''(30) Little Priest Tribal College.''.

(b) ACCREDITATION.—Section 533(a) of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''(3) ACCREDITATION.—To receive funding under sections 534 and 535, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

''(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

''(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.''.

(c) RESEARCH GRANTS.—The Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following:

''SEC. 536. RESEARCH GRANTS.

''(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multistate significance.

''(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least 1 other land-grant college or university (exclusive of another 1994 Institution).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002. Amounts appropriated shall remain available until expended.''.

SEC. 252. FUND FOR RURAL AMERICA.

Section 793(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $60,000,000 to the Account.''.

SEC. 253. FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH.

(a) FINDINGS.—Section 2 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641) is amended by striking ''SEC. 2.'' and subsection (a) and inserting the following:

''SEC. 2. FINDINGS AND PURPOSE.

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

''(1) Forests and rangeland, and the resources of forests and rangeland, are of strategic economic and ecological importance to the United States, and the Federal Government has an important and substantial role in ensuring the continued health, productivity, and sustainability of the forests and rangeland of the United States.

''(2) Over 75 percent of the productive commercial forest land in the United States is privately owned, with some 60 percent owned by small nonindustrial private owners. These 10,000,000 nonindustrial private owners are critical to providing both commodity and noncommodity values to the citizens of the United States.

''(3) The National Forest System manages only 17 percent of the commercial timberland of the United States, with over half of the standing softwoods inventory located on that land. Dramatic changes in Federal agency policy during the early 1990's have significantly curtailed the management of this vast timber resource, causing abrupt shifts in the supply of timber from public to private ownership. As a result of these shifts in supply, some 60 percent of total wood production in the United States is now coming from private forest land in the southern United States.

''(4) At the same time that pressures are building for the removal of even more land from commercial production, the Federal Government is significantly reducing its commitment to productivity-related research regarding forests and rangeland, which is critically needed by the private sector for the sustained management of remaining available timber and forage resources for the benefit of all species.

''(5) Uncertainty over the availability of the United States timber supply, increasing regulatory burdens, and the lack of Federal Government support for research is causing domestic wood and paper producers to move outside the United States to find reliable sources of wood supplies, which in turn results in a worsening of the United States trade balance, the loss of employment and infrastructure investments, and an increased risk of infestations of exotic pests and diseases from imported wood products.

''(6) Wood and paper producers in the United States are being challenged not only by shifts in Federal Government policy, but also by international competition from tropical countries where growth rates of trees far exceed those in the United States. Wood production per acre will need to quadruple from 1996 levels for the United States forestry sector to remain internationally competitive on an ever decreasing forest land base.

''(7) Better and more frequent forest inventorying and analysis is necessary to identify productivity-related forestry research needs

and to provide forest managers with the current data necessary to make timely and effective management decisions.''.

(b) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by striking subsection (d) and inserting the following:

''(d) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—

''(1) IN GENERAL.—The Secretary may conduct, support, and cooperate in forestry and rangeland research and education that is of the highest priority to the United States and to users of public and private forest land and rangeland in the United States.

''(2) PRIORITIES.—The research and education priorities include the following:

''(A) The biology of forest organisms and rangeland organisms.

''(B) Functional characteristics and cost-effective management of forest and rangeland ecosystems.

''(C) Interactions between humans and forests and rangeland.

''(D) Wood and forage as a raw material.

''(E) International trade, competition, and cooperation.

''(3) NORTHEASTERN STATES RESEARCH COOPERATIVE.—The Secretary may cooperate with the northeastern States of New Hampshire, New York, Maine, and Vermont, land-grant colleges and universities of those States, natural resources and forestry schools of those States, other Federal agencies, and other interested persons in those States to coordinate and improve ecological and economic research relating to agricultural research, extension, and education, including—

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

''(B) research to assist those States and landowners in those States to achieve sustainable forest management;

''(C) technology transfer to the wood products industry of technologies that promote efficient processing, pollution prevention, and energy conservation;

''(D) 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

''(E) analysis of strategies for the protection of areas of outstanding ecological significance or high biological diversity, and strategies for the provision of important recreational opportunities and traditional uses, including strategies for areas identified through State land conservation planning processes.''.

(c) FOREST INVENTORY AND ANALYSIS.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

''(e) FOREST INVENTORY AND ANALYSIS.—

''(1) PROGRAM REQUIRED.—In compliance with other applicable provisions of law, the Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests and their resources in the United States.

''(2) ANNUAL STATE INVENTORY.—

''(A) IN GENERAL.—Not later than the end of each full fiscal year beginning after the date of enactment of this subsection, the Secretary shall prepare for each State, in cooperation with the State forester for the State, an inventory of forests and their resources in the State.

''(B) SAMPLE PLOTS.—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.

''(C) COMPILATION OF INVENTORY.—On completion of the inventory for a year, the Secretary shall make available to the public a compilation of all data collected for that year from measurements of sample plots as well as any analysis made of the samples.

''(3) 5-YEAR REPORTS.—Not more often than every 5 full fiscal years after the date of enactment of this subsection, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

''(A) contains a description of each State inventory of forests and their resources, incorporating all sample plot measurements conducted during the 5 years covered by the report;

''(B) displays and analyzes on a nationwide basis the results of the annual reports required by paragraph (2); and

''(C) contains an analysis of forest health conditions and trends over the previous 2 decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this paragraph.

''(4) NATIONAL STANDARDS AND DEFINITIONS.—To ensure uniform and consistent data collection for all forest land that is publicly or privately owned and for each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not under the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests and their resources under this subsection. The standards shall include a core set of variables to be measured on all sample plots under paragraph (2) and a standard set of tables to be included in the reports under paragraph (3).

''(5) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—The Secretary shall obtain authorization from property owners prior to collecting data from sample plots located on private property pursuant to paragraphs (2) and (3).

''(6) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this subsection, including the annual updates required by paragraph (2) and the reports required by paragraph (3), that shall describe in detail—

''(A) the financial resources required to implement and carry out this subsection, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts;

''(B) the personnel necessary to implement and carry out this subsection, including any personnel in addition to personnel currently performing inventorying and analysis functions;

''(C) the organization and procedures necessary to implement and carry out this subsection, including proposed coordination with Federal land management agencies and State foresters;

''(D) the schedules for annual sample plot measurements in each State inventory required by paragraph (2) within the first 5-year interval after the date of enactment of this subsection;

''(E) the core set of variables to be measured in each sample plot under paragraph (2) and the standard set of tables to be used in each State and national report under paragraph (3); and

''(F) the process for employing, in coordination with the Secretary of Energy and the Administrator of the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this subsection, and the subsequent use of the technologies.''.

(d) FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.—Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1644) is amended—

(1) by striking the section heading and ''SEC. 5.'' and inserting the following:

''SEC. 5. FORESTRY AND RANGELAND COMPETITIVE RESEARCH GRANTS.

''(a) COMPETITIVE GRANT AUTHORITY.—''; and

(2) by adding at the end the following:

''(b) EMPHASIS ON CERTAIN HIGH PRIORITY FORESTRY RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding forestry research in the high priority research areas identified under section 3(d).

''(c) EMPHASIS ON CERTAIN HIGH PRIORITY RANGELAND RESEARCH.—The Secretary may use up to 5 percent of the amounts made available for research under section 3 to make competitive grants regarding rangeland research in the high priority research areas identified under section 3(d).

''(d) PRIORITIES.—In making grants under subsections (b) and (c), the Secretary shall give priority to research proposals under which—

''(1) the proposed research will be collaborative research organized through a center of scientific excellence;

''(2) the applicant agrees to provide matching funds (in the form of direct funding or in-kind support) in an amount equal to not less than 50 percent of the grant amount; and

''(3) the proposed research will be conducted as part of an existing private and public partnership or cooperative research effort and involves several interested research partners.''.

TITLE III—EXTENSION OR REPEAL OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

SEC. 301. EXTENSIONS.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in subsection (l) of section 1417 (7 U.S.C. 3152) (as redesignated by section 223(1)), by striking ''1997'' and inserting ''2002'';

(2) in section 1419(d) (7 U.S.C. 3154(d)), by striking ''1997'' and inserting ''2002'';

(3) in section 1419A(d) (7 U.S.C. 3155(d)), by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002'';

(4) in section 1424(d) (7 U.S.C. 3174(d)), by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002'';

(5) in section 1424A(d) (7 U.S.C. 3174a(d)), by striking ''fiscal year 1997'' and inserting ''each of fiscal years 1997 through 2002'';

(6) in section 1425(c)(3) (7 U.S.C. 3175(c)(3)), by striking ''and 1997'' and inserting ''through 2002'';

(7) in the first sentence of section 1433(a) (7 U.S.C. 3195(a)), by striking ''1997'' and inserting ''2002'';

(8) in section 1434(a) (7 U.S.C. 3196(a)), by striking ''1997'' and inserting ''2002'';

(9) in section 1447(b) (7 U.S.C. 3222b(b)), by striking ''and 1997'' and inserting ''through 2002'';

(10) in section 1448 (7 U.S.C. 3222c)—

(A) in subsection (a)(1), by striking ''and 1997'' and inserting ''through 2002''; and

(B) in subsection (f), by striking ''1997'' and inserting ''2002'';

(11) in section 1455(c) (7 U.S.C. 3241(c)), by striking ''fiscal year 1997'' and inserting ''each of fiscal years 1997 through 2002'';

(12) in section 1463 (7 U.S.C. 3311), by striking ''1997'' each place it appears in subsections (a) and (b) and inserting ''2002'';

(13) in section 1464 (7 U.S.C. 3312), by striking ''1997'' and inserting ''2002'';

(14) in section 1473D(a) (7 U.S.C. 3319d(a)), by striking ''1997'' and inserting ''2002'';

(15) in the first sentence of section 1477 (7 U.S.C. 3324), by striking ''1997'' and inserting ''2002''; and

(16) in section 1483(a) (7 U.S.C. 3336(a)), by striking ''1997'' and inserting ''2002''.

(b) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in section 1635(b) (7 U.S.C. 5844(b)), by striking ''1997'' and inserting ''2002'';

(2) in section 1673(h) (7 U.S.C. 5926(h)), by striking ''1997'' and inserting ''2002'';

(3) in section 2381(e) (7 U.S.C. 3125b(e)), by striking ''1997'' and inserting ''2002''.

(c) CRITICAL AGRICULTURAL MATERIALS ACT.—Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''1997'' and inserting ''2002''.

(d) RESEARCH FACILITIES ACT.—Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''fiscal years 1996 and 1997'' and inserting ''each of fiscal years 1996 through 2002''.

(e) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''1997'' and inserting ''2002''.

(f) COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.—Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking ''1997'' and inserting ''2002''.

(g) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) are amended by striking ''2000'' each place it appears and inserting ''2002''.

(h) RENEWABLE RESOURCES EXTENSION ACT OF 1978.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking ''the fiscal year ending September 30, 1988,'' and all that follows through the period at the end and inserting ''each of fiscal years 1987 through 2002.''.

(i) NATIONAL AQUACULTURE ACT OF 1980.—Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''the fiscal years 1991, 1992, and 1993'' each place it appears and inserting ''fiscal years 1991 through 2002''.

SEC. 302. REPEALS.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323) is repealed.

(b) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981.—Subsection (b) of section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97–98; 7 U.S.C. 3222 note) is repealed.

(c) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—Subtitle G of title XIV and sections 1670 and 1675 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501 et seq., 5923, 5928) are repealed.

(d) FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996.—Subtitle E of title VIII of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1184) is repealed.

TITLE IV—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

SEC. 401. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) TREASURY ACCOUNT.—There is established in the Treasury of the United States an account to be known as the Initiative for Future Agriculture and Food Systems (referred to in this section as the ''Account'') to provide funds for activities authorized under this section.

(b) FUNDING.—

(1) IN GENERAL.—On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $120,000,000 to the Account.

(2) ENTITLEMENT.—The Secretary of Agriculture—

(A) shall be entitled to receive the funds transferred to the Account under paragraph (1);

(B) shall accept the funds; and

(C) shall use the funds to carry out this section.

(c) PURPOSES.—

(1) CRITICAL EMERGING ISSUES.—The Secretary shall use the funds in the Account—

(A) subject to paragraph (2), for research, extension, and education grants (referred to in this section as ''grants'') to address critical emerging agricultural issues related to—

(i) future food production;

(ii) environmental quality and natural resource management; or

(iii) farm income; and

(B) for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

(2) PRIORITY MISSION AREAS.—In making grants under this section, the Secretary, in consultation with the Advisory Board, shall address priority mission areas related to—

(A) agricultural genome;

(B) food safety, food technology, and human nutrition;

(C) new and alternative uses and production of agricultural commodities and products;

(D) agricultural biotechnology;

(E) natural resource management, including precision agriculture; and

(F) farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(d) ELIGIBLE GRANTEES.—The Secretary may make a grant under this section to—

(1) a Federal research agency;

(2) a national laboratory;

(3) a college or university or a research foundation maintained by a college or university; or

(4) a private research organization with an established and demonstrated capacity to perform research or technology transfer.

(e) SPECIAL CONSIDERATIONS.—

(1) SMALLER INSTITUTIONS.—The Secretary may award grants under this section in a manner that ensures that the faculty of small and mid-sized institutions that have not previously been successful in obtaining competitive grants under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) receive a portion of the grants under this section.

(2) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to—

(A) a project that is multistate, multi-institutional, or multidisciplinary; or

(B) a project that integrates agricultural research, extension, and education.

(f) ADMINISTRATION.—

(1) IN GENERAL.—In making grants under this section, the Secretary shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priority mission areas established under subsection (c); and

(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b).

(2) COMPETITIVE BASIS.—A grant under this section shall be awarded on a competitive basis.

(3) TERM.—A grant under this section shall have a term that does not exceed 5 years.

(4) MATCHING FUNDS.—As a condition of making a grant under this section, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

(A) for applied research that is commodity-specific; and

(B) not of national scope.

(5) DELEGATION.—The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department. The Secretary may establish 1 or more institutes to carry out all or part of the activities authorized under this section.

(6) AVAILABILITY OF FUNDS.—Funds for grants under this section shall be available to the Secretary for obligation for a 2-year period.

(7) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available for grants under this section for administrative costs incurred by the Secretary in carrying out this section.

(8) BUILDINGS AND FACILITIES.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

SEC. 402. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term ''eligible partnership'' means a partnership consisting of a land-grant college or university and other entities specified in subsection (c)(1) that satisfies the eligibility criteria specified in subsection (c).

(b) ESTABLISHMENT OF PARTNERSHIPS BY GRANT.—The Secretary of Agriculture may make competitive grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.

(c) CRITERIA FOR AN ELIGIBLE PARTNERSHIP.—

(1) PRIMARY INSTITUTIONS IN PARTNERSHIP.—The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.

(2) PRIORITIZATION OF RESEARCH ACTIVITIES.—An eligible partnership shall prioritize research and extension activities in order to—

(A) enhance the competitiveness of United States agricultural products;

(B) increase exports of such products; and

(C) substitute such products for imported products.

(3) COORDINATION.—An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.

(d) TYPES OF RESEARCH AND EXTENSION ACTIVITIES.—Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

(1) environmentally responsible—

(A) pest management alternatives and biotechnology;

(B) sustainable farming methods; and

(C) soil conservation and enhanced resource management;

(2) genetic research to develop improved agricultural-based products;

(3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;

(4) processing and package technology to improve product quality, stability, or flavor intensity;

(5) marketing research regarding consumer perceptions and preferences;

(6) economic research, including industry characteristics, growth, and competitive analysis; and

(7) research to facilitate diversified, value-added enterprises in rural areas.

(e) ELEMENTS OF GRANT MAKING PROCESS.—

(1) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period not to exceed 5 years.

(2) PREFERENCES.—In making grants under this section, the Secretary shall provide a preference to proposals that—

(A) demonstrate linkages with—

(i) agencies of the Department;

(ii) other related Federal research laboratories and agencies;

(iii) colleges and universities; and

(iv) private industry; and

(B) guarantee matching funds in excess of the amounts required by paragraph (3).

(3) MATCHING FUNDS.—An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received by the partnership under this section.

(f) LIMITATION ON USE OF GRANT FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 403. PRECISION AGRICULTURE.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL INPUTS.—The term ''agricultural inputs'' includes all farm management, agronomic, and field-applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agricultural production.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal or State government entity or agency;

(E) a national laboratory;

(F) a private organization or corporation;

(G) an agricultural producer or other land manager; or

(H) a precision agriculture partnership referred to in subsection (g).

(3) PRECISION AGRICULTURE.—The term ''precision agriculture'' means an integrated information- and production-based farming system that is designed to increase long-term, site-specific, and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(4) PRECISION AGRICULTURE TECHNOLOGIES.—The term ''precision agriculture technologies'' includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decisionmaking;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking; or

(D) machines that deliver information-based management practices.

(5) SYSTEMS RESEARCH.—The term ''systems research'' means an integrated, coordinated, and iterative investigative process that involves—

(A) the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions of the systems with cropping, livestock production practices, and natural resource systems;

(B) precision agriculture technologies development and implementation;

(C) data and information collection and interpretation;

(D) production scale planning;

(E) production-scale implementation; and

(F) farm production efficiencies, productivity, and profitability.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Agriculture may make competitive grants, for periods not to exceed 5 years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture.

(2) PRIVATE SECTOR FINANCING.—A grant under this section shall be used to support only a project that the Secretary determines is unlikely to be financed by the private sector.

(3) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall make grants under this section in consultation with the Advisory Board.

(c) PURPOSES OF PROJECTS.—A research, education, or information dissemination project supported by a grant under this section shall address 1 or more of the following purposes:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) The improvement in the understanding of agronomic systems, including, soil, water, land cover (including grazing land), pest management systems, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the production and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential costs and benefits of precision agriculture as it relates to—

(A) increased long-term farm production efficiencies, productivity, and profitability;

(B) the maintenance of the environment;

(C) improvements in international trade; and

(D) an integrated program of education for agricultural producers and consumers, including family owned and operated farms.

(5) The promotion of systems research and education projects focusing on the integration of the multiple aspects of precision agriculture, including development, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(6) The study of whether precision agriculture technologies are applicable and accessible to small and medium-size farms and the study of methods of improving the applicability of precision agriculture technologies to those farms.

(d) GRANT PRIORITIES.—In making grants to eligible entities under this section, the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole farm production efficiencies, productivity, profitability.

(2) Integrate research, education, and information dissemination components in a practical and readily available manner so that the findings of the project will be made readily usable by agricultural producers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, nonprofit organizations, agribusinesses, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and dissemination of precision agriculture information.

(5) Maximize collaboration with multiple agencies and other partners, including through leveraging of funds and resources.

(e) MATCHING FUNDS.—The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount that the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

(f) RESERVATION OF FUNDS FOR EDUCATION AND INFORMATION DISSEMINATION PROJECTS.—Of the funds made available for grants under this section, the Secretary shall reserve a portion of the funds for grants for projects regarding precision agriculture related to education or information dissemination.

(g) PRECISION AGRICULTURE PARTNERSHIPS.—In carrying out this section, the Secretary, in consultation with the Advisory Board, shall encourage the establishment of appropriate multistate and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinarians, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

(h) LIMITATION REGARDING FACILITIES.—A grant made under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002, of which, for each fiscal year—

(A) not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams; and

(B) not less than 40 percent shall be available to make grants for research to be conducted by eligible entities conducting systems research directly applicable to producers and agricultural production systems.

(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

SEC. 404. BIOBASED PRODUCTS.

(a) DEFINITION OF BIOBASED PRODUCT.—In this section, the term ''biobased product'' means

a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) COORDINATION OF BIOBASED PRODUCT ACTIVITIES.—The Secretary of Agriculture shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

(c) COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—

(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into cooperative agreements with private entities described in subsection (d), under which the facilities and technical expertise of the Agricultural Research Service may be made available to operate pilot plants and other large-scale preparation facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application.

(2) DESCRIPTION OF COOPERATIVE ACTIVITIES.—Cooperative activities may include—

(A) research on potential environmental impacts of a biobased product;

(B) methods to reduce the cost of manufacturing a biobased product; and

(C) other appropriate research.

(d) ELIGIBLE PARTNERS.—The following entities shall be eligible to enter into a cooperative agreement under subsection (c):

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902).

(3) A recipient of funding from the Biotechnology Research and Development Corporation.

(4) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(e) PILOT PROJECT.—The Secretary, acting through the Agricultural Research Service, may establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

(1) encourage innovative and collaborative science; and

(2) during each of fiscal years 1999 through 2001, develop biobased products with promising commercial potential.

(f) SOURCE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to carry out this section, the Secretary may use—

(A) funds appropriated to carry out this section; and

(B) funds otherwise available for cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(2) EXCEPTION.—The Secretary may not use funds referred to in paragraph (1)(B) to carry out subsection (e).

(g) SALE OF DEVELOPED PRODUCTS.—For the purpose of determining the market potential for new biobased products produced at a pilot plant or other large-scale preparation facility under a cooperative agreement under this section, the Secretary shall authorize the private partner or partners to the agreement to sell the products.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 405. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

(a) INITIATIVE REQUIRED.—The Secretary of Agriculture shall provide for a research initiative (to be known as the ''Thomas Jefferson Initiative for Crop Diversification'') for the purpose of conducting research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States.

(b) RESEARCH AND EDUCATION EFFORTS.—The initiative shall include research and education efforts regarding new and nontraditional crops designed—

(1) to identify and overcome agronomic barriers to profitable production;

(2) to identify and overcome other production and marketing barriers; and

(3) to develop processing and utilization technologies for new and nontraditional crops.

(c) PURPOSES.—The purposes of the initiative are—

(1) to develop a focused program of research and development at the regional and national levels to overcome barriers to the development of—

(A) new crop opportunities for agricultural producers; and

(B) related value-added enterprises in rural communities; and

(2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

(d) ESTABLISHMENT OF INITIATIVE.—The Secretary shall coordinate the initiative through a nonprofit center or institute that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

(e) REGIONAL EMPHASIS.—

(1) REQUIRED.—The Secretary shall support development of multistate regional efforts in crop diversification.

(2) SITE-SPECIFIC CROP DEVELOPMENT EFFORTS.—Of funding made available to carry out the initiative, not less than 50 percent shall be used for regional efforts centered at colleges and universities in order to facilitate site-specific crop development efforts.

(f) ELIGIBLE GRANTEE.—The Secretary may award funds under this section to colleges or universities, nonprofit organizations, public agencies, or individuals.

(g) ADMINISTRATION.—

(1) GRANTS AND CONTRACTS.—Grants awarded through the initiative shall be selected on a competitive basis.

(2) PRIVATE BUSINESSES.—The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

(3) TERMS.—The term of a grant awarded through the initiative may not exceed 5 years.

(4) MATCHING FUNDS.—The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources that is at least equal to the amount provided by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 406. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multifunctional agricultural research, extension, and education activities.

(b) COMPETITIVE GRANTS AUTHORIZED.—Subject to the availability of appropriations to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) on a competitive basis for integrated agricultural research, education, and extension projects in accordance with this section.

(c) CRITERIA FOR GRANTS.—Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the Advisory Board, that involve integrated research, extension, and education activities.

(d) MATCHING OF FUNDS.—

(1) GENERAL REQUIREMENT.—If a grant under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) WAIVER.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 407. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY, LIVESTOCK, AND POULTRY OPERATIONS.

(a) PROGRAM AUTHORIZED.—The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as ''operations'').

(b) COMPONENTS.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies, reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers

on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

SEC. 408. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

(a) RESEARCH GRANT AUTHORIZED.—The Secretary of Agriculture may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (referred to in this section as ''wheat scab'').

(b) RESEARCH COMPONENTS.—Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat and barley for the presence of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat and barley infected with wheat scab; and

(C) milling and food processing techniques to render contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat and barley to wheat scab, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and consideration of other chemical control strategies to assist farmers until new more resistant wheat and barley varieties are available.

(c) COMMUNICATIONS NETWORKS.—Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab.

(d) MANAGEMENT.—To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,200,000 for each of fiscal years 1999 through 2002.

TITLE V—AGRICULTURAL PROGRAM ADJUSTMENTS

Subtitle A—Food Stamp Program

SEC. 501. REDUCTIONS IN FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)) is amended—

(1) in clause (iv)(II), by striking ''$131,000,000'' and inserting ''$31,000,000''; and

(2) in clause (v)(II), by striking ''$131,000,000'' and inserting ''$86,000,000''.

SEC. 502. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a), by striking ''The Secretary'' and inserting ''Subject to subsection (k), the Secretary''; and

(2) by adding at the end the following:

''(k) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) AFDC PROGRAM.—The term 'AFDC program' means the program of aid to families with dependent children established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq. (as in effect, with respect to a State, during the base period for that State)).

''(B) BASE PERIOD.—The term 'base period' means the period used to determine the amount of the State family assistance grant for a State under section 403 of the Social Security Act (42 U.S.C. 603).

''(C) MEDICAID PROGRAM.—The term 'medicaid program' means the program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(2) DETERMINATIONS OF AMOUNTS ATTRIBUTABLE TO BENEFITING PROGRAMS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture and the States, shall, with respect to the base period for each State, determine—

''(A) the annualized amount the State received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as in effect during the base period)) for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program that were allocated to the AFDC program; and

''(B) the annualized amount the State would have received under section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3) (as so in effect)), section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7) (as so in effect)), and subsection (a) of this section (as so in effect), for administrative costs common to determining the eligibility of individuals, families, and households eligible or applying for the AFDC program and the food stamp program, the AFDC program and the medicaid program, and the AFDC program, the food stamp program, and the medicaid program, if those costs had been allocated equally among such programs for which the individual, family, or household was eligible or applied for.

''(3) REDUCTION IN PAYMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, effective for each of fiscal years 1999 through 2002, the Secretary shall reduce, for each fiscal year, the amount paid under subsection (a) to each State by an amount equal to the amount determined for the food stamp program under paragraph (2)(B). The Secretary shall, to the extent practicable, make the reductions required by this paragraph on a quarterly basis.

''(B) APPLICATION.—If the Secretary of Health and Human Services does not make the determinations required by paragraph (2) by September 30, 1999—

''(i) during the fiscal year in which the determinations are made, the Secretary shall reduce the amount paid under subsection (a) to each State by an amount equal to the sum of the amounts determined for the food stamp program under paragraph (2)(B) for fiscal year 1999 through the fiscal year during which the determinations are made; and

''(ii) for each subsequent fiscal year through fiscal year 2002, subparagraph (A) applies.

''(4) APPEAL OF DETERMINATIONS.—

''(A) IN GENERAL.—Not later than 5 days after the date on which the Secretary of Health and Human Services makes any determination required by paragraph (2) with respect to a State, the Secretary shall notify the chief executive officer of the State of the determination.

''(B) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

''(i) IN GENERAL.—Not later than 60 days after the date on which a State receives notice under subparagraph (A) of a determination, the State may appeal the determination, in whole or in part, to an administrative law judge of the Department of Health and Human Services by filing an appeal with the administrative law judge.

''(ii) DOCUMENTATION.—The administrative law judge shall consider an appeal filed by a State under clause (i) on the basis of such documentation as the State may submit and as the administrative law judge may require to support the final decision of the administrative law judge.

''(iii) REVIEW.—In deciding whether to uphold a determination, in whole or in part, the administrative law judge shall conduct a thorough review of the issues and take into account all relevant evidence.

''(iv) DEADLINE.—Not later than 60 days after the date on which the record is closed, the administrative law judge shall—

''(I) make a final decision with respect to an appeal filed under clause (i); and

''(II) notify the chief executive officer of the State of the decision.

''(C) REVIEW BY DEPARTMENTAL APPEALS BOARD.—

''(i) IN GENERAL.—Not later than 30 days after the date on which a State receives notice under subparagraph (B) of a final decision, the State may appeal the decision, in whole or in part, to the Departmental Appeals Board established in the Department of Health and Human Services (referred to in this paragraph as the 'Board') by filing an appeal with the Board.

''(ii) REVIEW.—The Board shall review the decision on the record.

''(iii) DEADLINE.—Not later than 60 days after the date on which the appeal is filed, the Board shall—

''(I) make a final decision with respect to an appeal filed under clause (i); and

''(II) notify the chief executive officer of the State of the decision.

''(D) JUDICIAL REVIEW.—The determinations of the Secretary of Health and Human Services under paragraph (2), and a final decision of the administrative law judge or Board under subparagraphs (B) and (C), respectively, shall not be subject to judicial review.

''(E) REDUCED PAYMENTS PENDING APPEAL.—The pendency of an appeal under this paragraph shall not affect the requirement that the Secretary reduce payments in accordance with paragraph (3).

''(5) ALLOCATION OF ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—No funds or expenditures described in subparagraph (B) may be used to pay for costs—

''(i) eligible for reimbursement under subsection (a) (or costs that would have been eligible for reimbursement but for this subsection); and

''(ii) allocated for reimbursement to the food stamp program under a plan submitted by a State to the Secretary of Health and Human Services to allocate administrative costs for public assistance programs.

''(B) FUNDS AND EXPENDITURES.—Subparagraph (A) applies to—

''(i) funds made available to carry out part A of title IV, or title XX, of the Social Security Act (42 U.S.C. 601 et seq., 1397 et seq.);

''(ii) expenditures made as qualified State expenditures (as defined in section 409(a)(7)(B) of that Act (42 U.S.C. 609(a)(7)(B)));

''(iii) any other Federal funds (except funds provided under subsection (a)); and

''(iv) any other State funds that are—

''(I) expended as a condition of receiving Federal funds; or

''(II) used to match Federal funds under a Federal program other than the food stamp program.''.

(b) REVIEW OF METHODOLOGY USED TO MAKE CERTAIN DETERMINATIONS.—Not later

than 1 year after the date of enactment, the Comptroller General of the United States shall—

(1) review the adequacy of the methodology used in making the determinations required under section 16(k)(2)(B) of the Food Stamp Act of 1977 (as added by subsection (a)(2)); and

(2) submit a written report on the results of the review to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 503. EXTENSION OF ELIGIBILITY PERIOD FOR REFUGEES AND CERTAIN OTHER QUALIFIED ALIENS FROM 5 TO 7 YEARS.

Section 402(a)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(A)) is amended—

(1) by striking clause (ii);

(2) by striking ''ASYLEES.—'' and all that follows through ''paragraph (3)(A)'' and inserting ''ASYLEES.—With respect to the specified Federal programs described in paragraph (3)''; and

(3) by redesignating subclauses (I) through (V) as clauses (i) through (v) and indenting appropriately.

SEC. 504. FOOD STAMP ELIGIBILITY FOR CERTAIN DISABLED ALIENS.

Section 402(a)(2)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(F)) is amended—

(1) by striking ''program defined in paragraph (3)(A) (relating to the supplemental security income program)'' and inserting ''specified Federal programs described in paragraph (3)''; and

(2) in clause (ii)—

(A) by inserting ''(I) in the case of the specified Federal program described in paragraph (3)(A),'' after ''(ii)'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(II) in the case of the specified Federal program described in paragraph (3)(B), is receiving benefits or assistance for blindness or disability (within the meaning of section 3(r) of the Food Stamp Act of 1977 (7 U.S.C. 2012(r))).''.

SEC. 505. FOOD STAMP ELIGIBILITY FOR CERTAIN INDIANS.

Section 402(a)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(G)) is amended—

(1) in the subparagraph heading, by striking ''SSI EXCEPTION'' and inserting ''EXCEPTION''; and

(2) by striking ''program defined in paragraph (3)(A) (relating to the supplemental security income program)'' and inserting ''specified Federal programs described in paragraph (3)''.

SEC. 506. FOOD STAMP ELIGIBILITY FOR CERTAIN ELDERLY INDIVIDUALS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(I) FOOD STAMP EXCEPTION FOR CERTAIN ELDERLY INDIVIDUALS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who on August 22, 1996—

''(i) was lawfully residing in the United States; and

''(ii) was 65 years of age or older.''.

SEC. 507. FOOD STAMP ELIGIBILITY FOR CERTAIN CHILDREN.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 506) is amended by adding at the end the following:

''(J) FOOD STAMP EXCEPTION FOR CERTAIN CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who—

''(i) was lawfully residing in the United States on August 22, 1996; and

''(ii) is under 18 years of age.''.

SEC. 508. FOOD STAMP ELIGIBILITY FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 507) is amended by adding at the end the following:

''(K) FOOD STAMP EXCEPTION FOR CERTAIN HMONG AND HIGHLAND LAOTIANS.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to—

''(i) any individual who—

''(I) is lawfully residing in the United States; and

''(II) was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in section 101 of title 38, United States Code);

''(ii) the spouse, or an unmarried dependent child, of such an individual; or

''(iii) the unremarried surviving spouse of such an individual who is deceased.''.

SEC. 509. CONFORMING AMENDMENTS.

Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(1) in the subsection heading, by striking ''SSI'' and all that follows through ''INDIANS'' and inserting ''BENEFITS FOR CERTAIN GROUPS'';

(2) by striking ''not apply to an individual'' and inserting ''not apply to—

''(1) an individual'';

(3) by striking ''(a)(3)(A)'' and inserting ''(a)(3)''; and

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(2) an individual, spouse, or dependent described in section 402(a)(2)(K), but only with respect to the specified Federal program described in section 402(a)(3)(B).''.

SEC. 510. EFFECTIVE DATES.

(a) REDUCTIONS.—The amendments made by sections 501 and 502 take effect on the date of enactment of this Act.

(b) FOOD STAMP ELIGIBILITY.—The amendments made by sections 503 through 509 take effect on November 1, 1998.

Subtitle B—Information Technology Funding

SEC. 521. INFORMATION TECHNOLOGY FUNDING.

(a) IN GENERAL.—Section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) is amended in the first sentence by striking ''$275,000,000'' and inserting ''$193,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

Subtitle C—Crop Insurance

SEC. 531. FUNDING.

Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) DISCRETIONARY EXPENSES.—There are authorized to be appropriated for fiscal year 1999 and each subsequent fiscal year such sums as are necessary to cover the salaries and expenses of the Corporation.''; and

(B) in paragraph (2)—

(i) by inserting after ''are necessary to cover'' the following: ''for each of the 1999 and subsequent reinsurance years''; and

(ii) by striking subparagraph (A) and inserting the following:

''(A) the administrative and operating expenses of the Corporation for the sales commissions of agents; and''; and

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

''(b) PAYMENT OF CORPORATION EXPENSES FROM INSURANCE FUND.—

''(1) EXPENSES GENERALLY.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) all expenses of the Corporation (other than expenses covered by subsection (a)(1) and expenses covered by paragraph (2)(A)), including—

''(A) premium subsidies and indemnities;

''(B) administrative and operating expenses of the Corporation necessary to pay the sales commissions of agents; and

''(C) all administrative and operating expense reimbursements due under a reinsurance agreement with an approved insurance provider.

''(2) RESEARCH AND DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—For each of the 1999 and subsequent reinsurance years, the Corporation may pay from the insurance fund established under subsection (c) research and development expenses of the Corporation, but not to exceed $3,500,000 for each fiscal year.

''(B) DAIRY OPTIONS PILOT PROGRAM.—Amounts necessary to carry out the dairy options pilot program shall not be counted toward the limitation on research and development expenses specified in subparagraph (A).''.

SEC. 532. BUDGETARY OFFSETS.

(a) ADMINISTRATIVE FEE FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (5) and inserting the following:

''(5) ADMINISTRATIVE FEE.—

''(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in an amount equal to 10 percent of the premium for the catastrophic risk protection or $50 per crop per county, whichever is greater, as determined by the Corporation.

''(B) ADDITIONAL FEE.—In addition to the amount required under subparagraph (A), the producer shall pay a $10 fee for each amount determined under subparagraph (A).

''(C) TIME FOR PAYMENT.—The amounts required under subparagraphs (A) and (B) shall be paid by the producer on the date that premium for a policy of additional coverage would be paid by the producer.

''(D) USE OF FEES.—

''(i) IN GENERAL.—The amounts paid under this paragraph shall be deposited in the crop insurance fund established under section 516(c), to be available for the programs and activities of the Corporation.

''(ii) LIMITATION.—No funds deposited in the crop insurance fund under this subparagraph may be used to compensate an approved insurance provider or agent for the delivery of services under this subsection.

''(E) WAIVER OF FEE.—The Corporation shall waive the amounts required under this paragraph for limited resource farmers, as defined by the Corporation.''.

(b) ADMINISTRATIVE FEE FOR ADDITIONAL COVERAGE.—Section 508(c)(10) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(10)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) FEE REQUIRED.—Except as otherwise provided in this paragraph, if a producer elects to purchase additional coverage for a crop at a level that is less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall pay an administrative fee for the additional coverage. The administrative fee for the producer shall be $50 per crop per county, but not to exceed $200 per producer per county, up to a maximum of $600 per producer for all counties in which a producer has insured crops. Subparagraphs (D) and (E) of subsection (b)(5) shall apply with respect to the use of administrative fees under this subparagraph.''; and

(2) in subparagraph (C), by striking ''$10'' and inserting ''$20''.

(c) REIMBURSEMENT FOR ADMINISTRATIVE AND OPERATING COSTS.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (4) and inserting the following:

''(4) RATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the rate established by the Board to reimburse approved insurance providers and agents for the administrative and operating costs of the providers and agents shall not exceed—

''(i) for the 1998 reinsurance year, 27 percent of the premium used to define loss ratio; and

''(ii) for each of the 1999 and subsequent reinsurance years, 24.5 percent of the premium used to define loss ratio.

''(B) PROPORTIONAL REDUCTIONS.—A policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 1998 reinsurance year that is lower than the rate specified in subparagraph (A)(i) shall receive a reduction in the rate of reimbursement that is proportional to the reduction in the rate of reimbursement between clauses (i) and (ii) of subparagraph (A).''.

(d) LOSS ADJUSTMENT EXPENSES FOR CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by adding at the end the following:

''(11) LOSS ADJUSTMENT.—The rate for reimbursing an approved insurance provider or agent for expenses incurred by the approved insurance provider or agent for loss adjustment in connection with a policy of catastrophic risk protection shall not exceed 11 percent of the premium for catastrophic risk protection that is used to define loss ratio.''.

SEC. 533. PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.

Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by adding at the end the following:

''(s) PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.—

''(1) PROCEDURES REQUIRED.—The Corporation shall establish procedures under which the Corporation will provide a final agency determination in response to an inquiry regarding the interpretation by the Corporation of this title or any regulation issued under this title.

''(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Corporation shall issue regulations to implement this subsection. At a minimum, the regulations shall establish—

''(A) the manner in which inquiries described in paragraph (1) are required to be submitted to the Corporation; and

''(B) a reasonable maximum number of days within which the Corporation will respond to all inquiries.

''(3) EFFECT OF FAILURE TO TIMELY RESPOND.—If the Corporation fails to respond to an inquiry in accordance with the procedures established pursuant to this subsection, the person requesting the interpretation of this title or regulation may assume the interpretation is correct for the applicable reinsurance year.''.

SEC. 534. TIME PERIOD FOR RESPONDING TO SUBMISSION OF NEW POLICIES.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

''(10) TIME LIMITS FOR RESPONSE TO SUBMISSION OF NEW POLICIES.—

''(A) IN GENERAL.—The Board shall establish a reasonable time period within which the Board shall approve or disapprove a proposal from a person regarding a new policy submitted in accordance with this subsection.

''(B) EFFECT OF FAILURE TO MEET TIME LIMITS.—Except as provided in subparagraph (C), if the Board fails to provide a response to a proposal described in subparagraph (A) in accordance with subparagraph (A), the new policy shall be deemed to be approved by the Board for purposes of this subsection for the initial reinsurance year designated for the new policy in the request.

''(C) EXCEPTIONS.—Subparagraph (B) shall not apply to a proposal submitted under this subsection if the Board and the person submitting the request agree to an extension of the time period.''.

SEC. 535. CROP INSURANCE STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract, with 1 or more entities outside the Federal Government with expertise in the establishment and delivery of crop and revenue insurance to agricultural producers, under which the contractor shall conduct a study of crop insurance issues specified in the contract, including—

(1) improvement of crop insurance service to agricultural producers;

(2) options for transforming the role of the Federal Government from a crop insurance provider to solely that of a crop insurance regulator; and

(3) privatization of crop insurance coverage.

(b) CONTRACTOR.—Not later than 180 days after the date the contract is entered into, the contractor shall complete the study and submit a report on the study, including appropriate recommendations, to the Secretary.

(c) REPORT.—Not later than 30 days after the date the Secretary receives the report, the Secretary shall submit the report, and any comments on the report, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 536. REQUIRED TERMS AND CONDITIONS OF STANDARD REINSURANCE AGREEMENTS.

(a) DEFINITIONS.—In this section, the terms ''approved insurance provider'' and ''Corporation'' have the meanings given the terms in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(b) TERMS AND CONDITIONS.—

(1) INCORPORATION OF AMENDMENTS.—For each of the 1999 and subsequent reinsurance years, the Corporation shall ensure that each Standard Reinsurance Agreement between an approved insurance provider and the Corporation reflects the amendments to the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) that are made by this subtitle to the extent the amendments are applicable to approved insurance providers.

(2) RETENTION OF EXISTING PROVISIONS.—Except to the extent necessary to implement the amendments made by this subtitle, each Standard Reinsurance Agreement described in paragraph (1) shall contain the following provisions of the Standard Reinsurance Agreement for the 1998 reinsurance year:

(A) Section II, concerning the terms of reinsurance and underwriting gain and loss for an approved insurance provider.

(B) Section III, concerning the terms for subsidies and administrative fees for an approved insurance provider.

(C) Section IV, concerning the terms for loss adjustment for an approved insurance provider under catastrophic risk protection.

(D) Section V.C., concerning interest payments between the Corporation and an approved insurance provider.

(E) Section V.I.5., concerning liquidated damages.

(c) IMPLEMENTATION.—To implement this subtitle and the amendments made by this subtitle, the Corporation is not required to amend provisions of the Standard Reinsurance Agreement not specifically affected by this subtitle or an amendment made by this subtitle.

SEC. 537. EFFECTIVE DATE.

Except as provided in section 535, this subtitle and the amendments made by this subtitle take effect on July 1, 1998.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Existing Authorities

SEC. 601. RETENTION AND USE OF FEES.

(a) ORGANIC CERTIFICATION.—Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6506) is amended by adding at the end the following:

''(d) AVAILABILITY OF FEES.—

''(1) ACCOUNT.—Fees collected under subsection (a)(10) (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this title.

''(2) USE.—The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this title.''.

(b) NATIONAL ARBORETUM.—Section 6(b) of the Act of March 4, 1927 (20 U.S.C. 196(b)), is amended by striking ''Treasury'' and inserting ''Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation,''.

(c) PATENT CULTURE COLLECTION FEES.—

(1) RETENTION.—All funds collected by the Agricultural Research Service of the Department of Agriculture in connection with the acceptance of microorganisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection.

(2) USE.—The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaties) with respect to the Patent Culture Collection.

SEC. 602. OFFICE OF ENERGY POLICY AND NEW USES.

The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 219 (7 U.S.C. 6919) the following:

''SEC. 220. OFFICE OF ENERGY POLICY AND NEW USES.

''The Secretary shall establish for the Department, in the Office of the Secretary, an Office of Energy Policy and New Uses.''.

SEC. 603. KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM.

(a) AMENDMENTS TO ORDERS.—Section 554(c) of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7463(c)) is amended in the second sentence by inserting before the period at the end the following: '', except that an amendment to an order shall not require a referendum to become effective''.

(b) NATIONAL KIWIFRUIT BOARD.—Section 555 of the National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7464) is amended—

(1) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

''(1) 10 members who are producers, exporters, or importers (or their representatives), based on a proportional representation of the level of domestic production and imports of kiwifruit (as determined by the Secretary).

''(2) 1 member appointed from the general public.'';

(2) in subsection (b)—

(A) by striking ''MEMBERSHIP.—'' and all that follows through ''paragraph (2), the'' and inserting ''MEMBERSHIP.—Subject to the 11-member limit, the''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (2), by inserting ''who are producers'' after ''members'';

(B) in paragraph (3)—

(i) by inserting ''who are importers or exporters'' after ''members''; and

(ii) by striking ''(a)(2)'' and inserting ''(a)(1)''; and

(C) in the second sentence of paragraph (5), by inserting ''and alternate'' after ''member''.

SEC. 604. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the ''FARAD program'') through contracts, grants, or cooperative agreements with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACT, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall offer to enter into a contract, grant, or cooperative agreement with 1 or more appropriate colleges and universities to operate the FARAD program. The term of the contract, grant, or cooperative agreement shall be 3 years, with options to extend the term of the contract triennially.

(d) INDIRECT COSTS.—Federal funds provided by the Secretary under a contract, grant, or cooperative agreement under this section shall be subject to reduction for indirect costs of the recipient of the funds in an amount not to exceed 19 percent of the total Federal funds provided under the contract, grant, or cooperative agreement.

SEC. 605. HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.

(a) FINDINGS AND PURPOSES.—Section 2 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601) is amended—

(1) by striking the section heading and all that follows through ''The Congress finds that:'' and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress makes the following findings:'';

(2) in subsection (a) (as so designated)—

(A) in paragraphs (6) and (7), by striking ''and consumer education'' each place it appears and inserting ''consumer education, and industry information''; and

(B) by inserting after paragraph (7) the following:

''(8) The ability to develop and maintain purity standards for honey and honey products is critical to maintaining the consumer confidence, safety, and trust that are essential components of any undertaking to maintain and develop markets for honey and honey products.

''(9) Research directed at improving the cost effectiveness and efficiency of beekeeping, as well as developing better means of dealing with pest and disease problems, is essential to keeping honey and honey product prices competitive and facilitating market growth as well as maintaining the financial well-being of the honey industry.

''(10) Research involving the quality, safety, and image of honey and honey products and how that quality, safety, and image may be affected during the extraction, processing, packaging, marketing, and other stages of the honey and honey product production and distribution process, is highly important to building and maintaining markets for honey and honey products.''; and

(3) by striking subsection (b) and inserting the following:

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

''(1) to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective, continuous, and nationally coordinated program of promotion, research, consumer education, and industry information designed to—

''(A) strengthen the position of the honey industry in the marketplace;

''(B) maintain, develop, and expand domestic and foreign markets and uses for honey and honey products;

''(C) maintain and improve the competitiveness and efficiency of the honey industry; and

''(D) sponsor research to develop better means of dealing with pest and disease problems;

''(2) to maintain and expand the markets for all honey and honey products in a manner that—

''(A) is not designed to maintain or expand any individual producer's, importer's, or handler's share of the market; and

''(B) does not compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name honey or honey products; and

''(3) to authorize and fund programs that result in government speech promoting government objectives.

''(c) ADMINISTRATION.—Nothing in this Act—

''(1) prohibits the sale of various grades of honey;

''(2) provides for control of honey production;

''(3) limits the right of the individual honey producer to produce honey; or

''(4) creates a trade barrier to honey or honey products produced in a foreign country.''.

(b) DEFINITIONS.—Section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) is amended—

(1) by striking paragraph (7) and inserting the following:

''(7) HANDLE.—

''(A) IN GENERAL.—The term 'handle' means to process, package, sell, transport, purchase, or in any other way place or cause to be placed in commerce, honey or a honey product.

''(B) INCLUSION.—The term 'handle' includes selling unprocessed honey that will be consumed or used without further processing or packaging.

''(C) EXCLUSIONS.—The term 'handle' does not include—

''(i) the transportation of unprocessed honey by a producer to a handler;

''(ii) the transportation by a commercial carrier of honey, whether processed or unprocessed, for a handler or producer; or

''(iii) the purchase of honey or a honey product by a consumer or other end-user of the honey or honey product.'';

(2) by adding at the end the following:

''(19) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(20) HONEY PRODUCTION.—The term 'honey production' means all beekeeping operations related to—

''(A) managing honey bee colonies to produce honey;

''(B) harvesting honey from the colonies;

''(C) extracting honey from the honeycombs; and

''(D) preparing honey for sale for further processing.

''(21) INDUSTRY INFORMATION.—The term 'industry information' means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the honey industry, or an activity to enhance the image of honey and honey products and of the honey industry.

''(22) NATIONAL HONEY MARKETING COOPERATIVE.—The term 'national honey marketing cooperative' means a cooperative that markets its products in at least 2 of the following 4 regions of the United States, as determined by the Secretary:

''(A) The Atlantic Coast, including the District of Columbia and the Commonwealth of Puerto Rico.

''(B) The Mideast.

''(C) The Midwest.

''(D) The Pacific, including the States of Alaska and Hawaii.

''(23) QUALIFIED NATIONAL ORGANIZATION REPRESENTING HANDLER INTERESTS.—The term 'qualified national organization representing handler interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee handler, handler-importer, alternate handler, and alternate handler-importer members of the Honey Board under section 7(b).

''(24) QUALIFIED NATIONAL ORGANIZATION REPRESENTING IMPORTER INTERESTS.—The term 'qualified national organization representing importer interests' means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee importer, handler-importer, alternate importer, and alternate handler-importer members of the Honey Board under section 7(b).''; and

(3) by reordering the paragraphs so that they are in alphabetical order by term defined and redesignating the paragraphs accordingly.

(c) HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER.—Section 4 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4603) is amended by inserting ''and regulations'' after ''orders''.

(d) NOTICE AND HEARING.—Section 5 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4604) is amended to read as follows:

''SEC. 5. NOTICE AND HEARING.

''(a) NOTICE AND COMMENT.—In issuing an order under this Act, an amendment to an order, or a regulation to carry out this Act, the Secretary shall comply with section 553 of title 5, United States Code.

''(b) FORMAL AGENCY ACTION.—Sections 556 and 557 of that title shall not apply with respect to the issuance of an order, an amendment to an order, or a regulation under this Act.

''(c) PROPOSAL OF AN ORDER.—A proposal for an order may be submitted to the Secretary by any organization or interested person affected by this Act.''.

(e) FINDINGS AND ISSUANCE OF ORDER.—Section 6 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4605) is amended to read as follows:

''SEC. 6. FINDINGS AND ISSUANCE OF ORDER.

''After notice and opportunity for comment has been provided in accordance with section 5(a), the Secretary shall issue an order, an amendment to an order, or a regulation under this Act, if the Secretary finds, and specifies in the order, amendment, or regulation, that the

issuance of the order, amendment, or regulation will assist in carrying out the purposes of this Act.''.

(f) REQUIRED TERMS OF AN ORDER.—

(1) NATIONAL HONEY NOMINATIONS COMMITTEE.—Section 7(b) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(b)) is amended—

(A) in paragraph (2), by striking ''except'' and all that follows through ''three-year terms'' and inserting ''except that the term of appointments to the Committee may be staggered periodically, as determined by the Secretary''; and

(B) in paragraph (5)—

(i) in the second sentence, by striking ''after the first annual meeting''; and

(ii) in the third sentence, by striking ''per centum'' and inserting ''percent''.

(2) HONEY BOARD.—Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended—

(A) by redesignating paragraphs (3) through (6) as paragraphs (8) through (11), respectively;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''seven'' and inserting ''7''; and

(ii) by striking subparagraphs (B) through (E) and all that follows and inserting the following:

''(B) 2 members who are handlers appointed from nominations submitted by the Committee from recommendations made by qualified national organizations representing handler interests;

''(C) if approved in a referendum conducted under this Act, 2 members who—

''(i) are handlers of honey;

''(ii) during any 3 of the preceding 5 years, were also importers of record of at least 40,000 pounds of honey; and

''(iii) are appointed from nominations submitted by the Committee from recommendations made by—

''(I) qualified national organizations representing handler interests or qualified national organizations representing importer interests; or

''(II) if the Secretary determines that there is not a qualified national organization representing handler interests or a qualified national organization representing importer interests, individual handlers or importers that have paid assessments to the Honey Board on imported honey or honey products;

''(D) 2 members who are importers appointed from nominations submitted by the Committee from recommendations made by—

''(i) qualified national organizations representing importer interests; or

''(ii) if the Secretary determines that there is not a qualified national organization representing importer interests, individual importers that have paid assessments to the Honey Board on imported honey or honey products; and

''(E) 1 member who is an officer, director, or employee of a national honey marketing cooperative appointed from nominations submitted by the Committee from recommendations made by qualified national honey marketing cooperatives.'';

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

''(3) ALTERNATES.—The Committee shall submit nominations for an alternate for each member of the Honey Board described in paragraph (2). An alternate shall be appointed in the same manner as a member and shall serve when the member is absent from a meeting or is disqualified.

''(4) RECONSTITUTION.—

''(A) REVIEW.—If approved in a referendum conducted under this Act and in accordance with rules issued by the Secretary, the Honey Board shall review, at times determined under subparagraph (E)—

''(i) the geographic distribution of the quantities of domestically produced honey assessed under the order; and

''(ii) changes in the annual average percentage of assessments owed by importers under the order relative to assessments owed by producers and handlers of domestic honey, including—

''(I) whether any changes in assessments owed on imported quantities are owed by importers described in paragraph (5)(B); or

''(II) whether such importers are handler-importers described in paragraph (2)(C).

''(B) RECOMMENDATIONS.—If warranted and in accordance with this subsection, the Honey Board shall recommend to the Secretary—

''(i) changes in the regional representation of honey producers established by the Secretary;

''(ii) if necessary to reflect any changes in the proportion of domestic and imported honey assessed under the order or the source of assessments on imported honey or honey products, the reallocation of—

''(I) handler-importer member positions under paragraph (2)(C) as handler member positions under paragraph (2)(B);

''(II) importer member positions under paragraph (2)(D) as handler-importer member positions under paragraph (2)(C); or

''(III) handler-importer member positions under paragraph (2)(C) as importer member positions under paragraph (2)(D); or

''(iii) if necessary to reflect any changes in the proportion of domestic and imported honey or honey products assessed under the order, the addition of members to the Honey Board under subparagraph (A), (B), (C), or (D) of paragraph (2).

''(C) SCOPE OF REVIEW.—The review required under subparagraph (A) shall be based on data from the 5-year period preceding the year in which the review is conducted.

''(D) BASIS FOR RECOMMENDATIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (F), recommendations made under subparagraph (B) shall be based on—

''(I) the 5-year average annual assessments, excluding the 2 years containing the highest and lowest disparity between the proportion of assessments owed from imported and domestic honey or honey products, determined pursuant to the review that is conducted under subparagraph (A); and

''(II) whether any change in the average annual assessments is from the assessments owed by importers described in paragraph (5)(B) or from the assessments owed by handler-importers described in paragraph (2)(C).

''(ii) PROPORTIONS.—The Honey Board shall recommend a reallocation or addition of members pursuant to clause (ii) or (iii) of subparagraph (B) only if 1 or more of the following proportions change by more than 6 percent from the base period proportion determined in accordance with subparagraph (F):

''(I) The proportion of assessments owed by handler-importers described in paragraph (2)(C) compared with the proportion of assessments owed by importers described in paragraph (2)(D).

''(II) The proportion of assessments owed by importers compared with the proportion of assessments owed on domestic honey by producers and handlers.

''(E) TIMING OF REVIEW.—

''(i) IN GENERAL.—The Honey Board shall conduct the reviews required under this paragraph not more than once during each 5-year period.

''(ii) INITIAL REVIEW.—The Honey Board shall conduct the initial review required under this paragraph prior to the initial continuation referendum conducted under section 13(c) following the referendum conducted under section 14.

''(F) BASE PERIOD PROPORTIONS.—

''(i) IN GENERAL.—The base period proportions for determining the magnitude of change under subparagraph (D) shall be the proportions determined during the prior review conducted under this paragraph.

''(ii) INITIAL REVIEW.—In the case of the initial review required under subparagraph (E)(ii), the base period proportions shall be the proportions determined by the Honey Board for fiscal year 1996.

''(5) RESTRICTIONS ON NOMINATION AND APPOINTMENT.—

''(A) PRODUCER-PACKERS AS PRODUCERS.—No producer-packer that, during any 3 of the preceding 5 years, purchased for resale more honey than the producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in paragraph (2)(A) or as an alternate to such a producer.

''(B) IMPORTERS.—No importer that, during any 3 of the preceding 5 years, did not receive at least 75 percent of the gross income generated by the sale of honey and honey products from the sale of imported honey and honey products shall be eligible for nomination or appointment to the Honey Board as an importer described in paragraph (2)(D) or an alternate to such an importer.

''(6) CERTIFICATION OF ORGANIZATIONS.—

''(A) IN GENERAL.—The eligibility of an organization to participate in the making of recommendations to the Committee for nomination to the Honey Board to represent handlers or importers under this section shall be certified by the Secretary.

''(B) ELIGIBILITY CRITERIA.—Subject to the other provisions of this paragraph, the Secretary shall certify an organization that the Secretary determines meets the eligibility criteria established by the Secretary under this paragraph.

''(C) FINALITY.—An eligibility determination of the Secretary under this paragraph shall be final.

''(D) BASIS FOR CERTIFICATION.—Certification of an organization under this paragraph shall be based on, in addition to other available information, a factual report submitted by the organization that contains information considered relevant by the Secretary, including—

''(i) the geographic territory covered by the active membership of the organization;

''(ii) the nature and size of the active membership of the organization, including the proportion of the total number of active handlers or importers represented by the organization;

''(iii) evidence of the stability and permanency of the organization;

''(iv) sources from which the operating funds of the organization are derived;

''(v) the functions of the organization; and

''(vi) the ability and willingness of the organization to further the purposes of this Act.

''(E) PRIMARY CONSIDERATIONS.—A primary consideration in determining the eligibility of an organization under this paragraph shall be whether—

''(i) the membership of the organization consists primarily of handlers or importers that derive a substantial quantity of their income from sales of honey and honey products; and

''(ii) the organization has an interest in the marketing of honey and honey products.

''(F) NONMEMBERS.—As a condition of certification under this paragraph, an organization shall agree—

''(i) to notify nonmembers of the organization of Honey Board nomination opportunities for which the organization is certified to make recommendations to the Committee; and

''(ii) to consider the nomination of nonmembers when making the nominations of the organization to the Committee, if nonmembers indicate an interest in serving on the Honey Board.

''(7) MINIMUM PERCENTAGE OF HONEY PRODUCERS.—Notwithstanding any other provision of this subsection, at least 50 percent of the members of the Honey Board shall be honey producers.''; and

(D) in paragraph (8) (as so redesignated), by striking ''except'' and all that follows through ''three-year terms'' and inserting ''except that appointments to the Honey Board may be staggered periodically, as determined by the Secretary, to maintain continuity of the Honey Board with respect to all members and with respect to members representing particular groups.''.

(3) ASSESSMENTS.—Section 7(e) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(e)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Honey Board shall administer collection of the assessment provided for in this subsection, and may accept voluntary contributions from other sources, to finance the expenses described in subsections (d) and (f).

''(2) RATE.—Except as provided in paragraph (3), the assessment rate shall be $0.0075 per pound (payable in the manner described in section 9), with—

''(A) in the case of honey produced in the United States, $0.0075 per pound payable by honey producers; and

''(B) in the case of honey or honey products imported into the United States, $0.0075 per pound payable by honey importers.

''(3) ALTERNATIVE RATE APPROVED IN REFERENDUM.—If approved in a referendum conducted under this Act, the assessment rate shall be $0.015 per pound (payable in the manner described in section 9)—

''(A) in the case of honey produced in the United States—

''(i) $0.0075 per pound payable by—

''(I) honey producers; and

''(II) producer-packers on all honey produced by the producer-packers; and

''(ii) $0.0075 per pound payable by—

''(I) handlers; and

''(II) producer-packers on all honey and honey products handled by the producer-packers, including honey produced by the producer-packers); and

''(B) in the case of honey and honey products imported into the United States, $0.015 per pound payable by honey importers, of which $0.0075 per pound represents the assessment due from the handler to be paid by the importer on behalf of the handler.'';

(C) in paragraph (4) (as so redesignated), by striking subparagraph (B) and inserting the following:

''(B) SMALL QUANTITIES.—

''(i) IN GENERAL.—A producer, producer-packer, handler, or importer that produces, imports, or handles during a year less than 6,000 pounds of honey or honey products shall be exempt in that year from payment of an assessment on honey or honey products that the person distributes directly through local retail outlets, as determined by the Secretary, during that year.

''(ii) INAPPLICABILITY.—If a person no longer meets the requirements of clause (i) for an exemption, the person shall—

''(I) file a report with the Honey Board in the form and manner prescribed by the Honey Board; and

''(II) pay an assessment on or before March 15 of the subsequent year on all honey or honey products produced, imported, or handled by the person during the year in which the person no longer meets the requirements of clause (i) for an exemption.''; and

(D) in paragraph (5) (as so redesignated)—

(i) by inserting ''handler,'' after ''producer-packer'' each place it appears;

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(iii) by inserting '', handler,'' after ''producer'' the last place it appears.

(4) USE OF FUNDS.—Section 7(f) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(f)) is amended—

(A) by striking ''(f) Funds collected by the Honey Board from the assessments'' and inserting the following:

''(f) FUNDS.—

''(1) USE.—Funds collected by the Honey Board'';

(B) by striking ''The Secretary shall'' and inserting the following:

''(3) REIMBURSEMENT.—The Secretary shall''; and

(C) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) RESEARCH PROJECTS.—

''(A) IN GENERAL.—If approved in a referendum conducted under this Act, the Honey Board shall reserve at least 8 percent of all assessments collected during a year for expenditure on approved research projects designed to advance the cost effectiveness, competitiveness, efficiency, pest and disease control, and other management aspects of beekeeping, honey production, and honey bees.

''(B) CARRYOVER.—If all funds reserved under subparagraph (A) are not allocated to approved research projects in a year, any reserved funds remaining unallocated shall be carried forward for allocation and expenditure under subparagraph (A) in subsequent years.''.

(5) FALSE OR UNWARRANTED CLAIMS OR STATEMENTS.—Section 7(g) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(g)) is amended by striking ''with assessments collected'' and inserting ''by the Honey Board''.

(6) INFLUENCING GOVERNMENTAL POLICY OR ACTION.—Section 7(h) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(h)) is amended by striking ''through assessments authorized by'' and inserting ''by the Honey Board under''.

(g) PERMISSIVE TERMS AND PROVISIONS.—Section 8 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4607) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) by adding at the end the following:

''(8) If approved in a referendum conducted under this Act, providing authority for the development of programs and related rules and regulations that will, with the approval of the Secretary, establish minimum purity standards for honey and honey products that are designed to maintain a positive and wholesome marketing image for honey and honey products.

''(b) INSPECTION AND MONITORING SYSTEM.—

''(1) INSPECTION.—Any program, rule, or regulation under subsection (a)(8) may provide for the inspection, by the Secretary, of honey and honey products being sold for domestic consumption in, or for export from, the United States.

''(2) MONITORING SYSTEM.—The Honey Board may develop and recommend to the Secretary a system for monitoring the purity of honey and honey products being sold for domestic consumption in, or for export from, the United States, including a system for identifying adulterated honey.

''(3) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary may coordinate, to the maximum extent practicable, with the head of any other Federal agency that has authority to ensure compliance with labeling or other requirements relating to the purity of honey and honey products concerning an enforcement action against any person that does not comply with a rule or regulation issued by any other Federal agency concerning the labeling or purity requirements of honey and honey products.

''(4) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue such rules and regulations as are necessary to carry out this subsection.

''(c) VOLUNTARY QUALITY ASSURANCE PROGRAM.—

''(1) IN GENERAL.—In addition to or independent of any program, rule, or regulation under subsection (b), the Honey Board, with the approval of the Secretary, may establish and carry out a voluntary quality assurance program concerning purity standards for honey and honey products.

''(2) COMPONENTS.—The program may include—

''(A) the establishment of an official Honey Board seal of approval to be displayed on honey and honey products of producers, handlers, and importers that participate in the voluntary program and are found to meet such standards of purity as are established under the program;

''(B) actions to encourage producers, handlers, and importers to participate in the program;

''(C) actions to encourage consumers to purchase honey and honey products bearing the official seal of approval; and

''(D) periodic inspections by the Secretary, or other parties approved by the Secretary, of honey and honey products of producers, handlers, and importers that participate in the voluntary program.

''(3) DISPLAY OF SEAL OF APPROVAL.—To be eligible to display the official seal of approval established under paragraph (2)(A) on a honey or honey product, a producer, handler, or importer shall participate in the voluntary program under this subsection.

''(d) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of this Act, the Secretary shall have the authority to approve or disapprove the establishment of minimum purity standards, the inspection and monitoring system under subsection (b), and the voluntary quality assurance program under subsection (c).''.

(h) COLLECTION OF ASSESSMENTS.—

(1) NEW ASSESSMENT.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) HANDLERS.—Except as otherwise provided in this section, a first handler of honey shall be responsible, at the time of first purchase—

''(1) for the collection, and payment to the Honey Board, of the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i); and

''(2) if approved in a referendum conducted under this Act, for the payment to the Honey Board of an additional assessment payable by the handler under section 7(e)(3)(A)(ii).'';

(B) by striking subsection (c) and inserting the following:

''(c) IMPORTERS.—Except as otherwise provided in this section, at the time of entry of honey and honey products into the United States, an importer shall remit to the Honey Board through the United States Customs Service—

''(1) the assessment on the imported honey and honey products required under section 7(e)(2)(B); or

''(2) if approved in a referendum conducted under this Act, the assessment on the imported honey and honey products required under section 7(e)(3)(B), of which the amount payable under section 7(e)(3)(A)(ii) represents the assessment due from the handler to be paid by the importer on behalf of the handler.''; and

(C) by striking subsection (e) and inserting the following:

''(e) PRODUCER-PACKERS.—Except as otherwise provided in this section, a producer-packer shall be responsible for the collection, and payment to the Honey Board, of—

''(1) the assessment payable by the producer-packer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey produced by the producer-packer;

''(2) at the time of first purchase, the assessment payable by a producer under section 7(e)(2)(A) or, if approved in a referendum conducted under this Act, under section 7(e)(3)(A)(i) on honey purchased by the producer-packer as a first handler; and

''(3) if approved in a referendum conducted under this Act, an additional assessment payable by the producer-packer under section 7(e)(3)(A)(ii).''.

(2) INSPECTION; BOOKS AND RECORDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (f) and inserting the following:

''(f) INSPECTION; BOOKS AND RECORDS.—

''(1) IN GENERAL.—To make available to the Secretary and the Honey Board such information and data as are necessary to carry out this Act (including an order or regulation issued under this Act), a handler, importer, producer, or producer-packer responsible for payment of an assessment under this Act, and a person receiving an exemption from an assessment under section 7(e)(4), shall—

''(A) maintain and make available for inspection by the Secretary and the Honey Board such books and records as are required by the order and regulations issued under this Act; and

''(B) file reports at the times, in the manner, and having the content prescribed by the order and regulations, which reports shall include the total number of bee colonies maintained, the quantity of honey produced, and the quantity of honey and honey products handled or imported.

''(2) EMPLOYEE OR AGENT.—To conduct an inspection or review a report of a handler, importer, producer, or producer-packer under paragraph (1), an individual shall be an employee or agent of the Department or the Honey Board, and shall not be a member or alternate member of the Honey Board.

''(3) CONFIDENTIALITY.—An employee or agent described in paragraph (2) shall be subject to the confidentiality requirements of subsection (g).''.

(3) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (g) and inserting the following:

''(g) CONFIDENTIALITY OF INFORMATION; DISCLOSURE.—

''(1) IN GENERAL.—All information obtained under subsection (f) shall be kept confidential by all officers, employees, and agents of the Department or of the Honey Board.

''(2) DISCLOSURE.—Information subject to paragraph (1) may be disclosed—

''(A) only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, that involves the order with respect to which the information was furnished or acquired; and

''(B) only if the Secretary determines that the information is relevant to the suit or administrative hearing.

''(3) EXCEPTIONS.—Nothing in this subsection prohibits—

''(A) the issuance of general statements based on the reports of a number of handlers subject to an order, if the statements do not identify the information furnished by any person; or

''(B) the publication, by direction of the Secretary, of the name of any person that violates any order issued under this Act, together with a statement of the particular provisions of the order violated by the person.

''(4) VIOLATION.—Any person that knowingly violates this subsection, on conviction—

''(A) shall be fined not more than $1,000, imprisoned not more than 1 year, or both; and

''(B) if the person is an officer or employee of the Honey Board or the Department, shall be removed from office.''.

(4) REFUNDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended by striking subsection (h).

(5) ADMINISTRATION AND REMITTANCE.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) (as amended by paragraph (4)) is amended by inserting after subsection (g) the following:

''(h) ADMINISTRATION AND REMITTANCE.—Administration and remittance of the assessments under this Act shall be conducted—

''(1) in the manner prescribed in the order and regulations issued under this Act; and

''(2) if approved in a referendum conducted under this Act, in a manner that ensures that all honey and honey products are assessed a total of, but not more than, $0.015 per pound, including any producer or importer assessment.''.

(6) LIABILITY FOR ASSESSMENTS.—Section 9(i) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608(i)) is amended—

(A) by striking ''(i) If'' and inserting the following:

''(i) LIABILITY FOR ASSESSMENTS.—

''(1) PRODUCERS.—If''; and

(B) by adding at the end the following:

''(2) IMPORTERS.—If the United States Customs Service fails to collect an assessment from an importer or an importer fails to pay an assessment at the time of entry of honey and honey products into the United States under this section, the importer shall be responsible for the remission of the assessment to the Honey Board.''.

(i) PETITION AND REVIEW.—Section 10 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4609) is amended by striking subsection (a) and inserting the following:

''(a) FILING OF PETITION; HEARING.—

''(1) IN GENERAL.—Subject to paragraph (4), a person subject to an order may file a written petition with the Secretary—

''(A) that states that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

''(B) that requests—

''(i) a modification of the order, provision, or obligation; or

''(ii) to be exempted from the order, provision, or obligation.

''(2) HEARING.—In accordance with regulations issued by the Secretary, the petitioner shall be given an opportunity for a hearing on the petition.

''(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition that shall be final, if in accordance with law.

''(4) STATUTE OF LIMITATIONS.—A petition filed under this subsection that challenges an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not later than 2 years after the later of—

''(A) the effective date of the order, provision, or obligation challenged in the petition; or

''(B) the date on which the petitioner became subject to the order, provision, or obligation challenged in the petition.''.

(j) ENFORCEMENT.—Subsections (a) and (b) of section 11 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4610) are amended by striking ''plan'' each place it appears and inserting ''order''.

(k) REQUIREMENTS OF REFERENDUM.—Section 12 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4611) is amended to read as follows:

''SEC. 12. REQUIREMENTS OF REFERENDUM.

''(a) IN GENERAL.—For the purpose of ascertaining whether issuance of an order is approved by producers, importers, and in the case of an order assessing handlers, handlers, the Secretary shall conduct a referendum among producers, importers, and, in the case of an order assessing handlers, handlers, not exempt under section 7(e)(4), that, during a representative period determined by the Secretary, have been engaged in the production, importation, or handling of honey or honey products.

''(b) EFFECTIVENESS OF ORDER.—

''(1) IN GENERAL.—No order issued under this Act shall be effective unless the Secretary determines that—

''(A) the order is approved by a majority of the producers, importers, and if covered by the order, handlers, voting in the referendum; and

''(B) the producers, importers, and handlers comprising the majority produced, imported, and handled not less than 50 percent of the quantity of the honey and honey products produced, imported, and handled during the representative period by the persons voting in the referendum.

''(2) AMENDMENTS TO ORDERS.—The Secretary may amend an order in accordance with the administrative procedures specified in sections 5 and 6, except that the Secretary may not amend a provision of an order that implements a provision of this Act that specifically provides for approval in a referendum without the approval provided for in this section.

''(c) PRODUCER-PACKERS AND IMPORTERS.—

''(1) IN GENERAL.—Each producer-packer and each importer shall have 1 vote as a handler as well as 1 vote as a producer or importer (unless exempt under section 7(e)(4)) in all referenda concerning orders assessing handlers to the extent that the individual producer-packer or importer owes assessments as a handler.

''(2) ATTRIBUTION OF QUANTITY OF HONEY.—For the purpose of subsection (b)(1)(B)—

''(A) the quantity of honey or honey products on which the qualifying producer-packer or importer owes assessments as a handler shall be attributed to the person's vote as a handler under paragraph (1); and

''(B) the quantity of honey or honey products on which the producer-packer or importer owes an assessment as a producer or importer shall be attributed to the person's vote as a producer or importer.

''(d) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the identity or vote of any producer, importer, or handler of honey or honey products shall be held strictly confidential and shall not be disclosed.''.

(l) TERMINATION OR SUSPENSION.—Section 13 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4612) is amended to read as follows:

''SEC. 13. TERMINATION OR SUSPENSION.

''(a) DEFINITION OF PERSON.—In this section, the term 'person' means a producer, importer, or handler.

''(b) AUTHORITY OF SECRETARY.—If the Secretary finds that an order issued under this Act, or any provision of the order, obstructs or does not tend to effectuate the purposes of this Act, the Secretary shall terminate or suspend the operation of the order or provision.

''(c) PERIODIC REFERENDA.—Except as provided in subsection (d)(3) and section 14(g), on the date that is 5 years after the date on which the Secretary issues an order authorizing the collection of assessments on honey or honey products under this Act, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

''(d) REFERENDA ON REQUEST.—

''(1) IN GENERAL.—On the request of the Honey Board or the petition of at least 10 percent of the total number of persons subject to assessment under the order, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 12.

''(2) LIMITATION.—Referenda conducted under paragraph (1) may not be held more than once every 2 years.

''(3) EFFECT ON PERIODIC REFERENDA.—If a referendum is conducted under this subsection and the Secretary determines that continuation of the order is approved under section 12, any referendum otherwise required to be conducted under subsection (c) shall not be held before the date that is 5 years after the date of the referendum conducted under this subsection.

''(e) TIMING AND REQUIREMENTS FOR TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall terminate or suspend an order at the end of the marketing year during which a referendum is conducted under subsection (c) or (d) if the Secretary determines that continuation of an order is not approved under section 12.

''(2) SUBSEQUENT REFERENDUM.—If the Secretary terminates or suspends an order that assesses the handling of honey and honey products under paragraph (1), the Secretary shall, not later than 90 days after submission of a proposed order by an interested party—

''(A) propose another order to establish a research, promotion, and consumer information program; and

''(B) conduct a referendum on the order among persons that would be subject to assessment under the order.

''(3) EFFECTIVENESS OF ORDER.—Section 12 shall apply in determining the effectiveness of the subsequent amended order under paragraph (2).''.

(m) IMPLEMENTATION OF AMENDMENTS.—The Honey Research, Promotion, and Consumer Information Act is amended by inserting after section 13 (7 U.S.C. 4612) the following:

''SEC. 14. IMPLEMENTATION OF AMENDMENTS MADE BY AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

''(a) ISSUANCE OF AMENDED ORDER.—To implement the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998 (other than subsection (m) of that section), the Secretary shall issue an amended order under section 4 that reflects those amendments.

''(b) PROPOSAL OF AMENDED ORDER.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a proposed order under section 4 that reflects the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998. The Secretary shall provide notice and an opportunity for public comment on the proposed order in accordance with section 5.

''(c) ISSUANCE OF AMENDED ORDER.—Not later than 240 days after publication of the proposed order, the Secretary shall issue an order under section 6, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order conforms with the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(d) REFERENDUM ON AMENDED ORDER.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—On issuance of an order under section 6 reflecting the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, the Secretary shall conduct a referendum under this section for the sole purpose of determining whether the order as amended shall become effective.

''(B) INDIVIDUAL PROVISIONS.—No individual provision of the amended order shall be subject to a separate vote under the referendum.

''(2) ELIGIBLE VOTERS.—The Secretary shall conduct the referendum among persons subject to assessment under the order that have been producers, producer-packers, importers, or handlers during the 2-calendar-year period that precedes the referendum, which period shall be considered to be the representative period.

''(3) DETERMINATION OF QUANTITY.—

''(A) IN GENERAL.—Producer-packers, importers, and handlers shall be allowed to vote as if—

''(i) the amended order had been in place during the representative period described in paragraph (2); and

''(ii) they had owed the increased assessments provided by the amended order.

''(B) VOTES AND ATTRIBUTED QUANTITY FOR PRODUCER-PACKERS AND IMPORTERS.—The votes and the quantity of honey and honey products attributed to the votes of producer-packers and importers shall be determined in accordance with section 12.

''(C) ATTRIBUTED QUANTITY FOR HANDLERS.—The quantity of honey and honey products attributed to the vote of a handler shall be the quantity handled in the representative period described in paragraph (2) for which the handler would have owed assessments had the amended order been in effect.

''(4) EFFECTIVENESS OF ORDER.—The amended order shall become effective only if the Secretary determines that the amended order is effective in accordance with section 12.

''(e) CONTINUATION OF EXISTING ORDER IF AMENDED ORDER IS REJECTED.—If adoption of the amended order is not approved—

''(1) the order issued under section 4 that is in effect on the date of enactment of this section shall continue in full force and effect; and

''(2) the Secretary may amend the order to ensure the conformity of the order with this Act (as in effect on the day before the date of enactment of this section).

''(f) EFFECT OF REJECTION ON SUBSEQUENT ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), if adoption of the amended order is not approved in the referendum required under subsection (d), the Secretary may issue an amended order that implements some or all of the amendments made to this Act by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, or makes other changes to an existing order, in accordance with the administrative procedures specified in sections 5 and 6.

''(2) APPROVAL.—An amendment to an order that implements a provision that is subject to a referendum shall be approved in accordance with section 12 before becoming effective.

''(g) EFFECT ON PERIODIC REFERENDA.—If the amended order becomes effective, any referendum otherwise required to be conducted under section 13(c) shall not be held before the date that is 5 years after the date of the referendum conducted under this section.''.

SEC. 606. TECHNICAL CORRECTIONS.

(a) SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.—Effective as of April 6, 1996, section 819(b)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1167) is amended by striking ''paragraph (3)'' and inserting ''subsection (c)(3)''.

(b) JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.—Section 1413(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(b)) is amended by striking ''Joint Council, the Advisory Board,'' and inserting ''Advisory Board''.

(c) ADVISORY BOARD.—

(1) SUPPORT FOR ADVISORY BOARD.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is amended—

(A) in subsections (a) and (b), by striking ''their duties'' each place it appears and inserting ''its duties''; and

(B) in subsection (c), by striking ''their recommendations'' and inserting ''its recommendations''.

(2) GENERAL PROVISIONS.—Section 1413(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(a)) is amended by striking ''their powers'' and inserting ''its duties''.

(d) ANIMAL HEALTH AND DISEASE RESEARCH.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(1) in section 1430 (7 U.S.C. 3192)—

(A) in paragraph (3), by adding ''and'' at the end;

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4);

(2) in section 1433(b)(3) (7 U.S.C. 3195(b)(3)), by striking ''with the advice, when available, of the Board'';

(3) in section 1434(c) (7 U.S.C. 3196(c))—

(A) in the second sentence, by striking ''and the Board''; and

(B) in the fourth sentence, by striking '', the Advisory Board, and the Board'' and inserting ''and the Advisory Board''; and

(4) in the first sentence of section 1437 (7 U.S.C. 3199), by striking ''with the advice, when available, of the Board''.

(e) RANGELAND RESEARCH.—The second sentence of section 1483(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(b)) is amended by striking the last sentence.

(f) PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM.—Section 1629(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(g)) is amended by striking ''section 1650,''.

(g) GRANTS TO UPGRADE 1890 INSTITUTIONS EXTENSION FACILITIES.—Effective as of April 6, 1996, section 873 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1175) is amended by striking ''1981'' and inserting ''1985''.

(h) COMPETITIVE AND SPECIAL GRANTS.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(1), by striking ''Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board'' and inserting ''National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123))''; and

(2) by striking subsection (l).

Subtitle B—New Authorities

SEC. 611. NUTRIENT COMPOSITION DATA.

(a) IN GENERAL.—The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 612. NATIONAL SWINE RESEARCH CENTER.

Subject to the availability of appropriations to carry out this section, or through a reprogramming of funds provided for swine research to carry out this section pursuant to established procedures, during the period beginning on the date of enactment of this Act and ending December 31, 1998, the Secretary of Agriculture, acting through the Agricultural Research Service, may accept as a gift, and administer, the National Swine Research Center located in Ames, Iowa.

SEC. 613. ROLE OF SECRETARY REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH AND EXTENSION.

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

SEC. 614. OFFICE OF PEST MANAGEMENT POLICY.

(a) PURPOSE.—The purpose of this section is to establish an Office of Pest Management Policy to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) ESTABLISHMENT OF OFFICE; PRINCIPAL RESPONSIBILITIES.—The Secretary of Agriculture shall establish in the Department an Office of

Pest Management Policy, which shall be responsible for—

(1) the development and coordination of Department policy on pest management and pesticides;

(2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting other agencies of the Department in fulfilling their responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104–170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and other applicable laws; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) INTERAGENCY COORDINATION.—In support of its responsibilities under subsection (b), the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) OUTREACH.—The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) DIRECTOR.—The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary, who shall report directly to the Secretary or a designee of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

SEC. 615. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) FOOD SAFETY RESEARCH INFORMATION OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library.

(2) PURPOSE.—The Office shall provide to the research community and the general public information on publicly funded, and to the maximum extent practicable, privately funded food safety research initiatives for the purpose of—

(A) preventing unintended duplication of food safety research; and

(B) assisting the executive and legislative branches of the Federal Government and private research entities to assess food safety research needs and priorities.

(3) COOPERATION.—The Office shall carry out this subsection in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and, on a voluntary basis, private research entities.

(b) NATIONAL CONFERENCE; ANNUAL WORKSHOPS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall sponsor a conference to be known as the ''National Conference on Food Safety Research'', for the purpose of beginning the task of prioritization of food safety research. The Secretary shall sponsor annual workshops in each of the subsequent 4 years after the conference so that priorities can be updated or adjusted to reflect changing food safety concerns.

(c) FOOD SAFETY REPORT.—With regard to the study and report to be prepared by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, the study shall include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health.

SEC. 616. SAFE FOOD HANDLING EDUCATION.

The Secretary of Agriculture shall continue to develop a national program of safe food handling education for adults and young people to reduce the risk of food-borne illness. The national program shall be suitable for adoption and implementation through State cooperative extension services and school-based education programs.

SEC. 617. REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Using funds available to the Agricultural Marketing Service, the Service may reimburse the American Sheep Industry Association for expenses incurred by the American Sheep Industry Association between February 6, 1996, and May 17, 1996, in preparation for the implementation of a sheep and wool promotion, research, education, and information order under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

SEC. 618. DESIGNATION OF CRISIS MANAGEMENT TEAM WITHIN DEPARTMENT.

(a) DESIGNATION OF CRISIS MANAGEMENT TEAM.—The Secretary of Agriculture shall designate a Crisis Management Team within the Department of Agriculture, which shall be—

(1) composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department; and

(2) headed by a team leader with management and communications skills.

(b) DUTIES OF CRISIS MANAGEMENT TEAM.—The Crisis Management Team shall be responsible for the following:

(1) Developing a Department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations, and developing written procedures for the implementation of the crisis management plan.

(2) Conducting periodic reviews and revisions of the crisis management plan and procedures developed under paragraph (1).

(3) Ensuring compliance with crisis management procedures by personnel of the Department and ensuring that appropriate Department personnel are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of members of the Crisis Management Team.

(4) Coordinating the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team.

(5) Ensuring that Department spokespersons convey accurate, timely, and scientifically sound information regarding crises or potential crises that can be easily understood by the general public.

(6) Cooperating with, and coordinating among, other Federal agencies, States, local governments, industry, and public interest groups, Department activities regarding a crisis.

(c) ROLE IN PRIORITIZING CERTAIN RESEARCH.—The Crisis Management Team shall cooperate with the Advisory Board in the prioritization of agricultural research conducted or funded by the Department regarding animal health, natural disasters, food safety, and other agricultural issues.

(d) COOPERATIVE AGREEMENTS.—The Secretary shall seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

SEC. 619. DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS.

(a) DESIGNATION.—The Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, and known as the ''Subtropical Agricultural Research Center'', shall be known and designated as the ''Kika de la Garza Subtropical Agricultural Research Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal facilities referred to in subsection (a) shall be deemed to be a reference to the ''Kika de la Garza Subtropical Agricultural Research Center''.

Subtitle C—Studies

SEC. 631. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) EVALUATION.—The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) CONTRACT.—The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(c) GUIDELINES FOR PERFORMANCE MEASUREMENT.—The contractor selected under subsection (b) shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103–62) and amendments made by that Act.

SEC. 632. STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) STUDY.—Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

(b) REQUIREMENTS.—The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) REPORTS.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b), including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3)

and (4) of subsection (b), including the recommendations developed under paragraph (3) of subsection (b) and other appropriate recommendations.

Subtitle D—Senses of Congress

SEC. 641. SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES.

It is the sense of Congress that, of the Agricultural Research Service funds made available for a fiscal year for research regarding the development for agricultural use of alternatives to methyl bromide, the Secretary of Agriculture should use a substantial portion of the funds for research to be conducted in real field conditions, especially pre-planting and post-harvest conditions, so as to expedite the development and commercial use of methyl bromide alternatives.

SEC. 642. SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION.

It is the sense of Congress that the Secretary of Agriculture and the Secretary of Education should collaborate and cooperate in providing both instructional and technical support for school-based agricultural education.

And the House agree to the same.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance and to reform, extend, and eliminate certain agricultural research programs and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:[1]

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) SHORT TITLE; TABLE OF CONTENTS

The Senate bill titles the Act the ''Agricultural Research, Extension, and Education Reform Act of 1997''. (Section 1)

The House amendment states that this Act may be cited at the ''Agricultural Research, Extension, and Education Reauthorization Act of 1997''. (Section 1)

The conference substitute adopts the Senate provision. (Section 1)

(2) DEFINITIONS

The Senate bill contains definitions for terms used throughout the bill, including ''1862'', ''1890'' and ''1994'' Institutions, ''Advisory Board,'' ''Department,'' ''Hatch Act of 1887,'' ''Secretary,'' ''Smith-Lever Act,'' and ''Stakeholder.'' (Section 2)

The House amendment amends the definition of ''Food and Agricultural Sciences'' as it currently appears in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to simplify the references to animal and plant production and health; specify food safety as a research objective; substitute the term ''rural human ecology'' for rural community welfare and development; and add information management, technology transfer, and agricultural biotechnology as subject areas under the food and agricultural sciences. The House amendment in subsection (b) clarifies that references to ''Teaching'' shall mean ''Teaching and Education.''

The House amendment defines ''in-kind support'' and designates the definitions included in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 as the principle definitions when used in this title or any law pertaining to the Department of Agriculture relating to research, extension, or education regarding the food and agricultural sciences unless the context requires otherwise. (Section 102)

The conference substitute adopts the Senate provision with an amendment striking the definition for stakeholder (Section 2) and adopts the House provision with an amendment to retain current law on processing of agricultural commodities (Sections 221 and 230).

The Managers consider many critical emerging issues related to international agricultural trade as being of primary importance to United States agricultural competitiveness and farm income. The Managers encourage the Secretary to provide priority funding for research to address these issues and facilitate export market expansion for United States agricultural products, including the identification, removal or reduction of barriers to agricultural trade. The Managers intend that the Secretary should take into account input and recommendations from the agricultural community and others concerned with agricultural trade in order to ensure that research activities in food and agricultural sciences respond to the current and anticipated needs of United States agricultural producers and exporters.

(3) STANDARDS FOR FEDERAL FUNDING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to ensure that agricultural research, extension or education activities conducted by ARS or on a competitive basis by CSREES address concerns that are high priority and have national or multi state significance. (Section 101)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to clarify that research have national, multi state or regional significance. (Section 101)

This section establishes a standard for research conducted by the ARS and funding awarded competitively by CSREES. The Managers expect that the Department would require applicants for grant funding to demonstrate that the project is of multi state or national relevance and to demonstrate the gap in knowledge they are trying to fill. The Managers intend that the term ''regional'' as used in this section may include a region covering a multi-state area or an area within one state.

(4) PRIORITY SETTING PROCESS

The Senate bill requires the Secretary to establish priorities for agricultural research, extension and education activities conducted by or for the Department. In establishing these priorities, the Secretary must solicit and consider input and recommendations from stakeholders. The Secretary must notify the Advisory Board in writing regarding the implementation of its recommendations and must send copies of the letter to the Senate and House Agriculture Committees regarding the recommendations of the Advisory Board if the recommendations are regarding the priority mission areas under the Initiative for Future Agriculture and Food Systems. This section also requires the 1862, 1890, and 1994 institutions to establish and implement a process for obtaining stakeholder input concerning the uses of Federal formula funds and the Secretary is directed to establish regulations on the requirements for complying with the stakeholder input requirement and the consequences of not complying.

The section also adds a list of management principles for research, extension and education funded by the Department. (Section 102)

The House amendment requires the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board (Advisory Board) and persons who conduct or use agricultural research, to establish priorities for Federally funded agricultural research, extension, and education activities that are conducted by or funded by the Department.

The House amendment also adds a list of management principles for research, education, and extension activities funded by the Department. (Section 101)

The House amendment amends section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by requiring that the Advisory Board, whenever there is a required consultation, solicit opinions and recommendations from persons who will benefit from and use Federally funded agricultural research, extension, education, and economics. Whenever the Secretary proposes to perform any duty or activity that requires the Secretary to consult or cooperate with the Advisory Board or authorizes the Advisory Board to submit recommendations with regard to that duty or activity, the Secretary shall solicit written opinions and recommendations from the Advisory Board and provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement the recommendations. (Section 103)

The conference substitute adopts the Senate provision with an amendment to delete one of the management principles and an amendment exempting the Advisory Board from Departmental limitations on expenses for advisory committees and setting an annual cap of $350,000 for Advisory Board expenses. (Section 102 and Section 222)

The Managers intend that the term ''regional'' as used in this section may include a region covering a multi-state area or an area within one state.

The Managers recognize the increasingly important role that international trade plays in ensuring the viability of United States agriculture. The Managers are aware that many historical tariff barriers have been replaced with various non-tariff trade barriers to agricultural trade, such as the sanitary and phytosanitary restrictions. The Managers feel strongly that the Secretary and the research community should take into account the tremendous importance of

[1] The House Report (H.Rept.105-376) and the Senate Report (S.Rept.105-73) are incorporated by reference.

agricultural trade when establishing priorities for federally funded agricultural research, extension, and education. The Secretary should designate an appropriate person in the Department to receive input from the agricultural community, the Advisory Board, Federal agencies concerned with agricultural trade, and other interested parties to help ensure that research activities in food and agricultural sciences are prioritized in a way that responds to the current and future needs of agricultural producers and exporters, including the development of methods to identify, remove, or reduce potential and existing barriers to agricultural trade. By recognizing the significance of agricultural trade in the priority setting process, the Secretary will be better able to focus agricultural research to help enhance the competitiveness of the United States agriculture and food industry.

(5) RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill requires the Secretary to establish procedures that ensure scientific peer review of each agricultural research grant funded, on a competitive basis, by CSREES. This section also requires the Secretary to establish procedures that ensure merit review of each agricultural extension or education grant funded, on a competitive basis, by CSREES.

The Senate bill requires the Advisory Board to perform an annual review of the relevancy of the Department's agricultural research, extension and education funding portfolio in relation to the Secretary's priorities established under section 102. The results of this review are to be considered when formulating requests for proposals for the next fiscal year, if the results are available then. The Secretary is also required to solicit and consider input from stakeholders on the prior year's request for proposals when formulating a request for proposals for a new year.

The Senate bill requires the Secretary to establish procedures to ensure scientific peer review of ARS research activities and the research of each scientist employed by ARS at least once every 5 years by a review panel to verify that the activities have scientific merit and relevance to the Secretary's priorities as well as national or multistate significance. The review panel under this section is to be comprised of individuals with scientific expertise, a majority of whom are not employees of ARS. The results of these reviews are to be transmitted to Congress and the Advisory Board.

The Senate bill requires the 1862 and 1890 Institutions to establish and implement a process for merit review in order to obtain agricultural research or extension funds and 1994 Institutions are required to establish and implement a merit review process in order to receive extension funds from the Secretary.

The Senate bill also repeals outdated authority of the Secretary to withhold formula funds. (Section 103)

The House amendment amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting a new section before section 1463. This new section requires the Secretary to establish procedures to ensure scientific peer-review of each agricultural research grant funded on a competitive basis by CSREES. The Secretary, in consultation with the Advisory Board, must establish procedures that ensure merit review of each agricultural extension or education grant competitively funded by CSREES. When formulating a request for proposals involving an agricultural research, extension, or education activity funded on a competitive basis, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education regarding the request for proposals from the previous year. If the activity has not been the subject of a previous request for proposals, the Secretary shall solicit and consider input from the Advisory Board and users of such research, extension, and education.

The House amendment requires the Secretary to establish procedures for a scientific peer-review of all research activities conducted by the Department. A review panel comprised of individuals with scientific expertise, the majority of which cannot be USDA employees, shall verify that each research project has scientific merit, and the panel shall review each research activity at least once every three years.

In the House amendment, beginning October 1, 1998, each 1862 and 1890 Institution shall develop a process for merit review of the activity and review the activity in accordance with that process as a condition for receiving Federal formula funds for research or extension. In the House amendment, beginning October 1, 1998 each 1994 institution shall develop a process for merit review of the activity in accordance with that process as a condition for receiving Federal formula funds for extension.

The House amendment repeals outdated provisions of the Smith-Lever Act, Hatch Act of 1887, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977 that require the Secretary to report to the President when the Secretary withholds funds from a land-grant college or university. (Section 104)

The conference substitute adopts the House provision with amendments to delete the requirement that input be required before issuing a RFP, to require that review of USDA research be every five years, to require the Advisory Board to perform an annual relevancy review, and to strike the FACA exemption. (Section 103)

(6) RESEARCH FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Hatch Act to require that not less than 25 percent of a State's Hatch Act funds will be used for projects in which a state agricultural experiment station, working with another agricultural experiment station, ARS, or a college or university, cooperates to solve multistate problems utilizing multidisciplinary approaches. This research will be subject to scientific peer review. A project reviewed under this section will also be deemed to have satisfied the merit review requirements of section 103. (Section 104).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference the plans of work. (Section 104)

The Managers recognize that issues of national significance would meet the requirement of multi-state interest as required by this section, and that the research of national significance may be conducted between partners in a single state.

(7) EXTENSION FORMULA FUNDS FOR 1862 INSTITUTIONS

The Senate bill amends the Smith-Lever Act by requiring that a certain percentage of Smith-Lever (b) and (c) funds going to a State be used for cooperative extension activities in which 2 or more states cooperate to solve problems that concern more than one State. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for multistate activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on multistate activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

In the Senate bill, States are to include in their plans of work the manner in which they will meet the applicable percentage requirement. State and local matching funds are not subject to the percentage requirement. The section also imposes a merit review requirement for these funds. The merit review in this section will satisfy the merit review requirement of section 103 as well. (Section 105)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 105)

(8) RESEARCH FACILITIES

The Senate bill amends the Research Facilities Act by replacing the word ''regional'' everywhere it appears with ''multi state.'' This section requires the Secretary to ensure that ARS research facilities serve national or multi state needs. The section requires the Secretary to periodically review each operating agricultural research facilities constructed in whole or in part with Federal funds and each planned agricultural research facility. The Competitive, Special and Facilities Research Grant Act is also amended by replacing the word ''regional'' everywhere it appears with ''national or multi state.'' (Section 106)

The House amendment repeals the Research Facilities Act but transfers the existing authority for the task force on agriculture research facilities to the National Agriculture Research, Extension, and Teaching Policy Act of 1977. (Section 214)

The conference substitute adopts the Senate provision. (Section 106)

(9) ADVISORY BOARD

The Senate bill requires the Secretary to ensure, to the maximum extent practicable, equal representation of public and private sector members on the Advisory Board. (Section 201)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 222)

(10) GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION

The Senate bill requires the Secretary to give priority in this grant program to teaching enhancement projects that demonstrate enhanced cooperation among all types of institutions and priority to teaching enhancement projects that focus on innovative, multi disciplinary education programs, materials and curricula. This section also authorizes the Secretary to maintain a national food and agricultural education information system containing information on enrollment, degrees awarded, faculty and employment placement in the food and agricultural sciences. (Section 202).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 223)

(11) POLICY RESEARCH CENTERS

The Senate bill amends current grant making authority to include grants for studies that concern the effect of trade agreements on farm and agricultural sector; the environment; rural families, households and economies; and consumer, food, and nutrition. (Section 203)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 224)

The Managers recognize the growing importance of international markets on the farm and agricultural sectors; the environment; rural families, households and economies and consumers, food and nutrition. While the overall impact of increased trade opportunities will benefit all of these areas, the conferees recognize that different areas of the country face unique situations. For instance, the Northern Plains states encompass a unique set of factors including climate, crop mix, and marketing of agricultural commodities and products. This section would allow a policy research center to evaluate the impact of multinational trade on this or any other area of the country.

(12) INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

The Senate bill adds the word ''teaching'' to the purposes of several grant programs and authorizes competitive grants for collaborative projects between U.S. scientists, land grant scientists, or scientists from other colleges and universities and scientists from international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research. This section also requires the Secretary to submit a biennial report to the House and Senate Agriculture Committees about efforts to coordinate international agricultural research and better link domestic and international agricultural research. (Section 204)

The House amendment adds the word ''teaching'' throughout Section 1458 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 concerning international agricultural research and extension programs. In the case of the cooperative agreement entered into between the Secretary and Israel, the full amount of appropriated funds shall be transferred directly to the Binational Agricultural Research and Development Fund. This section prohibits the Secretary from retaining any portion of the funds for overhead or any other administrative expense. (Section 213)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) by inserting a new section which authorizes the Secretary to establish an agricultural research and development program with the United States/Mexico Foundation for Science. The Foundation shall award competitive grants, with a matching funds requirement by the Mexican government, to focus on binational problems such as food safety, plant and animal pest control, and the natural resource base on which agriculture depends. (Section 423)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by adding a section authorizing the Secretary to award competitive grants to colleges and universities to strengthen U.S. economic competitiveness and promote international market development. Grants will be awarded to research, extension, and teaching activities that enhance the international content of curricula in colleges and universities, disseminates the findings of agricultural research outside the United States to students and users of agricultural research within the United States, enhances collaborative research with other countries, and enhances the capability of U.S. colleges and institutions in assisting food production, processing, and distribution. (Section 424)

The conference substitute adopts the House provision with an amendment to authorize competitive grants as described in the Senate bill and to require the Secretary to submit a biennial report to the House and Senate Agriculture Committees. (Sections 227, 228, and 229)

(13) GENERAL ADMINISTRATIVE COSTS

The Senate bill amends subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 by inserting section 1461 which sets an indirect cost cap of 25 percent of total Federal funds provided under a grant for competitive research, extension, or education awarded under the National Research Initiative, the Fund for Rural America, or the Initiative for Future Agriculture and Food Systems.

The Senate bill amends section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to allow the Secretary of Agriculture to retain up to 4 percent of amounts appropriated for an agricultural research, extension, or teaching assistance program for the administration of such program, except where the act authorizing such program specifically authorizes the Secretary to withhold a percentage of funds for the administration of that specific program. This subsection would also amend section 1469 to provide for the retention for administrative costs of 4 percent of funds made available under section 25 of the Food Stamp Act of 1977 for community food projects. (Section 205)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to cap indirect costs at 19% of total federal funds for all competitively awarded agricultural research, education, or extension grants and an amendment to authorize use of program funds for peer review panels. (Section 230)

(14) EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS

The Senate bill amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary of Agriculture to enter into cost-reimbursable agreements with State cooperative institutions (i.e., land-grant colleges and universities) for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest, by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 206)

The House amendment amends section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to expand current authority of the Secretary to enter into cost-reimbursable agreements with State cooperative institutions (i.e. land-grant colleges and universities) for the acquisition of goods and services, including personnel services, to carry out agricultural research, extension, or teaching activities of mutual interest by additionally allowing the Secretary to enter into such agreements with any college or university. (Section 105)

The conference substitute adopts the House provision. (Section 231)

(15) NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

The Senate bill amends subtitle D of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 and provides that section 1637 of the Act establish the short title for the subtitle as the ''National Agricultural Weather Information System Act of 1997'' and establishes the purposes of this subtitle to coordinate national agricultural weather and climate station network, ensure timely and accurate agriculture related weather information is disseminated and aid research and education projects which require agricultural weather and climate data.

The Senate bill provides that section 1638 of the Food, Agriculture, Conservation, and Trade Act of 1990 would authorize the Secretary of Agriculture to establish the National Agricultural Weather Information System (NAWIS). The Senate bill authorizes the Secretary of Agriculture to enter into cooperative projects with, and award grants to other Federal, regional, and State agencies to support development and dissemination of agricultural weather and climate information; to collect weather data through regional and State agricultural weather information systems; coordinate the weather activities of the Department of Agriculture with other Federal agencies and the private sector; make grants regarding State and regional agricultural weather information systems; and to encourage private sector participation in NAWIS activities. The Senate bill authorizes a competitive grants program to support projects to improve the manner in which agricultural weather and climate information is collected, retained, and distributed.

The Senate bill amends section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that no more than two-thirds of the funds appropriated for the subtitle shall be used for work with the National Oceanic and Atmospheric Administration. This revised section would also prohibit the Secretary of Agriculture from awarding any grant funds for the construction of facilities and would limit the purchase of equipment with grants funds to no more than the lesser of one-third of the award or $15,000.

The Senate bill amends section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize to be appropriated $15 million for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised subtitle. (Section 211)

The House has no comparable provision.

The conference substitute adopts the House provision.

(16) NATIONAL FOOD GENOME STRATEGY

The Senate bill amends section 1671 of the Food, Agriculture, Conservation and Trade Act of 1990 to authorize the Secretary to establish a National Food Genome Strategy for agriculturally important plants, animals, and microbes. Subsection (a) establishes the purposes of the section. This section also provides that USDA is to be the lead federal agency for the Plant Genome Initiative unless funding provided through USDA for the Plant Genome Initiative is substantially less than funding provided through another Federal agency, in which case the other Federal agency would be the lead agency as determined by the President. Subsection (b) requires the Secretary of Agriculture develop and carry out a National Food Genome Strategy on the development and dissemination of information regarding the genetics of agriculturally important plants, animals, and microbes. Subsection (c) authorizes the Secretary of Agriculture to enter into contracts, grants, or cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to carryout the purposes of this section. This subsection also requires that grants made under this subsection be awarded on a competitive basis. Subsection (d) requires the Secretary of Agriculture to issue necessary regulations. The Senate bill authorizes the Secretary to consult with the National Academy of Sciences regarding the National Food Genome Strategy. The Senate bill authorizes the Secretary to include in contracts, grants, and cooperative agreements an allowance for indirect costs in the

same manner such costs are allowed under contracts, grants and cooperative agreements by the National Science Foundation. (Section 212)

The House amendment amends the heading of Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 to ''Agricultural Genome Initiative.'' The Secretary shall conduct research for the purposes of supporting basic and applied research and technology, studying and mapping agriculturally significant genes, ensuring that current gaps in existing agricultural genetics knowledge are filled, and preserving diverse germplasm and biodiversity.

Grants made under the House amendment would be awarded on a competitive basis, and no funds awarded under this section may be used to fund construction. In the House amendment, a one-to-one match or in-kind support is required for any grant which is to benefit a specific commodity but the Secretary may waive the matching requirement with respect to an individual project if (1) the Secretary determines the results of the project, while of particular benefit to a specific commodity, are likely to be applicable to agricultural commodities generally or (2) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching requirement.

The House amendment authorizes the necessary funds to be appropriated for each of the 1998 through 2002 fiscal years to carry out the purposes of the revised section. (Section 232)

The conference substitute adopts the House provision with amendments to modify the goals, to prescribe duties of the Secretary, to provide authority for cooperative agreements which would be subject to matching requirements, to require grants or cooperative agreements to be made on a competitive basis, to allow consultation with the National Academy of Sciences and to strike the authorization of appropriations. (Section 241)

In establishing the Agricultural Genome Initiative, it is the intent of the Managers that USDA would continue to be the lead federal agency for agricultural genomic research.

(17) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION

The Senate bill creates a three tiered grant program and authorizes the Secretary to establish a National Advisory Board on fire ant control, management, and eradication. Eligible grant recipients include colleges, universities, research institutes, Federal labs, or private entities selected by the Secretary on a competitive basis. (Section 213)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including fire ants. (Section 421 (e)(10))

The conference substitute adopts the Senate provision with an amendment to strike the board and instead allow formation of a task force and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers intend that in carrying out these grants the Secretary may establish a task force consisting of individuals from academia, research institutes, and the private sector and who are experts in entomology, ant ecology, wildlife biology, electrical engineering, economics, and agribusiness. The Managers intend that the Secretary shall solicit and consider input from this task force in developing a request for proposals for grants.

(18) AGRICULTURAL TELECOMMUNICATIONS PROGRAM

The Senate bill authorizes the Secretary to award a grant to A*DEC to enable it to administer the Agricultural Telecommunications Program. (Section 214).

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 245)

This section authorizes the Secretary to award a grant to A*DEC to enable it to administer a competitive grant program as authorized under the agricultural telecommunications program. It is the intent of the Managers that a cohesive, affordable and sustainable agricultural telecommunications network be developed that makes optimal use of available resources for agriculture and rural America. The network must disseminate and share academic instruction, extension programming, agricultural research and domestic and international marketing information.

A*DEC is a consortium whose members include the U.S. Department of Agriculture, numerous state universities and land grant institutions, and a growing number of international associate members. The Managers intend that the Secretary of Agriculture, acting through A*DEC, administer a competitive grant program that uses the power and efficiency of the Internet, audio and video conferencing, and printed materials. The Managers expect A*DEC to design an open process for disseminating grant information and requirements, to utilize a peer review process for grant applications, and to use an on-line submission, report and evaluation process. These steps will assure that all aspects of the grant program are open, transparent, and will allow for partnership development and rapid feedback from the review process.

The Managers expect that the transfer of the management of the program to A*DEC will not affect the awarding of these grants on a competitive basis to all eligible institutions and entities, regardless of membership in the A*DEC consortium.

(19) ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES

The Senate bill changes the AgrAbility authorization to reflect the current distribution of funds. It eliminates the separate spending authority for the national grant program in favor of a combined authorization of $6 million, with instructions that 15 percent of total program appropriations be designated for nationally coordinated AgrAbility activities. (Section 215)

The House amendment reauthorizes existing program until fiscal year 2002. (Section 323)

The conference substitute adopts the Senate provision. (Section 246)

(20) 1994 INSTITUTIONS

The Senate bill amends the Equity In Education Land-Grant Status Act of 1994 by adding Little Priest Tribal College of Nebraska to the list of 1994 Institutions and adds a requirement that 1994 Institutions either be accredited or working towards accreditation in order to receive funding under the Act. (Section 221)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 251)

(21) COOPERATIVE AGRICULTURAL EXTENSION WORK BY 1862, 1890, AND 1994 INSTITUTIONS

The Senate bill amends the Smith-Lever Act to provide funding and authority for 1994 Institutions for extension activities which may be carried out through cooperative agreements with land grant colleges in any State. (Section 222)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 201)

(22) ELIGIBILITY OF CERTAIN COLLEGES AND UNIVERSITIES FOR EXTENSION FUNDING

The Senate bill amends section 3(d) of the Smith-Lever Act by expanding the list of institutions eligible to receive competitive funding under the Act to include all colleges and universities. It further amends section 3(d) of the Act by making 1890 and 1994 Institutions eligible for non-competitive extension funding, as well as the 1862 Institutions. The Secretary is authorized to enter into memoranda of understanding, cooperative agreements and reimbursable agreements with other Federal agencies to assist in carrying out extension programs. The section also contains a conforming amendment. (Section 223)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(23) INTEGRATION OF RESEARCH AND EXTENSION

The Senate bill amends the Smith-Lever and Hatch Acts by requiring that a certain percentage of Smith-Lever (b) and (c) and Hatch Act funds going to a State be used for integrated cooperative extension and research activities. In order to determine the applicable percentage, the Secretary shall determine the percentage of Federal formula funds that a State spent for fiscal year 1997 for integrated research and cooperative extension activities. Then starting in fiscal year 2000, the applicable percentage will be 25 percent or twice the percentage determined to be spent on integrated activities in 1997, whichever is less. The Secretary is given the authority to reduce the minimum percentage required in a case of hardship, infeasibility or other similar circumstance beyond the control of the State.

Under the Senate bill the States would inform the Secretary of the manner in which they will meet the applicable percentage requirement. The section also provides that funds used towards meeting the integration requirement may also be used to satisfy the percentage requirements contained in sections 104 and 105 of the Bill. The section contains language exempting any State and local matching funds from the integration requirement. (Section 224)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to reference plans of work. (Section 204)

(24) COMPETITIVE, SPECIAL AND FACILITIES RESEARCH GRANTS

The Senate bill amends the Competitive, Special, and Facilities Research Grants Act by adding national laboratories to the list of eligible grantees under the NRI.

The section amends the time period for special grants from 5 years to 3 years and requires that the grants be for the purpose of conducting research to address agricultural research needs of immediate importance, by themselves or in conjunction with extension or education; or new or emerging areas of agricultural research, by themselves or in conjunction with extension or education. This section retains the prohibition on providing special grants for facilities. Scientific peer review is required for research projects funded under this section and merit review is required for extension or education projects funded by a special grant. Eligible grantees include colleges, universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

The Senate bill imposes a partnership requirement for projects that address immediate needs. For projects that address new or emerging research issues, a partnership is required after three years in order to receive

funding for additional years and the partnership must be comprised of at least 2 other entities, in addition to the grantee. Each grantee must also provide to the Secretary a proposed plan for graduation from Federal funding under this section. Graduation plans and partnership requirements do not apply to non-competitive special grants. Grant recipients are required to file annual reports describing the results of their research, extension or education activities and the merit of those results. To the extent allowable by law, these reports are to be made available to the public. The section also contains a 4 percent set aside for administrative costs. The effective date for the section is October 1, 1998.

The Senate bill allows grant awards under the NRI to a new investigator who is still within 5 years of the individual's initial career track position rather than investigators who have less than 5 years of post-graduate research experience. (Section 225)

The House amendment amends the matching requirement provision for equipment purchase of the National Research Initiative, Competitive Grants Program to provide that the Secretary may waive all or a portion of the matching requirement in the case of small colleges or universities if (1) the cost of the equipment does not exceed $25,000 and (2) has multiple uses within a single research project or is usable in more than one research project. (Section 241)

The conference substitute adopts the House provision with amendments to add national laboratories to NRI eligibility, to allow NRI grants for new investigators within 5 years of the individual's initial career track position, to require scientific peer or merit review of special grants, to authorize special grants for three years rather than five years, and to require annual reports for special grants. (Sections 211 and 212)

(25) FUND FOR RURAL AMERICA

The Senate bill provides funding for the Fund through October 1, 2001, including FY 1998 which had not been funded. The percentage of the Fund to be allocated among Rural Development programs is increased to 50 percent and the Research portion is established at 33 percent with the remaining 17 percent to be allocated among either the Research or Rural Development Accounts at the discretion of the Secretary. (Section 226)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide an additional $100 million for the Fund so that $60 million will be provided each year for FY99-03 and to retain current law on the distribution of funding under the Fund for Rural America. (Section 252)

The Managers strongly encourage that each year the Secretary award half of the funds within his discretion to research.

(26) HONEY RESEARCH

The Senate bill contains an amendment to the Honey Research, Promotion, and Consumer Information Improvement Act of 1997 and requires the Honey Board to reserve at least 8 percent of all assessments collected for expenditure on approved research projects to advance the competitiveness of the honey industry. (Section 227)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide for a 3/4 of a cent per pound assessment on honey producers, handlers and importers to provide funding for research; to change representation on the National Honey Board and allow for periodic review of the Board composition; and to establish, with approval of the Secretary, a program to improve the quality and purity of honey and honey products. (Section 605)

(27) OFFICE OF ENERGY POLICY AND NEW USES

The Senate bill amends the Department of Agriculture Reorganization Act of 1994 by establishing, within the Office of the Secretary, an Office of Energy Policy and New Uses. (Section 228)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 602)

(28) KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION PROGRAM

The Senate bill would amend the National Kiwifruit Research, Promotion, and Consumer Information Act to require that producer, exporter, and importer representation on the National Kiwifruit Board be proportional to the level of domestic production and imports of kiwifruit. (Section 229)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 603)

(29) NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT

The Senate bill amends the National Aquaculture Act by changing the definition of aquaculture and defining private aquaculture; by designating USDA as the lead agency for aquaculture and establishing a national policy for private aquaculture; by requiring the Secretary to develop and implement a plan for coordinating and implementing aquaculture activities and programs within the Department and supporting the development of private aquaculture. The Secretary is also authorized to maintain and support a National Aquaculture Information Center at the National Agricultural Library. The Secretary is directed to treat private aquaculture as agriculture and is directed to coordinate interdepartmental functions and activities relating to private aquaculture. The authorization of appropriations is extended through 2002. (Section 230)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment striking the Senate language and substituting reauthorization of the National Aquaculture Act through 2002. (Section 301)

(30) BIOBASED PRODUCTS

The Senate bill directs the Secretary to coordinate research, economic information, market information and other activities to develop and promote biobased products. The Secretary shall consult with private sector biobased product producers and provide a centralized contact point to provide advice and technical assistance to individuals interested in developing biobased products. The Secretary will make an annual report to Congress on biobased activities. The Secretary is given the authority to use scientific expertise and facilities to conduct research leading to the further development and market testing of biobased products. This authority is open to CRADA partners, and individuals who have received funding through AARC, BRDC and SBIR. The Secretary is given the authority to award ARS funds competitively to encourage scientific excellence and creativity. The first three years of this authority direct the Secretary to focus such grants toward the development of biobased products with promising commercial potential. The section provides an authorization of appropriations of $10 million per year. (Section 231)

The House amendment authorizes the Secretary to enter into cooperative agreements with eligible partners, as specified, so that the facilities and technical expertise of ARS may be made available to operate pilot plants in order to bring technologies of biobased products to the point of practical application. This section defines ''biobased products'' as a product suitable for food and nonfood use that is derived in whole or in part from renewable agricultural and forestry materials. The Secretary may use appropriated funds to carry out this section and cooperative research and development agreement funds. The Secretary shall authorize the private partner to sell biobased products for the purpose of determining market potential. (Section 426)

The conference substitute adopts the House provision with amendments to add the coordination provisions from the Senate bill and to modify the pilot project authority in the Senate bill. (Section 404)

The Managers expect that the coordination of biobased product activities required under this section will be coordinated by the Office of Energy Policy and New Uses created in Section 602.

(31) PRECISION AGRICULTURE

The Senate bill authorizes a new competitive grant program for research, education and information dissemination projects for the development and promotion of precision agriculture. (Section 232)

The House amendment defines ''precision agriculture'' as an integrated information and production-based farming system that is designed to increase long-term, site specific and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment in specified ways. This section also defines ''precision agricultural technologies,'' ''Advisory Board,'' ''agricultural inputs,'' ''eligible entity,'' and ''systems research.'' (Section 411)

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make 5 year competitive grants for research, education, or information dissemination projects for precision agriculture. The Secretary may only give grants to projects that are unlikely to be financed by the private sector in the absence of a grant, and the partnership must match the amount of Federal funds. Priority shall be given to research, education, or information dissemination projects that evaluate precision agricultural technologies to increase long-term efficiencies, make the findings readily available to farmers, demonstrates the efficient use of agricultural inputs, maximizes cooperation between all interested parties, and maximizes leveraging of funds and resources. (Section 412)

The House amendment provides that, of the funds appropriated for precision agriculture research grants, the Secretary shall reserve a portion for grants for projects regarding precision agriculture related to education and information dissemination. (Section 413)

The House amendment provides that the Secretary, in consultation with the Advisory Board, shall encourage the establishment of multi-State and national partnerships between land-grant institutions, State Agricultural Experiment Stations, State cooperative extension services, other colleges and universities, USDA agencies, national laboratories, agribusinesses, certified crop advisers, commodity organizations, other Federal or State government entities, non-agricultural industries and nonprofit organizations, and agricultural producers and agricultural producers or other land managers. (Section 414)

The House amendment prohibits the use of grant money to be used for facility construction. (Section 415)

The House amendment authorizes $40,000,000 to be appropriated for each of the

fiscal years 1998 through 2002 for this subtitle. The House amendment also limits the amount retained by the Secretary for administrative costs to 3% of the amount appropriated. (Section 415)

The conference substitute adopts the House provision with amendments to modify the purposes of the grants; to strike the FACA exemption; and to authorize to be appropriated such sums as necessary each fiscal year of which not less than 30% must be multidisciplinary, not less than 40% must be systems research directly applicable to producers and agricultural production systems, and not more than 4% may be used for administrative costs. (Section 403)

(32) FORMOSAN TERMITE ERADICATION PROGRAM

The Senate bill authorizes a new competitive grant program for the purposes of conducting research for the control, management and possible eradication of Formosan termites in the United States. It also provides that the Secretary may enter into cooperative agreements for conducting projects for Formosan termite control and management and data collection. (Section 233)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including Formosan termites. (Section 421(e)(20))

The conference substitute adopts the Senate provision with an amendment and inserts the provision in the section for high priority research and extension issues. (Section 242)

The Managers expect the Agricultural Research Service to cooperate and collaborate with the U.S. Forest Service Wood Products Insect Research unit in its administration of the Formosan termite research program.

(33) NUTRIENT COMPOSITION DATA

The Senate bill requires the Secretary to periodically update nutrient composition data and to report to Congress the method that will be used to update the data and the timing of the update. (Section 234)

The House amendment directs the Secretary to update nutrient composition data periodically. (Section 504)

The conference substitute adopts the Senate provision. (Section 611)

(34) CONSOLIDATED ADMINISTRATIVE AND LABORATORY FACILITY

The Senate bill provides authority for the Secretary to contract for construction of a consolidated APHIS laboratory facility in Ames, Iowa. (Section 235)

The House amendment has no comparable provision.

The conference substitute adopts the House provision. (Section 611)

(35) NATIONAL SWINE RESEARCH CENTER

The Senate bill authorizes the Secretary, subject to the availability of appropriations and prior to December 31, 1998, to accept as a gift and administer the National Swine Research Center located in Ames, Iowa. (Section 236)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 612)

(36) COORDINATED PROGRAM OF RESEARCH, EXTENSION AND EDUCATION TO IMPROVE THE COMPETITIVENESS, VIABILITY AND SUSTAINABILITY OF SMALL AND MEDIUM SIZE DAIRY AND LIVESTOCK OPERATIONS

The Senate bill would authorize the Secretary to carry out a coordinated program of research, extension and education to improve the competitiveness, viability and sustainability of small and medium sized dairy and livestock operations. (Section 237)

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including dairy efficiency, profitability and competitiveness. (Section 421 (e)(13))

The conference substitute adopts the Senate provision with an amendment to add poultry. (Section 407)

Small and medium-size farms are independent owner-operated farms where the individual or family that owns the production provides the majority of the labor and management. It is the intent of the Managers that particular attention be directed toward the needs of independent beginning farmers seeking to establish small and medium-size farms.

(37) SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM

The Senate bill would authorize the Secretary to make grants to a consortium of land-grant colleges and universities for multi-State research projects aimed at understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (''wheat scab'). An authorization of appropriations for $5.2 million for each of fiscal years 1998 through 2002 is included. (Section 238).

The House amendment authorizes the Secretary to make competitive grants for 32 high priority research and extension issues including wheat scab. (Section 421 (e)(11))

The conference substitute adopts the Senate provision. (Section 408)

(38) FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM

The Senate bill directs the Secretary to continue operation of the Food Animal Residue Avoidance Database program through contracts with appropriate colleges or universities. An authorization of appropriations for $1 million for each fiscal year is included. (Section 239)

The House amendment provides that the Secretary shall continue operation of the Food Animal Residue Avoidance Database program (FARAD program). The Secretary shall provide the necessary information to the appropriate specialists, maintain up-to-date information, disseminate information to the public, furnish up-to-date data on approved drugs, maintain a comprehensive residue avoidance database, provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals, and engage in other activities that promote food safety. The Secretary, in consultation with the Advisory Board, may make 3 year grants to colleges and universities to operate the FARAD program. (Section 425)

The conference substitute adopts the Senate provision with amendments to provide authority for grants or cooperative agreements, to cap indirect costs at 19% of total federal funds, and to strike the authorization of appropriations. (Section 604)

(39) FINANCIAL ASSISTANCE FOR CERTAIN RURAL AREAS

The Senate bill would authorize the Secretary to provide financial assistance to a nationally recognized organization to promote educational opportunities at the primary and secondary levels is rural areas with a historic incidence of poverty and low academic achievement, including the Lower Mississippi River Delta. An authorization of appropriations for up to $10 million for each fiscal year is included. (Section 240)

The House amendment has no comparable provision.

The conference substitute adopts the House provision.

(40) EVALUATION OF AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION PROGRAM

The Senate bill directs the Secretary to conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multi state significance. This section also requires the Secretary to contract with an expert in research assessment and performance to provide to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension or education programs. This input should be consistent with the Government Performance and Results Act of 1993. (Section 241)

The House amendment directs the Secretary shall create guidelines for performance measurement of agricultural research, extension, and education programs and then conduct an evaluation to determine whether agricultural research, extension, and education programs conducted or funded by the Department result in public benefits that have national or multi-State significance. (Section 106)

The conference substitute adopts the Senate provision with an amendment to replace the expert with entity or entities with expertise. (Section 631)

(41) STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

The Senate bill directs the Secretary to request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education. The study will include an evaluation of the strength of science conducted by the ARS and the relevance of that science to national priorities; and examination of the formulas for agricultural research and extension funding and examination of the competitive grant system. A report of the study is to be submitted to Congress in two stages beginning eighteen months after the commencement of the Study and concluding within 3 years of the commencement. (Section 242)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with an amendment to revise study requirements. (Section 632)

(42) SENSE OF CONGRESS ON STATE MATCH FOR 1890 INSTITUTIONS

The Senate bill states that it is the Sense of Congress that states should provide matching funds for Federal formula funds provided to the 1890 Institutions. (Section 243)

The House amendment amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to phase-in a non-Federal matching requirement for research and extension formula funds to 1890 Institutions. Beginning in fiscal year 1999, 1890 Institutions shall submit a report describing sources of non-Federal funds available to the institution for fiscal year 1999. The phase-in schedule begins in fiscal year 2000 with 70% of the formula allocation requiring no match and 30% requiring a non-Federal match. In fiscal year 2001, the matching requirement increases to 45% of the Federal allocation; and 50% in fiscal year 2002 and thereafter. Based on the 1999 report, the Secretary may waive the match requirement for specific institutions in the fiscal year 2000; however, these institutions would be required to make the 45% match for fiscal year 2001. Non-Federal matching funds may be directed to agricultural research, extension, or teaching programs at the discretion of the 1890 institution. The Secretary shall withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide funds for the fiscal

year. The Secretary shall redistribute the withheld funds to other eligible 1890 institutions satisfying the matching funds requirement for that fiscal year, and the re-apportioned funds shall be subject to a match requirement. (Section 212)

The conference substitute adopts the House provision with technical amendments. (Section 226)

(43) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

The Senate bill creates a new mandatory spending account that provides $780 million over 5 years for research funding. In FY 1998, the amount is $100 million and in FY 1999–2002, the amount is $170 million per year. This competitively awarded research funding must address critical emerging agricultural issues related to future food production, environmental protection, or farm income or be for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990. Priority mission areas to be addressed with funding in the first year are food genome; food safety, food technology and human nutrition; new and alternative uses and production of agricultural commodities and products; agricultural biotechnology; and natural resource management including precision agriculture. In fiscal years 1999 through 2001, the Secretary, after consultation with the Advisory Board, may change or add to the list of priority mission areas.

The Senate bill provides that eligible grantees include Federal research agencies, national laboratories, colleges or universities, and private research organizations with established research capacity. The Secretary may award grants to ensure that the faculty of small and mid-sized institutions who have not previously obtained competitive grants from the Secretary receive a portion of the grants. The Secretary is to give priority to grants that are multi-state, multi-institutional, or multi-disciplinary and to grants that integrate agricultural research, extension and education. The Secretary is also directed to solicit and consider input from stakeholders as required in section 102 of the bill in formulating the requests for grant proposals. Scientific peer review or merit review are required as stated in section 103 of the Bill.

The Senate bill requires that matching funds be provided from a non-Federal source if the grant is for research that is commodity-specific and not of national scope. The Secretary is authorized to establish one or more institutes to carry out all or part of the section. (Section 301)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments to provide $120 million annually for FY99–03 and to add an additional priority mission area of farm efficiency and profitability. (Section 401)

The Managers intend that the Secretary may establish one or more institutes to carry out this section. The Managers intend that such institutes would be virtual in nature and designed to maximize efficiency of research funding and not result in investment in physical infrastructure or designation of specific institutions as institutes.

The Managers intend that among the research, education and extension activities conducted and carried out under the priority mission area related to farm efficiency are ways to improve the efficiency and profitability of rural business enterprises.

(44) EXTENSIONS OF AUTHORITIES

The Senate bill reauthorizes most existing research programs until the year 2002. (Section 401)

The House amendment reauthorizes most existing research programs until the year 2002. (Subtitle A of Title III)

The conference substitute adopts the Senate provision with amendments to reauthorize the pilot research program to combine medical and agricultural research, to strike extension of red meat safety research center, and to strike extension of global climate change. (Section 301)

(45) REPEAL OF AUTHORITIES

The Senate bill repeals authority for certain agricultural research programs. (Section 402)

The House amendment repeals authority for certain agricultural research programs. (Subtitle B of Title III)

The conference substitute adopts the Senate provision with an amendment to repeal the dairy goat research grant. (Section 302)

(46) SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887

The Senate bill amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 403)

The House amendment amends the Smith-Lever and Hatch Acts to include short titles of each Act. (Section 201)

The conference substitute adopts the Senate provision. (Section 3)

(47) TECHNICAL CORRECTIONS TO RESEARCH PROVISIONS OF FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996

The Senate bill contains technical corrections to the Research title of the 1996 Farm Bill. (Section 404)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision. (Section 606)

(48) NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Current law

Employment and Training Funds.—All states are entitled to a formula share of specific amounts (established in the Food Stamp Act) for employment and training programs for food stamp recipients. These are set at: $81 million in fiscal year 1998, $84 million in fiscal year 1999, $86 million in fiscal year 2000, $88 million in fiscal year 2001, and $90 million in fiscal year 2002.

States that meet a ''maintenance of effort'' requirement are entitled to a formula share of additional amounts (established in the Food Stamp Act) for employment and training programs. These additional payments are: $131 million a year in fiscal years 1998 through 2001 and $75 million in fiscal year 2002.

Administrative Funds.—The Federal Government pays half of States' food stamp-related administrative costs, without limit. In addition, some States' Temporary Assistance for Needy Families (TANF) block grants include amounts attributable to food stamp-related administrative costs.

Public assistance programs, such as food stamps, Medicaid, and cash welfare, are often administered together. Some administrative activities, such as the collection of information on income and assets, need only be done once when determining eligibility and benefits for applicants or recipients of multiple programs. The cost of collecting and verifying this information is ''common'' among the programs involved.

Before the 1996 welfare reform law (P.L. 104–193), States often ''charged'' the Aid to Families with Dependent Children (AFDC) program for the common costs of determining eligibility for multiple public assistance benefits. The 1996 law replaced the AFDC program (and some related programs) with the TANF block grant program and based each State's block grant on historical Federal payments under the AFDC program (including those for administrative costs). To the extent that common costs for administering public assistance programs were charged to the AFDC program in the past, they were included in the calculation of each State's new TANF grant. States may amend their cost allocation plans in such a way as to receive a second reimbursement for common costs in the Food Stamp (and Medicaid) programs, while retaining their full TANF block grant.

Aliens.—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104–193) barred most legal immigrants, or ''qualified aliens,'' from the Food Stamp program. ''Qualified alien'' is defined to include legal permanent residents, refugees, aliens paroled into the United States for at least one year, aliens granted asylum or related relief, and certain abused spouses and children. Non-citizens who remain eligible include: (1) those who meet a 10-year requirement for work covered under the social security system and (2) veterans and active duty military personnel, together with their families. In addition, refugees and asylees (including Cuban/Haitian entrants and Amerasians) are eligible for food stamps for five years after entering as refugees or being granted asylum.

Senate bill

The Senate bill would reduce food stamp administrative reimbursements to States prospectively by the amount of food stamp administrative costs assumed in each State's TANF block grant. The Department of Health and Human Services would determine, for each State, the extent to which common administrative costs were incorporated into the State's TANF allocation and the extent to which those costs could have been attributed to the Food Stamp Program had States allocated costs equally among Food Stamp, Medicaid and cash welfare programs. The Secretary of Agriculture would reduce future food stamp administrative reimbursements to States by the amounts in TANF that could have been attributed to the Food Stamp Program. The Food Stamp Program's share would be approximately one-third of the common costs of administering the Food Stamp, AFDC, and Medicaid programs that were charged to AFDC during the historical base period used to establish the State's TANF grant. The provision lapses in fiscal year 2002 (sec. 501(a)).

The Senate bill would require the Secretary of Agriculture to establish a competitive low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas. The grant program would be funded at $5,000,000 annually and the Secretary must use the funds to the extent that a sufficient number of schools and service institutions meet eligibility guidelines established by the Secretary, but the Secretary is not required to use all of the money provided. The grant program gives priority to school food authorities (typically school districts) serving primarily low-income children which do not already operate school breakfast or summer food service programs (sec. 501(b)).

The Senate bill would require the Secretary to reimburse child care centers for serving a fourth meal or supplement to children who are in centers longer than eight hours per day in order to accommodate working parents. This section also would require the Secretary to reimburse service institutions running summer food service programs at camps for low-income children or that serve primarily migrant children for up to four meals or supplements during each day of operation. This requirement would take effect on September 1, 1998 (sec. 501(b)).

The Senate bill would provide $185,000 for each of fiscal years 1998 through 2002 for the

Information Clearinghouse. The clearinghouse provides information to groups that assist low-income individuals in becoming self-reliant and less dependent on Federal, State or local governmental agencies for food and other assistance (sec. 501(c)).

The Senate bill would restore food stamp benefits to American Indians living along the Mexican and Canadian borders (sec. 501(d)).

House amendment

The House amendment contains no comparable provision.

Conference agreement

The conference substitute adopts the Senate provisions with technical amendments and amendments that:

''Delete provisions to: (1) establish a low-income area grant program to provide funding to initiate school breakfast and summer food service programs in low-income areas; (2) reimburse child care centers for serving a fourth meal to children in centers longer than eight hours; and (3) reauthorize and provide funding for the Information Clearinghouse;

''Reduce additional amounts to States for employment and training programs by $100 million in fiscal year 1999 and $45 million in fiscal year 2000 (sec. 501);

''Stipulate that, if determined by the Secretary of Health and Human Services, food stamp administrative reimbursements will be reduced for fiscal years 1999 through 2002 and that the reductions will be made, to the extent practicable, on a quarterly basis (sec. 502);

''Make clear that no TANF funds, funds available to carry out title XX of the Social Security Act, State expenditures that qualify as ''maintenance of effort'' spending under the TANF program, or any other Federal funds from programs (other than the Food Stamp Program) or any other State funds expended as a condition to receive Federal matching funds, may be used to replace reductions being made by the Secretary of Agriculture (sec. 502);

''Require the Comptroller General of the United States to review the methodology used by the Secretary of Health and Human Services to determine amounts serving as a basis for the reductions in each States' food stamp administrative reimbursement and require the Comptroller General to submit a written report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate (sec. 502);

''Establish an appeals process under which States may appeal the Secretary of Health and Human Services' determinations serving as the basis for reductions in their food stamp administrative reimbursements to an administrative law judge and the Department of Health and Human Services' Departmental Appeals Board (but bar judicial review) (sec. 502);

''Maintain the requirement for reductions in food stamp administrative reimbursements during the pendency of a State's appeal (sec.502);

''Extend food stamp eligibility to refugees and asylees for 7 years after entry as refugees or obtaining asylum status in the United States, instead of 5 years under current law (sec. 503);

''Restore food stamp eligibility to 'qualified aliens' with disabilities who were lawfully residing in the United States on August 22, 1996 (the enactment date of the PRWORA), including those who become disabled after that date (sec. 504);

''Restore food stamp eligibility to 'qualified aliens' who were lawfully residing in the United States and were 65 years of age or over as of August 22, 1996 (sec. 506);

''Restore food stamp eligibility to 'qualified alien' children under age 18 who were lawfully residing in the United States on August 22, 1996 (sec.507); and

''Restore food stamp eligibility to individuals (including the spouse, unmarried dependent child of such individuals or unremarried surviving spouse of such deceased individuals) who: (1) were a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era, and (2) are lawfully residing in the United States (sec. 508).

The Managers intend that, to the extent that the food stamp disability definition has a disparate application in a particular State because of unique State programs or policies, the Secretary will review available options under section 3(r) of the Food Stamp Act and inform States about their options so that the exemption for disabled individuals will be implemented in that State in a manner which is consistent with the implementation in other States.

The Managers note that the State of Oregon has proposed a food stamp demonstration project incorporating plans to move food stamp participants to self-sufficiency through a case management strategy. This project would build on a similar initiative Oregon has pursued for its TANF participants. In the 1996 welfare reform measure, Congress changed food stamp law substantially to: (1) increase the Secretary's ability to approve pilot projects that ''increase self-sufficiency of food stamp participants, test innovative welfare reform strategies, or allow greater conformity with the rules of other programs,'' (2) give States the option to apply many TANF rules to food stamp participants, (3) permit States to disqualify participants from the Food Stamp Program for violating other public assistance program rules, and (4) expand States' control over work and training requirements. This was with the intent that States' efforts to innovate and coordinate among public assistance programs be supported by the Federal Government. In light of this, the conferees strongly urge the Secretary to carefully consider and promptly act on Oregon's request.

(49) INFORMATION TECHNOLOGY FUNDING

The Senate bill allows CCC funding to be used to purchase automated data processing equipment, telecommunications equipment, and other information technology was capped in the FAIR Act. This section, as of the 1998 fiscal year, would further lower the funding cap to achieve a savings of $82 million dollars through 2002. (Section 502)

The House amendment has no comparable provision.

The conference substitute adopts the Senate provision with amendments regarding crop insurance. (Section 521)

An amendment to Section 516 of the Federal Crop Insurance Act would provide mandatory funding for the sales commissions of crop insurance agents beginning in the 1999 reinsurance year. The section also limits to $3.5 million annually mandatory funding available to the Agriculture Department's Risk Management Agency for crop insurance research, development, and risk management education. This limitation does not affect mandatory funding for the Dairy Options Pilot Program. (Section 531)

An amendment to Section 508(b)(5) and (c)(10) of the Federal Crop Insurance Act would change the amount and use of the administrative fee producers pay for catastrophic risk protection and the amount of fees paid for additional coverage protection effective with the 1999 reinsurance year. The amount a producer must pay for catastrophic risk protection is changed to the maximum of $50 per crop or 10 percent of the premium for such protection as determined by the Federal Crop Insurance Corporation. Producers would also pay an additional $10 fee for catastrophic risk protection. Producers would be required to pay catastrophic policy fees at the same time premium is paid on additional coverage policies. All catastrophic coverage fees would be deposited in the FCIC Fund to be available for programs and activities of the Corporation, except as compensation to an approved insurance provider or agent. The section also increases the fee paid for additional coverage protection to $20 with the proceeds similarly deposited in the FCIC Fund. (Section 532)

An amendment to Section 508(k) of the Federal Crop Insurance Act would reduce the maximum rate payable by the FCIC Board to reimburse approved insurance providers and agents for their administrative and operating costs. Effective with the 1999 reinsurance year, the maximum reimbursement rate for additional coverage policies is reduced to 24.5 percent of the premium. Additional coverage policies that currently receive a rate lower than 27 percent receive a reduction in the reimbursement rate that is proportional to the reduction between 25 percent and 27 percent. Also, the loss adjustment expense reimbursement companies receive for delivery of catastrophic policies is reduced to 11% of premium. (Section 532)

An amendment codifies provisions of the 1998 Standard Reinsurance Agreement as modified by this subtitle that affect payments to approved insurance providers or agents. (Section 536)

An amendment requires the Corporation to establish procedures for responding to inquiries about its interpretations of the Act and its regulations. (Section 533)

An amendment requires the Corporation to establish regulations regarding time limits for approving a new policy of insurance proposed by a private entity. (Section 534)

An amendment requires the Secretary of Agriculture to contract with a private entity to study: (1) improvement of services to agricultural producers; (2) transforming the role of the Agriculture Department's Risk Management Agency to that of an arm's-length regulator and (3) privatization of crop insurance coverage. (Section 535)

These amendments to the Federal Crop Insurance Act are effective as of the 1999 reinsurance year. (Section 537)

(50) CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT

The House amendment amends the Hatch Act of 1887 to clarify that States receiving Federal formula funds for research and education under the Act must provide a minimum of a one-to-one match with non-Federal dollars for each fiscal year and eliminates a 1955 amendment that gave States a $90,000 allocation before requiring the one-to-one match. This section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for the fiscal year. The Secretary shall re-apportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted to States for funds received for regional research.

The House amendment amends the Smith-Lever Act to clarify that States receiving Federal formula funds for extension under the Act must provide a minimum of a one-to-

one match with non-Federal dollars for each fiscal year. The section requires the Secretary to withhold the difference between the total amount that should have been provided and the non-Federal funds that were actually provided during the fiscal year from States which fail to provide matching funds for any fiscal year. The Secretary shall reapportion withheld funds among the States satisfying the matching requirement for the fiscal year, and the re-apportionment shall be subject to the match requirement. An exception to the match requirement is granted for matching funds to 1994 Institutions. (Section 202)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 203)

(51) PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 4 of the Smith-Lever Act. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

The House amendment amends section 7 of the Hatch Act of 1887. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, this section requires that institutions develop a plan of work that contain a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements. The Secretary may delay the applicability of these requirements until October 1, 1999 if the Secretary finds that the State will be unable to meet such requirements despite good faith efforts. (Section 203)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 202)

(52) PLANS OF WORK FOR 1890 INSTITUTIONS TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS

The House amendment amends section 1444(d) of the National Agricultural Research, Extension, and Teach Policy Act of 1977. Beginning October 1, 1998, as a condition of receipt for Federal formula funds for extension, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; describes the consultation process with users of funds; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.

This section requires that beginning October 1, 1998 as a condition of receipt for Federal formula funds for research, 1890 Institutions shall develop a plan of work that contains a description of important State agricultural issues and activities in which two or more State institutions cooperate to address those issues; identifies other colleges and universities in the State and other States with capacity to participate with them in current and emerging efforts towards improved collaborations; and provides a summary of current programs. The Secretary, in consultation with the Advisory Board and land-grant colleges and universities, shall develop protocols to be used to evaluate the plans of work. The Secretary may delay the applicability of these requirements until October 1, 1999, if the Secretary finds that the eligible institution will be unable to meet such requirements despite good faith efforts. (Section 211)

The Senate has no comparable provision.

The conference substitute adopts the House provision. (Section 225)

(53) FINDINGS, AUTHORITIES, AND COMPETITIVE RESEARCH GRANTS UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978

The House Amendment amends the congressional statement of findings and purposes of the Forest and Rangeland Renewable Resources Act of 1978. The Secretary is authorized to conduct, support, and cooperate in forestry and rangeland research and education that is of the highest priority to the United States and users of public and private forest lands and rangelands in the United States. This section includes 5 priorities for Federal forest and range research and education which include: the biology of forest and range organisms; functional characteristics and cost-effective management of forest and rangelands ecosystems; interactions between humans and forests and rangelands; wood and forage as a raw material; and international trade, competition, and cooperation.

Under the House amendment, the Secretary shall inventory and analyze public and private forests and their resources at least every five years as compared with the current eight to ten years. The Secretary shall also prepare a State forest inventory for each State. At least every five years, the Secretary shall prepare a report that contains a description of the State forest inventories, analyzes the results of the annual nationwide reports, and analyzes forest health trends.

The House amendment modifies the competitive grants authority under the Forest and Rangeland Renewable Resources Act of 1978 to allow the Secretary to use up to 5% of appropriated funds to make competitive grants for forestry research and up to 5% for rangeland research in the five priority areas. The Secretary shall give priority to proposals with collaborative research, matching funds, and in cooperation with existing research efforts. (Section 251)

The Senate has no comparable provision.

The conference substitute adopts the House provision with an amendment regarding authorization from private property owners for the inventory and an amendment authorizing forestry research for Northeastern states . (Section 253)

The Managers recognize that the Forest Service already obtains verbal permission from private landowners before visiting plots located on private land, abides by provisions of the Privacy Act of 1974 to safeguard the confidentiality of data collected on private lands, and assumes the liability for any injury suffered by field crew members while on private land. Where a landowner wishes a written authorization, a written notice shall be provided outlining the purpose and legal authority for conducting the forest inventory, the voluntary nature of private landowner participation, and a means for the landowner to communicate in writing a denial of access. Landowners participating in the inventory program by allowing data collection on their property shall be provided a written communication of the date and time when data were collected and a copy of the annual compilation required by paragraph (2) that is based, in part, on their data.

The Managers intend that the core set of variables collected on federal lands, such as the National Forest System should be consistent across all landownerships.

The Managers intend the words ''and education'' in the subsection related to high priority forestry research and education exclude the teaching of full semester-long university courses by Forest Service employees as a regular part of their Federal employment.

(54) PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH

The House amendment defines ''eligible partnership,'' ''high-value agricultural product,'' and ''Secretary.'' (Section 401)

The House amendment authorizes the Secretary to make competitive grants to establish partnerships to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products. The primary institution involved in a partnership shall be a land-grant college or university acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories. Partnerships shall prioritize research and extension activities to enhance the competitiveness of agricultural products, increase agricultural exports, and substitute such products for imports. (Section 402)

The House amendment provides that the partnership may address a spectrum of production, processing, packaging, transportation, and marketing issues regarding effective and environmentally responsible pest management alternatives and biotechnology, genetic research, refinement of field production practices, processing and packaging technology, and research to facilitate diversified, value-added enterprises in rural areas. (Section 402)

The House amendment provides that grants may be awarded for a maximum of 5 years with a possibility for renewal. The Secretary shall give preference to multi-institutional proposals that guarantee matching funds in excess of the required amount. The non-Federal sponsors of a partnership shall contribute, at a minimum, the same amount awarded by the Federal Government. (Section 403)

The House amendment authorizes the necessary funds to be appropriated for this subtitle for fiscal years 1998 through 2002. (Section 404)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 402)

The Managers recognize the need for additional research emphasis on high value agricultural commodities such as wine, horticultural and floriculture products, and other products that depend on quality issues that are best addressed through cooperative research agreements. The Managers intend that this initiative will emphasize a team approach which furthers cooperation among industry, government and academic researchers.

(55) HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES

The House amendment amends Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) to allow the Secretary, in consultation with the Advisory Board, to make competitive grants for high-priority research and extension grants and provides that the Secretary shall seek proposals for grants and perform peer-review of the proposals from State agricultural experiment stations, all colleges and universities, Federal agencies, and the private sector for high priority research and extension. The grant may not be used for construction of a facility.

The House amendment requires grant recipients to contribute non-Federal matching funds or in-kind support. The Secretary may waive this matching funds requirement if the Secretary determines that the results of the project are likely to be applicable to agricultural commodities generally or that the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the match requirement.

The House amendment permits the Secretary to give priority, after the peer-review process for all grant proposals, to proposals involving the cooperation of multiple institutions.

The House amendment identifies and describes the thirty-two high-priority research and extension areas for which the Secretary will make grants and authorizes the necessary funds to be appropriated for fiscal years 1998 through 2002.

The House amendment authorizes the Secretary to establish task forces to make recommendations in the high priority research and extension areas. The Secretary may not incur costs greater than $1,000 in any fiscal year in connection with each task force. (Section 421)

The Senate bill authorizes separate research programs for fire ants, formosan termite, wheat scab, small and medium sized dairy and livestock operations and reauthorizes the red meat safety research center. (Sections 213, 233, 238, 237, and 401)

The conference substitute adopts the House provision with amendments to strike the authorization for dairy efficiency, profitability and competitiveness and instead adopt the Senate research provision for dairy, livestock and poultry operations; to insert an authorization for tomato spotted wilt virus; to insert modified Senate provisions regarding Formosan termites and imported fire ants; and to create a separate nutrient management research and extension initiative focusing on authorization for animal waste and odor, water quality and ecosystems, rural/urban interfaces, animal feed, and alternative uses of animal waste. (Sections 242 and 243)

The Managers recognize the growing threat of the Tomato Spotted Wilt Virus (TSWV), to several integral crops in the Southeast such as peanuts, tobacco, and tomatoes. Spotted wilt epidemics in the Southeast involve two thrips species, western flower thrips (*Frankliniella occidentalis*) and tobacco thrips (*F. Fusca*) in which the virus multiplies and thus can be transmitted for the life of the thrips. The TSWV and related viruses cause approximately $1 billion a year in damages. The TSWV has an extremely wide host range that includes many important cultivated crops as well as weeds. Two of the species of thrips that transmit TSWV are endemic in the Southeast. The wide host range of the virus and its thrips vectors make spotted wilt control extremely difficult. Progress in better managing spotted wilt has been limited by an inadequate understanding of the disease. The Managers encourage the Secretary to give priority funding to those areas with the highest historical rates of infestation.

The Managers strongly believe that food safety research should be a priority at the Department of Agriculture and our nation's colleges and universities. We applaud the efforts of institutions whose work on *E. coli* 0157:H7, *Cyclospora*, and other foodborne pathogens has helped us gain a better understanding of these new and emerging threats. The Managers consider this matter of extreme importance and encourage the Department of Agriculture, in cooperation with other agencies and institutions, to utilize funds for research partnerships.

The Managers encourage the Secretary to direct research toward practices that preserve the nutrient value of manure and its use as a crop nutrient source. This would include methods to alter the storage and use of manure from different production systems but would also include the assessment of the nutrient value of manure once applied to the soil. Research should especially focus on gaining understanding of the process of odor formation, transport across landscapes, and effective techniques for odor reduction.

The Managers recognize that animal waste management involves the investigation of the nutrient properties of manure that can be used in crop and pasture production systems, including composting to enhance manure characteristics. Furthermore, it is clear that efforts need to be directed toward methods to assess manure quality, processing to improve nutrient value and methods of reducing water content to improve transport characteristics. As this research continues to progress, the Managers further encourage the integration of research concepts into demonstration trials in order to transfer this information to producers.

The Managers intend that the Department make every effort to implement the new section dealing with swine nutrient management and odor control research and extension with minimal disruption. The Managers are aware that laboratories are currently doing swine odor research. To the maximum extent possible, the Department should integrate this new section with ongoing microbiology and water quality research, emphasizing environmentally sound animal production methods.

(56) ORGANIC AGRICULTURAL RESEARCH AND EXTENSION INITIATIVE

The House amendment authorizes the Secretary, in consultation with the Advisory Board, to make competitive specialized research and extension grants for organic activities. The recipient must provide matching, non-Federal funds; however, the Secretary may waive the match if the results of the project, while of particular benefit to one commodity, are likely to be applicable to agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to satisfy the matching funds requirement. (Section 422)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to direct that fees collected under the Organic Foods Production Act be provided to USDA to cover the cost of the program. (Sections 244 and 601)

(57) THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION

Section 427 establishes the Thomas Jefferson Initiative in order to conduct research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops. The Secretary shall coordinate the initiative through a nonprofit center that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall support development of multi-State regional efforts in crop diversification, and 50% of available funding shall be used for regional efforts centered at land-grant institutions. The Secretary may award the remaining funds to colleges or universities, nonprofit organizations, or public agencies in 5 year, competitive grants. Recipients must contribute matching non-Federal funds. (Section 427)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 405)

(58) INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM

The House amendment authorizes the Secretary to award competitive grants to colleges and universities for integrated research, education, and extension projects that address priorities of U.S. agriculture. The Secretary shall require matching funds or in-kind support if the grant will benefit a particular commodity; however, the Secretary may waive the requirement if the results are likely to benefit agriculture generally or the project involves a minor commodity, deals with scientifically important research, and the recipient would be unable to meet the match requirement. (Section 428)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 406)

(59) RESEARCH GRANTS UNDER EQUITY IN EDUCATION LAND-GRANT STATES ACT OF 1994

The House amendment amends the Equity in Education Land-Grant States Act to authorize the Secretary to make competitive grants to 1994 Institutions to conduct agricultural research that addresses high priority concerns of tribal, national, and multi-State significance. Research will be conducted under a cooperative agreement with land-grant colleges and universities. (Section 429)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 251)

(60) ROLE OF SECRETARY OF AGRICULTURE REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH, EDUCATION, AND EXTENSION

The House amendment designates the Secretary of Agriculture as the principal official in the Executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences. (Section 501)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 613)

(61) OFFICE OF PEST MANAGEMENT POLICY

The House amendment requires the Secretary to establish an Office of Pest Management Policy. This Office of Pest Management Policy shall, in addition to its assigned

responsibilities within the Department of Agriculture, shall provide leadership in coordinating interagency activities with the EPA, FDA, and other Federal and State agencies and coordinate agricultural policies within the Department related to pesticides. This section requires the Office of Pest Management Policy to consult with and provide services to producer groups and interested parties. (Section 502)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision. (Section 614)

The Managers believe that the creation of an Office of Pest Management Policy is necessary to focus and coordinate the many pest management and pesticide-related activities carried out within the Department. The Managers feel strongly that this is a necessary step if the Department is to be effective in carrying out its statutory responsibilities with respect to pesticide issues and pest management research. For example, the National Cancer Institute (NCI), in conjunction with the National Institute of Environmental and Health Sciences and the Environmental Protection Agency (EPA), are conducting a series of epidemiological studies, collectively called the ''Agricultural Health Study.'' The studies are designed to evaluate the health of farmers and will focus primarily on pesticide exposures. The managers believe that the studies should be carried out and the results reported according to the highest standards of epidemiological science. The Managers expect the Office of Pest Management Policy to closely monitor this project and provide input and advice whenever appropriate.

The Managers also expect the Office of Pest Management Policy to coordinate with the EPA to ensure effective implementation of the Food Quality Protection Act of 1996 (FQPA). The Managers recommend the Director of the office work with EPA, producers, and other appropriate groups to develop effective, efficient mechanisms for gathering data necessary for making regulatory decisions under FQPA. The Managers expect the Director and the Administrators of the relevant Departmental agencies to work with producers in reorienting research priorities in pest management to facilitate development, evaluation and delivery of alternative pest management tools.

The Managers expect the office to be created within and staffed by an official within the Office of the Secretary. The managers intend for the Director of the office to report directly to the Secretary or the Deputy Secretary of Agriculture.

(62) FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE

The House amendment directs the Secretary to establish a Food and Safety Research Information Office at the National Agricultural Library to provide information on food safety research initiatives to the research community and the general public and further directs the Secretary to sponsor a National Conference on Food Safety Research within 120 days after the enactment of this Act as well as annual workshops in each of the subsequent four years after the conference.

The House amendment provides that the National Academy of Sciences' study include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health. (Section 503)

The Senate bill has no comparable provision.

The conference substitute adopts the House provision with an amendment to authorize continued development of food safety handling education. (Section 615)

(63) AVAILABILITY OF FUNDS RECEIVED OR COLLECTED ON BEHALF OF NATIONAL ARBORETUM

The House amendment provides a technical amendment to clarify that fees collected at the National Arboretum under the Act of March 4, 1927 are available for use by the Secretary without further appropriation. (Section 505)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(64) RETENTION AND USE OF AGRICULTURAL RESEARCH SERVICE PATENT CULTURE COLLECTION FEES

The House amendment provides that fees collected by ARS from the Patent Culture Collection shall be retained by ARS for maintenance and operation of the Patent Culture Collection. (Section 506)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 601)

(65) REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

The House amendment provides that the Agricultural Marketing Service may use its funds to reimburse the American Sheep Industry Association for expenses incurred by the Association in preparation for the implementation of a sheep and wool promotion, research, education, and information order. (Section 507)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 617)

(66) DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS

The House amendment designates the Subtropical Agricultural Research Center in Weslaco, Texas, as the Kika de la Garza Subtropical Agricultural Research Center. (Section 508)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 619)

(67) SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES

The House amendment provides that it is the sense of Congress that the Secretary of Agriculture should use a substantial portion of the ARS funds appropriated for the development of agricultural alternatives to methyl bromide for research to be conducted in real field conditions such as pre-planting and post-harvest conditions. (Section 509)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 641)

(68) SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION

The House amendment contains Sense of Congress that the Secretary of Agriculture and the Secretary of Education cooperate in providing support for school-based agricultural education. (Section 510)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision. (Section 642)

(69) SENSE OF CONGRESS REGARDING DESIGNATION OF DEPARTMENT CRISIS MANAGEMENT TEAM

Based on congressional findings, it is the sense of Congress that the Secretary should designated a Crisis Management Team, composed of senior departmental personnel in relevant areas, to develop and implement a department-wide crisis management plan. (Section 511)

The Senate bill does not contain a comparable provision.

The conference substitute adopts the House provision with an amendment to strike the findings and require the Secretary to develop a crisis management strategy and to designate a crisis management team. (Section 618)

COMMITTEE ON RESOURCES,
Washington, DC, March 20, 1998.

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

DEAR MR. CHAIRMAN: Although S. 1150 contains substantial amendments to the National Aquaculture Act of 1980, an act within the jurisdiction of the Committee on Resources, I was disappointed that the Committee on Resources was not named a conferee on the bill.

However, I understand that there is some interest in including a simple authorization of the National Aquaculture Act in the conference report on S. 1150. As funding authorization for the National Aquaculture Act has expired and no reauthorization vehicle has been introduced this Congress, in the interests of efficiency, I would have no objection to including a level reauthorization of appropriations for the Department of Interior, Commerce and Agriculture through 2003 in the conference report. Reauthorization of the National Aquaculture Act has been included in other bills reported from the Committee on Agriculture in the past, but the Committee on Merchant Marine (the predecessor to the Committee on Resources in this jurisdictional area) had always been named a conferee on those provisions. In addition, S. 1150 itself was never referred to a committee in the House of Representatives. Therefore, I make this request with the understanding that the inclusion of funding for these agencies in a bill authorizing agricultural research, a matter within the jurisdiction of the Agriculture Committee, does not diminish or otherwise affect the long-standing jurisdiction of the Committee on Resources over the National Aquaculture Act.

I appreciate you keeping me informed on the progress of the conference on this bill and I thank you for your continued recognition of the role of the Committee on Resources in aquaculture.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, March 24, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 20, 1998 agreeing to include in the conference report on S. 1150 a simple reauthorization of appropriations for that portion of the National Aquaculture Act under the jurisdiction of the Committee on Resources.

As you noted, funding authorization for the Act has expired and no bill addressing this matter has been introduced in the House. I appreciate your willingness to expedite the reauthorizing process by using S. 1150 as the vehicle. You duly noted in your letter that had S. 1150 been referred to committee, you would have requested referral to the Committee on Resources and that you had requested conferees from that committee after that bill passed the House. I can assure you that inclusion of this provision in

S. 1150, a bill authorizing agricultural research, a matter within the jurisdiction of the Committee on Agriculture, should not be construed to diminish or otherwise affect the jurisdiction of the Committee on Resources over subject matter contained in the National Aquaculture Act.

I look forward to working with you and the Committee on Resources, of which I am a member, on aquaculture and other issues of shared jurisdiction.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

ROBERT SMITH,
LARRY COMBEST,
BILL BARRETT,
CHARLES W. STENHOLM,
CALVIN DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
PAUL D. COVERDELL,
TOM HARKIN,
PATRICK LEAHY,
Managers on the Part of the Senate.

□ 1800

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following additional conferees on H.R. 2400:

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed to conference:

Messrs. BLILEY, BILIRAKIS, and DINGELL.

Provided that Mr. TAUZIN is appointed in lieu of Mr. BILIRAKIS for consideration of sections 1407, 2103, and 3106 of the Senate amendment.

There was no objection.

The SPEAKER pro tempore. The Chair will appoint further additional conferees from other committees at a subsequent time.

The Clerk will notify the Senate of the change in conferees.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO VICTIMS OF ARMENIAN GENOCIDE

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

Mr. PALLONE. Mr. Speaker, I rise today as my colleagues and I do every time at this time of year, I should say, in what has become one of the proudest traditions in this House and that is to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 through 1923.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I know there are a number of Members who would like to participate in the special orders tonight on this subject, and I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the topic of my special order.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, when we talk about the Armenian genocide, we are describing one of the most horrible events of the 20th century and in all of human history. Yet many, perhaps most, Americans and most people around the world are barely aware of this extremely significant historical event. There are those who even try to deny that the genocide ever happened. But it did happen.

The Armenian genocide was the systematic extermination of 1½ million Armenian men, women, and children during the final years of the Ottoman-Turkish empire. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and other cases of ethic cleansing and mass exterminations which are still all too common around the world.

Friday, April 24, marks the 83rd anniversary of the unleashing of the Armenian genocide. This evening, here in the Capitol building, the Armenian National Committee of America is sponsoring a ceremony and reception of remembrance for the genocide; and the ANC and the Armenian Assembly have both been at the forefront for calling for recognition of the genocide, not just for the people of Armenian descent who have heard the history from their parents or grandparents but for all of us as an active education and witness about the evils of genocide and the danger of forgetting.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by the word ''genocide.''

President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the genocide expressing sorrow for the massacres and solidarity with the victims but always stopping short of using the word ''genocide,'' thus minimizing and not accurately conveying what really happened beginning 83 years ago.

Mr. Speaker, the United States should go on record clearly and unambiguously recognizing the Armenian genocide and setting aside April 24 as a day of remembrance. To that end, I urge renewed efforts to, on the part of Congress, to pass a resolution that puts the United States firmly on record on the side of truth. We will also keep up the pressure on the President to call the genocide by its proper name.

And what is almost as appalling as the act of genocide itself is the fact that the Republic of Turkey simply goes on denying that the genocide ever took place. Indeed, Turkey has mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

The Turkish Government has embarked on a strategy of endowing Turkish study programs at various universities around the United States. And while Turkish and Ottoman studies are cleared worthy of academic interest, the Turkish Government is attaching conditions to these funds that make it clear that the program will be carried out under the watchful eyes of the Turkish Government and other pro-Turkish elements. One of the major goals of this propaganda effort is to minimize, distort, and outright deny the facts of the Armenian genocide.

Mr. Speaker, adding insult to injury, the Republic of Azerbaijan has mounted an effort to try to accuse Armenians of committing genocide against the people of Azerbaijan, in many cases directly mimicking Armenian statements and simply turning them around against the Armenians.

Recently, the Assembly of Turkish-American Associations circulated a booklet to congressional offices denying the Armenian genocide and fabricating a wide range of half-truths, slanders, and lies against the Armenian people. But these denials fly in the face of the preponderance of evidence.

The U.S. National Archives holds the most comprehensive documentation in the world on this historical tragedy. Formal protests were made at the time by the U.S. Ambassador, and Congress approved of allowing a private relief agency to raise funds in the United States. American consular officials and private aide workers secretly housed Armenians at great personal risks to themselves and in direct defiance of Turkish orders not to help the Armenians.

Mr. Speaker, I know many of my other colleagues would like to address this subject tonight, and I would like to say that the Armenian genocide is a very painful subject to discuss, yet we must never forget what happened and never cease speaking out. We must overcome the denials and indifference and keep alive the memory and the truth of what happened.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I want to thank the gentleman for his remarks and associate myself with them.

Mr. MOAKLEY. Mr. Speaker, I rise today to join with my colleagues in remembering the Armenian people who lost their lives in one of history's

greatest atrocities, the Armenian genocide.

Mr. Speaker, on April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic rounding up of Armenian leaders began a reign of terror against the Armenian people that lasted for the next eight years, and resulted in the death of more than 1.5 million Armenians. Acts of deportations, torture, enslavement and mass executions obliterated the Armenian population and changed the world forever. These mass exterminations and incidents of ethnic cleansing are the first examples of genocide in this century, and have often been referred to as the precursor to the Nazi Holocaust.

It is most important that we remember the Armenian people and recognize the Armenian Genocide so that we never again see such a heinous disregard for human life. The memory of this event, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions. We owe that to the Armenian people who showed such bravery in a time of great pain and tragedy.

Mr. KENNEDY of Rhode Island. Mr. Speaker, during the First World War, the Armenian people suffered greatly under the hands of Turkey, leading to what we now have come to call the Armenian Genocide.

It was one of the first state ordered genocides of this century, and would later become one of the many genocides that have marred the recent history of our World.

During the First World War, the willingness of the Armenians to serve in the Allied forces, was seen as a threat to the Turkish government. The Turks ordered a mass deportation of almost the entire Armenian population from their homeland to two provinces of the Turkish Empire.

More than one million Armenians died during this long forced march, many from disease and malnutrition.

Once a year, we pay tribute to those who survived and we honor the memory of those who perished in the genocide. Nearly 1.5 million persons were killed and another half million were deported from their home country.

Unfortunately, the atrocities of the past have been replayed in the Holocaust of World War II, Combodia, Rwanda, the former Yugoslavia, and many other places world wide where leaders have turned their backs on human rights and human suffering.

The crime of genocide must never again be allowed a part of our lives, and today we stand with our Armenian friends, to remember and share in their grief, and to make a commitment to prevent such acts in the future.

We must work to remember and never forget the genocide, and to fight for peace in this region and worldwide.

I will be going to Armenia in May, and look forward to meeting with Armenians on the ongoing issues that they have with Turkey and an overview of the history that they have endured.

I am proud to join Armenians around the world as we remember the terrible massacres suffered in 1915–23.

Mr. ACKERMAN. Mr. Speaker, I rise today, together with my colleagues, to commemorate the Armenian Genocide of 1915–1923. This is an episode of human history so dark, and so repulsive to our sense of decency and morality, that it deserves our special attention. In the eight years of the genocide, more than 1.5 million Armenians of the Ottoman Empire were systematically slaughtered. Their property was confiscated, and many were forced on long marches, often without food and water, during which thousands of victims died. Others were forced into slave labor, while many were simply tortured and executed. These atrocious acts comprised the first instance of genocide in the twentieth century—and tragically it was not the last systematic attempt to destroy an entire race of people.

It is of the utmost importance that we not allow this tragedy to lapse from our memory. Equally important is that we should not by means of obfuscation and equivocation attempt to deny these horrifying events. It has been said that denial of genocide is the final state of genocide: by attempting to erase the memory of the act and trivialize the suffering of its victims it destroys the dignity of all those who died.

I therefore call on the Turkish government to right a wrong and recognize the occurrence of the Armenian Genocide. In this way, we can finally come to terms with this tragedy, not as Turks or Armenians or members of any particular ethnic group, but as human beings. For it is only after we have acknowledged the evils of which humankind is capable, that we can prevent these evils from occurring again.

Many are aware of the remark made by Adolph Hitler as he was planning the ''final solution'' for the ''Jewish problem'' that ''who, after all, speaks today of the annihilation of the Armenians?'' The fact that he could take comfort in our collective amnesia only proves the need to remember these atrocities. I am honored to be joining with all those who are commemorating the Armenian Genocide today throughout the world, and I thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for helping to keep Members of the House focused on this very important issue. I implore everyone, young and old, to heed well the all-important phrase: ''We must never forget!''

Ms. PELOSI. Mr. Speaker, I thank Mr. PALLONE and Mr. PORTER for their leadership in bringing us together to remember a time in world history when the Armenian people were singled out for a brutal attack on their very existence, an attack that would come to be known as the Armenian Genocide. On April 24, 1915, the rulers of the Ottoman Empire set out to annihilate the Armenian minority. Over the course of the next eight years, the Turkish government systematically murdered 1.5 million Armenians and deported 500,000. By the end of 1923, the entire Armenian population of Anatolia and Western Armenia was either murdered or deported.

This anniversary serves to remind us of the importance of vigilance against oppression and acts of violence against the rights of ethnic minorities around the world. In my home state of California, the story of the Armenian Genocide is included in the social studies curriculum as mandated by the State Board of Education in 1987. Similar curricula on human rights and genocide exist in New Jersey, New York, Connecticut and Massachusetts.

And while a growing number of Americans come to understand the horror of this episode in history, the perpetrators continue their denial. Just last year, Turkey attempted to endow a chair on Turkish and Ottoman history at UCLA. School officials were forced to temper their initial enthusiasm when concerns were raised that this effort was a stab at historical revisionism.

Turkey continues to violate the human rights of the Kurdish minority, at times in ways that are reminiscent of its historical treatment of the Armenians and Greeks. The Turkish government has failed to ensure the safety of the Ecumenical Patriarch and the seat of the Orthodox Church in Istanbul. In Cyprus, the Turkish army enforces a partition of the island that has been universally denounced since it invaded in 1974. This consistent and constant disregard of international convention is a hallmark of a nation that ignores the obvious lessons from its own history.

Despite the near obliteration of their ancient culture, the Armenian people have survived. Throughout the world they have made enormous cultural and economic contributions to the communities in their adopted homelands. Recently, Armenia held presidential elections, and while there were some problems, this fragile democracy continues to move forward. I congratulate the Armenian people for their resilience. Their triumph over adversity is a story from which we all draw strength.

ARMENIAN GENOCIDE—83D ANNIVERSARY

Mrs. MALONEY of New York, Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian-Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), co-chairs of the caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1998 marks the 83d anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the ''Young Turk'' government to eliminate the Armenians from the Ottoman Empire.

Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were departed.

As the United States Ambassador to the Ottoman Empire, Henry Mrogenthau, Sr., has written: ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact.''

As a supporter of human rights, I am dismayed that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history.

In a sense, even more appalling than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is vital that we do not let political agendas get in the way of doing the right thing.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish

Government for the Armenian Genocide of 1915–1923. To heal the wounds of the past, the Turkish government must first recognize the responsibility of its country's leaders at that time for this catastrophe.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher, George Santayana, has taught us that ''those who cannot remember the past are condemned to repeat it.'' We should heed this wise principle and do all we can to ensure that the martyrdom of the Armenian people is not forgotten.

Mr. LEVIN. Mr. Speaker, today, I join voices with my colleagues in Congress and Armenians all over the world as we commemorate the 83d anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted, or exiled by the Ottoman Empire. Today, fewer than 80,000 declared Armenians remain in Turkey. The Eastern provinces, the Armenian heartland, are virtually without Armenians.

The years since the Armenian Genocide have magnified its tragedy, not diminished it. It is true for the hundreds of thousands who lost their lives as well as their families for whom the void can never be filled.

It also has been true for all the world. The Holocaust of the 1930's and 1940's has been followed by a number of genocides in the last three decades. The failure of the Turkish government to acknowledge the sinful acts of its predecessors sent the wrong message to the rulers of Cambodia, Rwanda and Bosnia. The failure of countries of the world to take prompt notice of these modern atrocities should remind all of us of the failure of other nations to promptly acknowledge the massacre of Armenians in the Ottoman Empire.

In a word, it is the duty of all Armenians to join Armenian-Americans in remembering the Armenian genocide. We have been fighting this battle for formal acknowledgement by the Turkish government for many years. We must not give in until the battle is won.

Mr. TORRES. Mr. Speaker, each year, for the past six or seven years of my memory, my colleagues, Mr. PALLONE and Mr. PORTER, have organized this special congressional opportunity for this body to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide. In essence, we retell a story of a moment in history, an even which began some 83 years ago. I have noticed that each year, I find myself using the same words to tell this story, and I realize that this process of retelling the facts of genocide, committed against the people of Armenia is in itself a very important event. For in retelling this story of the horror which was perpetuated, we remember to be vigilant against the planting of the seeds of future atrocities.

I would like to add that my district, the 34th Congressional district of California, has what I believe is the only monument in the United States which commemorates and records the Genocide against the Armenian people. The citizens of the 34th Congressional district have strong feelings about today's commemoration, and on their behalf I am here today to share with you this retelling of an old an difficult story.

Some would claim that our remembrance today fans the flames of atavistic hatred and that this issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. One fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty and freedom.

Today, I rise, with my Colleagues to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 83rd anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass under.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hilter's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of fifteen, and more recently, the ethnic cleansing atrocities in Bosnia and Rwanda.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died. I encourage everyone to use this moment to think about the tragedy which was the Armenian Genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although the massacre we depict and describe started 83 years ago, the Armenian people continue to fight for their freedom and independence today, in Nagorno Karabakh. Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian people has been a factor in this dismal record.

The dawning of a new millennium offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony. I would ask my colleagues, on this 83d anniversary of one of history's bloodiest massacres of human beings—and during a time in history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this closing century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding patience, compassion, and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew a commitment of the American people to oppose any and all instances of genocide. As we enter the new millennium let us commit ourselves to finding new and peaceful paths for resolving differences which inevitably arise.

I thank my colleagues for permitting me the honor of sharing these thoughts and words with you today.

Ms. ESHOO. Mr. Speaker, tonight we gather to commemorate those who lost their homes, loved ones, and lives in the Armenian Genocide at the beginning of this century.

I am the only Member of Congress of Armenian descent. Every other day of the year, my heritage is a source of honor for me because not only do I represent a congressional district, but I also represent a community of people who have made tremendous contributions to the world. However, tonight being Armenian carries with it an obligation to bear witness * * * to remember what began in 1915 * * * to remember what happened to my family and over a million other Armenians when the Ottoman Empire forgot its humanity and set out on a path of destruction.

We gather here to remember the first genocide of this century so we don't forget that it was not an isolated incident. The Armenians were followed by the victims of Stalin's purges, the German Holocaust, Cambodia's Killing Fields, the ''ethnic cleansing'' of Bosnia, and the tragedy of the Great Lakes region in Africa.

Despite these examples we still do not understand why one day a community can be living peaceably among another, and the next they are singled out, rounded up, imprisoned and eventually killed. We may not understand why the Ottoman Empire decided to kill the Armenians, but we do know that it did happen and that it was, without question, morally wrong. Despite continued attempts to downplay or deny the scale of the tragedy, the forced removal of a half a million people, and the massacre of 1.5 million more has no other name but genocide.

This past year several books written by members of the Armenian diaspora have been published, and in conclusion, I would like to quote from one of these books, ''Black Dog of Fate,'' by Peter Balakian. He writes the following:

Commemoration is an essential process for the bereaved and for the inheritors of the legacy of genocide. It is a process of making meaning out of the unthinkable horror and loss. Because the dead have not been literally or emotionally buried in the wake of genocide, commemoration is also a ritual of burying the dead—that first act of civilization. Because genocide seeks to negate all meaning, to unmake the world, the survivors and their children must find a way back to civilization. Commemoration, then publicly legitimizes the victim culture's grief. The burden of bereavement can be alleviated if shared and witnessed by a larger community. Only then can redemption, hope and community be achieved.

I thank Representatives PALLONE and PORTER for organizing tonight's remembrance. You help to provide a larger community, where Armenians can share and witness, and give hope for redemption.

Mrs. KENNELLY. Mr. Speaker, I rise today in commemoration of the 83rd anniversary of the Armenian Genocide. On April 24, 1915, over 200 Armenian religious and political leaders were taken to Turkey and systematically executed. The years that followed brought further persecution upon the Armenian people. It is important to recognize the horror of the Armenian genocide as it is a lesson for all time. Recognition and education are the best tools available to help us learn from the mistakes of the past and insure human dignity for people worldwide. As we remember the persecution that the Armenians endured, we as Americans must not take for granted our freedom and security. We must always work to ensure human rights for all people.

The atrocities that occurred in the Ottoman Empire from 1915 until 1923 were more than a series of massacres in a time of instability, they foreshadowed the nightmare of the Nazi Holocaust and other cases of ethnic cleansing in the twentieth century. A failure to be honest with the past led to the terrors that followed later in the twentieth century. The Armenian people were driven from their homes and deprived of their freedom, their dignity and finally their lives. By 1923, 1.5 million Armenians had died, and 500,000 more had been evicted from their homes at the hands of the Ottoman authorities. We look back with sadness at these tragic occurrences and mourn the tremendous losses of the Armenian people.

To ignore the Armenian genocide and its impact on history would dishonor the victims of this tragedy. This was the first genocide of the twentieth century, and, sadly, it was not the last. On this, the 83rd anniversary of the Armenian genocide we must not forget the victims and we must be prepared to prevent further crimes against humanity.

Mr. GEJDENSON. On this day I stand with Armenians worldwide in remembering the anniversary of the genocide committed against the Armenian people between 1915 and 1923.

Eighty-three years ago today, representatives of the Ottoman Empire arrested Armenian religious, political, and intellectual leaders. During the 8 years that followed, an estimated 1.5 million Armenians were executed. Many were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were deported from the Ottoman Empire. Thankfully, many of those exiles made their way to freedom in the United States where they and their descendants continue to make significant contributions to the cultural, political, and commercial fabric of the United States.

Despite the formidable challenges they have faced over the years, the Armenian people have demonstrated remarkable resilience. Today's anniversary of the genocide affords us a chance to reflect upon the challenges Armenian faces today. While it continues to struggle under blockades imposed by its neighbors, Armenia continues to make economic progress and just concluded an improved democratic election. This continues the progress begun on September 21, 1991, when more than 94 percent of Armenia's eligible voters turned out to vote in a referendum for Armenian independence. Two days later, the Armenian Parliament made the people's desire official when it declared Armenia's independence from the Soviet Union.

There are two ways to fight to prevent genocide from occurring again. One way is to do what we can as a nation and as individuals to take notice, to condemn, and to intervene when necessary before those who would kill are emboldened. The second is to embrace the truth, to remember history, and to confront those who would otherwise ignore or distort the occurrence of genocide.

My family history intertwines with the tragedy of the Armenia's past. My father's entire family was exterminated as was most of my mother's during the Holocaust. My father and mother escaped Hitler and Stalin and met in a displaced-persons camp in Germany after the war and took me and my sister away to peace and freedom in eastern Connecticut, which I now proudly represent in Congress.

When Hitler proposed his extermination of the Jews, he heard some opposition in the room. He silenced his opposition by asking the question, ''Who remembers the Armenians?'' I stand today so that everyone remembers the Armenians and the Jews, so no one can commit the atrocities of the past again.

Mr. FRELINGHUYSEN. Mr. Speaker, today we remember the Armenian Genocide, and honor the memory of the 1.5 million Armenians who died between 1915 and 1923.

It has been 83 years since the Ottoman Empire began the systematic slaughter of Armenians living in Turkey. It started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were chased from their homeland.

We take time every year to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, we have been unsuccessful. From Germany to Cambodia to Rwanda, the horrors of the genocide have repeated themselves.

So, Mr. Speaker, we must continue to talk about the genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. We must be vigilant and guard against this kind of wholesale slaughter from happening in the future.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

Mr. WEYGAND. Mr. Speaker, on behalf of the Armenian community in Rhode Island, I would like to recognize and commemorate the observance of the 83rd anniversary of the Armenian Genocide, a solemn, yet historically significant event.

On April 24, 1915, 200 intellectuals, political and religious leaders from Constantinople were executed by Turkish officials. Over the next 8 years, 1.5 million Armenians were driven from their homes, forced to endure death marches, starved, forced into slavery, deported, tortured and executed in mass numbers. The period of 1915–23 marks one of the darkest periods of modern times—the first example of genocide in the 20th century.

Today, we honor the victims, who suffered at the hands of the Ottoman Turks, and express our condolences to their descendants. The world has chosen to ignore this tragedy and because we must ensure that history does not repeat itself, we need to properly acknowledge the horrors of the Armenian Genocide.

I join with my colleagues and the Armenian community to proclaim that the genocide did indeed happen, despite the protests from the Turkish Government. Unfortunately, we cannot change the past, but by honoring the victims of the Armenian Genocide and sharing the grief of their families, we can begin to heal the many wounds and work together to ensure that these injustices never occur again.

Mr. MCKEON. Mr. Speaker, I join many of my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. For many Armenians, April 24, 1915 signifies the beginning of the systematic and deliberate campaign of the Ottoman Empire to extinguish the Armenian population under their rule. On this day, Armenians from around the world will be joined by many others, not only to remember one of this century's worst tragedies, but to use it as a lesson for future generations to preserve human rights around the world.

This somber occasion marks the anniversary of that day in 1915 when members of the

Armenian religious, political, and intellectual leadership were arrested and executed. This incident was not isolated and marked the beginning of a mass persecution of Armenian men, women, and children. At that time, the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated that ''When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole new race. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Tragically, from 1915 to 1923, 1.5 million Armenians were killed, with another 500,000 that were exiled from their homes. By the end of 1923, the two million Armenians that had resided in Turkey were either killed or deported.

Throughout my life I have had the privilege of becoming friends with a number of Armenians who have shared the tales of the horrible and inhumane experiences their relatives endured. As we reflect on this tragedy today, we will certainly remember those who suffered and pay tribute to the memory of the millions of Armenian victims.

Today I ask my colleagues to condemn the atrocities committed against the Armenians and continue in our efforts to prevent similar tragedies from developing. We must recognize and openly acknowledge the atrocities committed against humanity before we are able to prevent them from happening again in the future. If we fail to speak out against such crimes, we are only ensuring that these atrocities will continue to occur as time goes on. That is a tragedy we cannot afford to risk.

Thank you for allowing me to participate in this special tribute to the Armenian community. I am honored to be here.

Ms. HARMAN. Mr. Speaker, I rise today to commemorate the first of this century's many examples of man's inhumanity to man: the brutal suppression perpetrated by the Ottoman Empire against 1.5 million Armenian men, women, and children at the beginning of this century. On April 24, 1915, Ottoman authorities arrested 200 political, religious, and intellectual leaders of the Armenian community of Constantinople. In the eight long years that followed, the Armenian population of Asia Minor was subjected to forced privation, deportation, torture, and death.

Mr. Speaker, it is important to remember this event, just as it is important to remember the suffering of millions of other victims of hatred and violence. It is important to remember because by remembering we say no Holocaust, no ''ethnic cleansing,'' no mass extermination must ever happen again.

No observer of the world scene today can ignore the long-lasting repercussions of such atrocities. In the Balkans and Central Asia, we see how memories of past injustice and mass human rights violations complicate the search for peace. In commemorating the Armenian Genocide today, we must renew our commitment to help prevent future ethnic and religious hatred.

This day of remembrance also highlights the endurance and the spirit of the Armenian people. Many displaced Armenians joined the ranks of those who sought haven in our country. Many settled in my home State of California, where they achieved prosperity, contributed to civic life, and added to the cultural richness of our State. California today is home to the largest—and thriving—community of Armenian-Americans. Their success says to the tyrants and the perpetrators of mass persecution in the world that the human spirit cannot be suppressed.

Mr. Speaker, I thank my colleagues Mr. PALLONE and Mr. PORTER for organizing this special order, and join my colleagues here today, the Armenian-American community, and Americans across our country in commemorating the Armenian Genocide.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in remembering the 83rd Anniversary of the Armenian Genocide. I want to thank my colleagues Congressmen FRANK PALLONE and JOHN PORTER for organizing this Special Order to commemorate the victims of one of the most tragic events in history.

On this day in 1915, a group of distinguished Armenian leaders—intellectual, political, and religious—were arrested and brutally murdered by the Ottoman Empire. This began a long and abysmal process by which 1.5 million Armenians lost their lives. A disgraceful and inhuman process which also resulted in more than 500,000 deportations. The accounts by survivors go beyond the massive killings, there were rapes, forced slavery and the deprivation of land and homes.

Unfortunately, the infringement on Armenian human rights continues today with the conflict over Nagorno-Karabagh. This ongoing and needless confrontation has ripped families and communities apart and killed more than 1,500 Armenians. However, I hope and pray the newly elected President of Armenia, Robert Kocharian, will continue to lend his expertise towards a solution on the Nagorno Karabagh dispute. I congratulate President Kocharian and wish him the best as he leads the people of Armenian into the next millennium.

Mr. Speaker, I am proud to join my colleagues every year in commemorating the Armenian Genocide. Unfortunately, many people continue to deny these events took place in the years between 1915 and 1923. I cannot stress enough the importance that we as members of Congress continue to officially recognize this genocide because it is a part of our world history. We cannot deny, nor forget it.

Although many of the survivors of the Armenian Genocide are no longer with us, it is important that we recognize this tragedy in honor of their relatives who continue to live with the memory of the event and teach their children about this tragedy. New York State is one of the few states which has offered a human rights/genocide curricula for teachers to use at their discretion, including the story of the Armenian genocide. I encourage my colleagues to work with their state educators to implement a similar program. Education programs, along with family discussions, are ways to ensure a peaceful future not only for the people of Armenia, but for all peoples.

Mr. Speaker, I encourage my colleagues to join me as a member of the Congressional Armenia Caucus where they will have the opportunity to work on issues affecting Armenians and Armenian-Americans while strengthening U.S.-Armenian relations in a bipartisan manner.

I commend the people of Armenia for their tremendous contributions to the world while continuing to strengthen their own democracy. I look forward to working with my colleagues and the people of Armenia to ensure a stable and bright future for the years to come.

Mrs. LOWEY. Mr. Speaker, this year marks the 83d anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself sad that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry ''never again'' arose throughout the world. But it was too late for millions of victims. Too late for the six million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite overwhelming international condemnation, Azerbaijan continues its blockade of U.S. humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The U.S. must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, ''Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors.''

As the Armenian-American author William Saroyan wrote, ''Go ahead, destroy this race . . . Send them from their homes into the desert . . . Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.''

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. GILMAN. Mr. Speaker, at this time of year the descendants and relatives of those Armenians who died in the series of deportations and executions organized by the Turkish Ottoman Empire during the First World War gather at ceremonies across America to honor those victims' memory.

I am pleased to join in this special order today, organized to commemorate those who died in that series of brutal programs and attacks—the effects of which were tantamount to a campaign of genocide.

Although those who died in those tragic and violent days did not live to see it, the Armenian nation has now re-emerged, despite the terrible loss of life that has been suffered under the Ottoman Empire and the eight decades of communist dictatorship under the former Soviet Union.

Today, the independent state of Armenia stands as clear proof that indeed the Armenian people have survived the challenges of the past—and will survive the challenges of the present and future as well.

Mr. Speaker, as we today honor the memory of those who lost their lives long before the Armenian nation regained its independence, let us today look forward to that day when the new, independent Republic of Armenia and its people will live in peace with their neighbors—a peace that will never see Armenian men, women and children subjected to the horrors and atrocities their ancestors experienced eighty years ago.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 83rd anniversary of the Armenian genocide. As in years past, I am pleased to join my House colleagues on both sides of the aisle in ensuring that the terrible atrocities committed against the Armenian people are never repeated.

The event we come together to remember began on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. By the time it ended in 1923, this war of ethnic genocide against the Armenian people by the Ottoman Empire claimed the lives of over half the world's Armenian population—an estimated 1.5 million men, women, and children.

Sadly, there are some people who still question the fact that the Armenian genocide even occurred. History is clear, however, that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. That is one of the reasons we come together every year at this time: to remind the world that this event did indeed take place and that we must remain forever vigilant in our efforts to prevent all such future calamities.

I am pleased to report that a strong and vibrant Armenian-American community thrives in my district in Northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and Northwest Indiana's strong ties to Armenian continue to flourish. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have worked to improve the quality of life in Armenian, as well as in Northwest Indiana. Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization, known as the Young Turk Committee, and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

While it is important to keep the lessons of history in mind, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

That is why two years ago, I led the fight in the House of Representatives to free Armenia from Turkey's vicious blockade by offering an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another country. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301–118, would have prevented the President from using his waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade of Armenia continues unabated.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 83rd anniversary of the Armenian genocide. Their efforts will not only help to bring needed attention to this tragic period in world history, but also serve as a reminder to remain vigilant in the fight to protect basic human rights and freedoms around the world.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the Anniversary of the Armenian Genocide. April 24th, 1915, is solemnly recalled by the people of Armenia and Armenian-Americans as the beginning of a long-term, organized deprivation and relocation of a people from their homeland. Eighty-three years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over seven years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Thousands of Armenian-Americans reside in my congressional district, and each year they mark this date to commemorate this anniversary and remember those who were lost. April 24th, 1915, marked a day when thousands of Armenian intellectual, religious and political leaders were arrested in Constantinople and deported or murdered. Today, we reflect on the massive destruction of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must be vigilant about remaining a strong friend of Armenian democracy through U.S. foreign policy. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

Mrs. MORELLA. Mr. Speaker, I am pleased to join with my colleagues here today in commemorating the 80th anniversary of the Armenian genocide. I want to thank my colleagues, Mr. PORTER and Mr. PALLONE, for their work in organizing this tribute.

This observance takes place every year on April 24. It was on that date in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and murdered. Over the next eight years, persecution of Armenians intensified, and by 1923, more than 1.5 million had died and another 500,000 had gone into exile. At the end of 1923, all of the Armenian residents of Anatolia and Western Armenia had been either killed or deported.

The genocide was criticized at the time by U.S. Ambassador Henry Morgenthau, who accused the Turkish authorities of ''giving the death warrant to a whole race.'' The founder of the modern Turkish nation, Kemal Ataturk, condemned the crimes perpetrated by his predecessors. Yet this forthright and sober analysis has been spurned by Turkey and the United States during the last decade.

The Intransigence of this and prior administrations to recognizing and commemorating the Armenian genocide demonstrates our continued difficulty in reconciling the lessons of history with realpolitik policies; that is, those who fail to learn the lessons of history are condemned to repeat it. We have seen continually in this century the abject failure to learn and apply this basic principle. The Armenian genocide has been followed by the Holocaust against the Jews and mass killings in Kurdistan, Rwanda, Burundi, and Bosnia. Many of these situations are ongoing, and there seems little apparent sense of urgency or moral imperative to resolve them.

Commemoration of the Armenian genocide is important not only for its acknowledgement of the suffering of the Armenian people, but also for establishing the historical truth. It also demonstrates that events in Armenia, Nazi Europe, and elsewhere should be seen not as isolated incidents but as part of a historical continuum showing that the human community still suffers from its basic inability to resolve its problems peacefully and with mutual respect.

I hope that today's remarks by Members concerned about Armenia will help to renew our commitment, and that of all of the American people, to opposing any and all instances of genocide.

Mr. FARR of California. Mr. Speaker, I rise today with respect to a tragic—and, unfortunately, still largely unknown—event in world history. Eighty-three years ago, the Armenians

of Ottoman Turkey became the victim of a comprehensive government-sponsored campaign of persecution which, after eight terrible years, left dead or deported some two million Armenian men, women, and children.

From 1915 to 1923, Turkish Armenians were executed. Tortured, and put into forced labor, solely because of their ethnic heritage. The human costs were terrible and enormous. Over one million Armenians died as a result of the genocide, and hundreds of thousands of others became refugees. One statistic is especially telling: Over 2.5 million Armenians lived in Ottoman Turkey before the genocide began; today, less than 80,000 remain.

Although the lives that were lost as a result of the genocide can never be returned, we must never forget what befell the Armenians of Ottoman Turkey solely because of their ethnicity. We must remember, not only in the honor of their memories, but so that future generations understand the terrible effects of bigotry and ethnic hatred.

When isolated incidents of persecution are tolerated, or when politicians gain from supporting ethnic persecution, the consequences can be terrible. We must therefore never tolerate discrimination in any form. We must also remember that such tragic events can happen again when the world community ignores the warning signs before it is too late.

I join Armenian-Americans and others in commemorating the terrible events of eighty-three years ago, and urge that we work to protect the human rights of all people around the world, so that we may prevent such a terrible tragedy from ever happening again.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in commemorating the 83rd Anniversary of the Armenian Genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian Genocide stands as a historical example of the human suffering that results from hatred and intolerance.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However, great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, ''Who remembers the Armenians?''

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

This 83rd anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, ''Who remembers the Armenians?''

Our commemoration of the Armenian Genocide speaks directly to that, and I answer. . . . We do.

Mr. BERMAN. Mr. Speaker, I rise to commemorate the 83rd anniversary of the start of the Armenian genocide, a period of tragic oppression and terrible suffering. On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being formally charged with crimes. The following month the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide in part because this tragedy for the Armenian people was a tragedy for all people. Genocide is not an ancient act, it is a horror which we must daily renew our commitment to prevent. If we do not remember, we will be condemned to witness such atrocities again and again.

We should not be alone in remembering these events. We will know that humanity has progressed when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and honor as well the memory of genocide's victims.

Sadly, we cannot say that such atrocities are history. The death last week of Pol Pot reminds us of Cambodia's ''killing fields'' in the 1970s, and we have only to recall this decade's mass ethnic killings in Bosnia and Rwanda to see that the threat of genocide persists. As President Clinton noted during his visit to Rwanda in March, the world community needs to do more to prevent genocide. We have not done so. We have not yet learned the lessons of this day.

We also remember this day because it is a moment for us to celebrate the contribution of the Armenian community in America to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their powerful example is moving testimony to the truth that tyranny cannot extinguish the vitality of the human spirit. To all who wish to remember and to praise Armenian Americans I recommend the recently published memoir by one of America's most important contemporary poets, Peter Balakian, whose book Black Dog of Fate is a powerful reminded of Armenian history.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

I urge all my colleagues to ponder on the history of this moment and honor the memory and the accomplishments of the Armenian people and join with me in efforts to aid Armenia today.

Mr. RADANOVICH. Mr. Speaker, I rise today to commemorate and remember the Genocide against the Armenian people. Between 1915 and 1923 the Ottoman Turkish Empire committed a horrible Genocide against the Armenian people. In a systematic and deliberate attempt to eliminate the Armenian people and erase Armenian culture and history, the Ottoman Turkish government committed this atrocity. As a result, over one and one-half million Armenians were massacred. The Armenian Genocide is a historical fact, and has been recognized by academicians and historians worldwide. The evidence is irrefutable and includes many eyewitness accounts, and statements from the U.S. Ambassador to Turkey at the time. Unfortunately, today's Turkish government is still persisting in their denial that the Armenian Genocide ever took place.

On April 24 each year Armenians around the world commemorate the anniversary of the Armenian Genocide. Commemoration activities will take place in Washington D.C., Los Angeles, New York, Armenia, and in my Congressional District in Fresno, California. Many commemoration activities are planned in Fresno and the San Joaquin Valley over the next several days. I have the honor of representing thousands of Armenian-Americans in California's Nineteenth Congressional District, and today I send them my most sincere condolences on this solemn occasion.

As a member of the Congressional Caucus on Armenian issues I have fought hard for aid to Armenia, aid to Nagorno-Karabagh, and other important issues. However, I am equally proud to be the author along with Rep. DAVID BONIOR, of H. Con. Res. 55 which would ''honor the memories of the victims of the Armenian Genocide.'' As well as having this Congress honor the memories of the victims, H. Con. Res. 55 also encourages The Republic of Turkey to do the same. This legislation calls on the government of Turkey to turn away from its denials of the Armenian Genocide, and instead, to openly acknowledge this tragic chapter in its history. By doing so, the Turkish government can help to raise the level of trust and relations between Armenia and Turkey and allow Armenians to begin the healing progress. I encourage my colleagues to vote for the passage of H. Con. Res. 55.

Remembering this Genocide against the Armenians will help ensure this type of tragedy is never allowed to occur again.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 83rd anniversary of the Armenian Genocide. It has become a tradition for members to stand in the well of the House and pay tribute to the memory of the 1.5 million Armenians who were slaughtered by the Ottoman Turks from 1915 to 1923.

Mr. Speaker, April 24, 1915 represents a tragic day in the history of the Armenian people. It is a day that has left an indelible mark on the consciousness of mankind. Eighty-three years ago, the Ottoman Turks unleashed the forces of hatred upon Armenian men, women and children in a deliberate, calculated policy of extermination. On the night of April 24, 1915, the Ottoman Turks ruthlessly rounded up and targeted for elimination Armenian religious, political and intellectual leaders. So began one of the darkest chapters of the 20th century.

For eight bloody years a reign of terror ruled the daily lives of Armenians in the Ottoman empire. For eight long horrific years, Armenians were consumed by the fires of racial and religious intolerance. Tragically, by the end of 1923, the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

On the eve of launching the Jewish holocaust, Adolph Hitler commented to his generals, ''who, after all, speaks of the Annihilation of the Armenians?'' Mr. Speaker, the members of the U.S. Congress speak of the Annihilation of the Armenians. We speak out today so that future generations of Americans will know the facts surrounding the first genocide of the 20th century. We observe this solemn anniversary, along with the Armenian-American community and the people of Armenia, so that no one will be able to deny the undeniable.

Many of the survivors of the Armenian Genocide established new lives in America, contributing their considerable talents and energy to the economic prosperity and cultural diversity of our great nation. Therefore, Mr. Speaker, it is with a sense of gratitude toward Americans or Armenian descent and a deep sense of moral obligation that I join my colleagues in honoring the memory of these fallen victims of genocide. They have not been forgotten.

EDUCATION IN AMERICA IS FACING CRISIS

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

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

Mr. PAUL. Mr. Speaker, education in this country is facing a crisis. If we look at our schools carefully, we find out that there are a lot of drugs in our schools, actually murders occur in our schools, rape occurs in our schools, it is infested with teenage pregnancies. There is total disrespect for authority in many of our schools, and there is no good record to show that the academic progress is being made that is necessary.

The President happens to believe that if we have national testing, this will solve all our problems. And now he is addressing these very, very serious problems that we have in our schools with saying that if we can only get these kids not to smoke a cigarette, maybe we are going to solve these educational problems.

I would say that he is going in the wrong directions. These are serious problems and we must do something, but pretending that we are going to crack down on kids testing a cigarette, as bad as it is, is not going to solve our problems.

I have a couple suggestions to make on what we can do to improve the educational system. I have a bill that I introduced recently. It is H.R. 3626. It is called the Agriculture Education Freedom Act. This is a bill I think everybody in this body could support.

What it does, it takes away taxation on any youngster who makes some money at one of these 4–H or Future Farmers of America fairs. When they sell their livestock, believe it or not, we go and tax them. Just think of this. The kids are out there trying to do something for themselves, earn some money, save some money and go to school; and what do we do as a Congress, we pick on the kids, we go and we tax these kids.

I talked to a youngster just this past weekend in the farm community in my district, and he told me he just sold an animal for $1,200 and he has to give $340 to the U.S. Government. Now, what are we doing, trying to destroy the incentive for these youngsters assuming some responsibility for themselves? Instead, what do we do? We say the only way a youngster could ever go to college is if we give them a grant, if we give them a scholarship, if we give them a student loan. And what is the record on payment on student loans? Not very good. A lot of them walk away.

There is also the principle of it. Why should the Federal Government be involved in this educational process? And besides, the other question is, if we give scholarships and low-interest loans to people who go to college, what we are doing is making the people who do not get to go to college pay for that education, which to me does not seem fair. It seems like that the advantage goes to the individual who gets to go to college, and the people who do not get to go to college should not have to subsidize them.

I think it is unfair it pick on these kids. I think it is time that we quit taxing any youngster who makes some money at a 4–H fair or Future Farmers of America fair where they are selling their livestock and trying to earn money to go to college.

□ 1815

I think it is proper to say that they should have no taxation without representation. They are not even old enough to vote, and here we are taxing them. I mean that is not fair.

So I am hoping that I get a lot of cosponsors for this bill, because there sure are a lot of youngsters around the country trying to assume responsibility for themselves.

I do not believe for 1 minute the President's approach that we are going to assume that every kid is going to grow up to be a smoke fiend, and if we do not do something quickly, we are going to have them developing all these bad habits; at the same time, we see the deterioration of the public educational system.

Also, I would like to mention very briefly another piece of legislation that would deal with this educational crisis. The Federal Government has been involved in our public schools for several decades. There is no evidence to show that, as we increase the funding and increase the bureaucracy, that there has been any improvement in education. Quite to the contrary, the exact opposite has happened.

So I would say there is a very good practical case. I know the constitutional argument does not mean much. But the practical case is there is no evidence that what we have done so far has been helpful.

I have another piece of legislation that would give $3,000 tax credit to every family for every child that they want to educate by themselves. So if they would spend any money on their child, whether they are in school or out of school, in private school, at home schooling, they would get this $3,000 credit. I hope my colleagues will take a look at these two pieces of legislation.

COMMEMORATING THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Ms. WOOLSEY. Mr. Speaker, today is the sad and solemn day on which we remember one of the greatest tragedies that humankind has witnessed. Today marks the 83rd anniversary of the Armenian genocide, the first genocide of the 20th Century.

I have come to the floor of the House to acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. On April 23, 1915, over 200 Armenian religious, political, and intellectual leaders were massacred in Turkey. Little did anyone know that April 23rd, 1915, would signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of the earth.

Over the following 8 years, 1½ million Armenians perished. And more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist. Of course, that was the Turkish plan.

Unfortunately, the Armenian genocide is not as well known in history today as it should be. Little attention was paid to this tragic episode in history by the victorious allied powers at the end of World War I or by historians since.

Thus, ignored by many, the valuable lessons which might have been learned from this Armenian genocide went largely unnoticed. If more attention had been centered on the slaughter of

these innocent men, women, and children, perhaps the events of World War II, the Holocaust, might never have taken place.

As George Santayana reminds us, those who forget the past are condemned to repeat it. Perhaps this, above all, is the valuable lesson each of us must learn from the Armenian genocide.

As a result of the failure of some nations to acknowledge this horrible tragedy, the Turkish crimes have remained unpunished. An international court yet to condemn the holocaust of an entire nation, and this impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia Minor, the Syrian Orthodox people, and, recently, people living in Cyprus.

However, despite the unmerciful efforts of the Turks, Armenian civilization lives on today. It lives on in the independent Republic of Armenia. And it lives on in communities throughout America, particularly from my home State of California.

Today, we honor the innocent Armenians who tragically lost their lives. Today, we acknowledge that the Ottoman Turks committed genocide against the Armenian people. Today, we demand that this undeniable fact be accounted for by the current leaders in Istanbul.

I look forward to the day when the world says in one united voice we remember the Armenian genocide. Until that day comes, I will continue to stand up here before the House of Representatives and remind all of us of our responsibility to learn from the past and our responsibility to prevent any such atrocities in the future.

COMMEMORATION OF THE ARMENIAN GENOCIDE

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

Mr. KNOLLENBERG. Mr. Speaker, I join my colleagues in commemorating the Armenian genocide. I hope other Members of the House will join us in commemorating this 83rd anniversary.

The Oxford Dictionary defines the word ''genocide'' as, and I quote, ''the deliberate extermination of a people or a nation.'' When most people hear this word, they immediately think of Adolf Hitler and his persecution of the Jews during World War II.

Most individuals that you meet on the street are unaware that the first genocide of the 20th Century occurred during World War I, and was perpetrated by the Ottoman Empire against the Armenian people. The tactics utilized by the Ottoman Empire were every bit as brutal and deliberate as those used by Hitler.

Concerned that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over a million and a half Armenians.

This atrocious crime began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenians; the religious, the political, and the intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians that were serving in the Ottoman army. These soldiers were disarmed. They were placed in labor camps where they were either starved or were executed.

The Armenian people, lacking any political leadership, then were deprived of all of the young able-bodied men who could fight against the onslaught, were then deported from every region of Turkish Armenia.

The images of atrocities endured by these men and women are as graphic and as haunting as the ones that are etched in our minds from the Holocaust. Why, then, are so many people unaware of the Armenian genocide? I believe the answer can be found in the international communities; response to this disturbing event. Simply put, the unspeakable crimes against the Armenian people were essentially ignored.

At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice, and the world casually forgot about the pain and suffering inflicted upon the Armenian people. This proved to be a grave mistake.

In 1939, in a speech before his invasion of Poland, Hitler justified his brutal tactics with the infamous statement, ''Who today remembers the Armenians.'' And 6 years after his speech, 6 million Jews have been exterminated by the Nazis. As has been repeated on the floor this evening already, never has the phrase, ''those who forget the past will be destined to repeat it,'' been more true and more applicable.

If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 83rd anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. That is why we gather tonight to honor the memories of the victims of the genocide that occurred 83 years ago.

So let us pay homage to those who fell victim to their Ottoman oppressors and tell the story of the forgotten genocide, the forgotten genocide. For the sake of the Armenian heritage, it is a story that must be heard, and it must be remembered.

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

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

ARMENIAN GENOCIDE COMMEMORATION

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

Mr. MENENDEZ. Mr. Speaker, as we have heard from some of our colleagues, we come again this year to the House floor to commemorate and pay tribute to the 1.5 million victims of the Armenian genocide. Some ask why 83 years later we continue this exercise. The answer in my mind is rather simple. By telling the history and evoking the names of the victims, we protect them and others who would willfully erase from history their lives and the tragic events which occurred between 1915 and 1923.

As with the Nazi Holocaust, the Irish Famine, and other atrocities, we have a responsibility to society to recount of the history of the Armenian genocide so that we do not forget its victims and so that we remember man's capacity to destroy others who differ in their opinions, their race, religion, or ethnicity.

Genocide is the most egregious of crimes. It is not a crime of passion or revenge, but of hate.

Since 1923, Turkey has denied the Armenian genocide, and there has been no justice, and no Nuremberg trials for the victims and the families of the Armenian genocide.

To those who continue to resist the truth, I can only believe that they had chosen to ignore the hard evidence or to indulge, to their shame, by ignoring the facts. Like the Holocaust, denying the Armenian genocide cannot erase the tragedy, the lives that were lost, or compensate for driving people from their homeland.

For the people of Armenia, the fight continues, particularly for those residing in Karabagh. I am hopeful that we will see the day when peace, stability, and prosperity are realized for the people of Karabagh, and for all Armenians.

For my part, I am hopeful that, through our continued efforts in the Congress, we can improve the lives of the Armenian people, continue to speak out for the human rights observers that, in fact, we hope for that part of the world, and continue to speak out against the atrocities that are continued to be committed by the Turkish Government. Certainly, we will continue to remember those who lost their lives and continue to commemorate this somber occasion.

Ralph Waldo Emerson tells us:

> The history of persecution is a history of endeavors to cheat nature, to make water run uphill, to twist a rope of sand. The martyr cannot be dishonored. Every lash inflicted is a tongue of fame; every prison a more illustrious abode; every burned book or house enlightens the world; every suppressed or expunged word reverberates through the earth from side to side. Hours of sanity and consideration are always arriving to communities as to individuals when truth is seen and martyrs are justified.

His words ring very true to us, Mr. Speaker, as we again commemorate the Armenian genocide.

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

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

PROPOSED SETTLEMENT FOR TOBACCO CONTROVERSY

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

Mr. WHITFIELD. Mr. Speaker, last summer, State attorneys general, representatives of health care groups, representatives from the White House, and the tobacco industry met to see if they could come up with a settlement of a tobacco controversy regarding teenage smoking.

After many hard hours of negotiation, and in fact, many days of negotiation, an agreement was reached, and the tobacco companies agreed that they would pay the sum of $368 billion every 25 years forever. In addition, they said that they would allow and agree that a health care agency, a third party, would set targets to reduce teenage smoking by a certain percent each year. If that target was not reached, the industry would pay $80 million for every one percentage point that the target was not met.

In addition, the industry agreed that it would pay $5 billion annually into a trust fund to take care of any court judgments obtained against the industry. In addition, the industry agreed that they would allow the Food and Drug Administration to regulate the tobacco industry, going far beyond the FDA regulations proposed by former FDA Commissioner David Kessler, in fact, going much further than had ever been recommended before. They agreed also that they would waive their constitutional right to advertise their product.

□ 1830

In addition they agreed, and this is really almost unheard of because every citizen in America has a right to petition the government, to lobby the government, but the industry agreed that they would also ban and eliminate the Tobacco Institute which was their lobbying arm.

They also agreed that, like today, any individual that is harmed by using a tobacco product would have the right to continue to sue the tobacco industry to obtain damages for any injuries that they suffered.

And so the health care groups, the State attorneys general, the White House, all of those groups received exactly what they wanted from the industry.

Now what did the industry want in return?

Well the industry said that they would simply like to have settled the 40 State lawsuits brought by State attorneys general under an innovative new legal theory of reimbursing States for Medicaid costs that they expended in treating Medicaid beneficiaries who received damages from using tobacco products, and that was agreed to. They said, ''Okay, we'll settle these lawsuits, and some of the $368 billion that the industry is going to pay every 25 years forever will go to the States.''

And so everyone left that settlement, and President Clinton said it was a great settlement, Vice President GORE said it was a great settlement, the tobacco industries were satisfied, the health care industries were satisfied, and even FDA Commissioner Kessler said that it represents the single most fundamental change in the history of tobacco control in any Nation of the world.

But yet when the bill started moving through the Senate, the administration changed their views, the health care industry changed their views, David Kessler changed his view, and they became greedy, to put it very bluntly. They wanted more. They had this industry on the run; they wanted more. And so I think they lost sight of the original goal, to reduce teenage smoking. They now wanted to punish an industry.

And under the McCain bill the $368 billion that the industry agreed to pay every 25 years forever went to $506 billion every 25 years forever. If the industry missed the targeted reduction, instead of paying $80 million per percentage point, they now under the McCain bill would be paying $240 million. And then, furthermore, the one thing that the industry received from it, immunity from these State lawsuits, they lost.

So it is not surprising that the tobacco industry said we are going to walk away from this agreement, and who could blame them really, because if the goal is to reduce teenage smoking there was plenty of money there. There was plenty of money to initiate programs to help teenagers reduce smoking. But as I said, people became greedy and they wanted to punish this industry, and so the whole thing has fallen apart.

And I would suggest to you today that the real problem facing teenagers is more the use of illegal drugs than tobacco.

I hope that we can retain some common sense and approach this problem to solve it, and I look forward to working with others in that effort.

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

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

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

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

DO NOT FORGET ARMENIAN GENOCIDE

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

Mr. SHERMAN. Mr. Speaker, like many of my colleagues, I rise today to remember the Armenian genocide of 83 years ago. We are asked why it is so important that we come to this floor and remember. We must remember to make sure that it never happens again, and we must remember because there is an organized effort to force us and convince us to forget.

Let us look back at the historical record. The American Ambassador to the Ottoman Empire was an eyewitness in 1919, and he recounts his discussion with Turkish authorities. He says in his memoirs, ''When the Turkish authorities gave the orders for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact.''

He went on to describe what he saw at the Euphrates River, and he said, as our eyes and ears in the Ottoman Empire in the year 1919 as a representative of the American government, ''I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people.''

As other speakers have pointed out, the first genocide of this century laid the foundation for the second genocide, and as a Jewish American I can never forget that 8 days before he invaded Poland Adolf Hitler turned to his inner circle and said, ''Who today remembers the extermination of the Armenians?'' The impunity with which the Turkish Government acted in annihilating the Armenian people emboldened Adolf Hitler to carry out the holocaust of the Jewish people.

And yet today there is an organized effort to expunge from our memory this genocide, and the focus is on the elites and academia.

I am a proud graduate of UCLA, and I would like to tell you a short story about my alma mater, for earlier this year and late last year UCLA considered the offer of over $1 million from the Turkish government, $1 million to be used to study Ottoman history, and

it is important indeed that we study the history and culture and language of Turkey. But this $1 million gift came with strings attached, strings designed to make sure that the person who sat in that chair at UCLA would be a person selected by the Turkish Government to begin the process of covering up and concealing the Armenian genocide.

Now I am proud of many things at UCLA. I was there when Bill Walton led us to an NCAA championship. But I was never prouder of my alma mater than when UCLA said ''no'' to the $1 million. And now that same $1 million is being floated in front of the University of California at Berkeley and other institutions. I hope that academic institutions from one coast to the other will join in unison in saying America's academic integrity is not for sale; $1 million, $10 million will not buy the prestige of American universities and enlist them in the goal of denying the Armenian genocide.

Likewise, it is time for the State Department to go beyond shallow, hollow reminders and remembrances of this day and to use the word ''genocide'' in describing the genocide of the Armenian people at the hands of the Ottoman Turks.

You know the United States plays a unique role in the world today. Never before in history has a single Nation not only been the sole superpower but then accepted by all the other nations in the world as the sole superpower. We hold that position uncontested because other nations have allowed us. They have not joined in some sort of anti-American alliance but rather are happy to see America as the world's superpower. Why? Because our foreign policy is guided by morality.

Mr. Speaker, never again, never forget.

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

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

REMEMBERING THE ARMENIAN GENOCIDE

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

Mr. ROGAN. Mr. Speaker, Haig Baronian of Glendale, California in my district can recite history like few historians can. He has lived it. Last year he told the Daily News of Los Angeles that he had seen his mother pulled away, never to be seen again. The story he has to tell is like those echoed in history books, college classrooms and town halls across the Nation. However, he did not live in Bosnia, Uganda, Cambodia or Nazi Germany. As a child Haig lived in Armenia.

Between 1915 and 1923 over 1 million Armenians, who had inhabited their homeland since the time of Christ, were displaced, deported, tortured and killed at the hands of the Ottoman Empire. Families were split, homes were destroyed, lives were torn apart. In the years since, officials from what is now Turkey have dismissed these charges as a mere civil war. But men like Mr. Baronian tell a different tale, and today I ask my colleagues to join me in remembering his family and his neighbors, and to seek justice so that future generations will never again face tragedy at the hands of their own government.

Mr. Speaker, as their friends and family were killed before them, nearly a million managed to escape and build new lives in the United States. Of these, nearly 100,000 Armenians now live in the Los Angeles area. What is inspiring to me is witnessing their climb from tragedy to triumph as dedicated, informed and prosperous members of our community. And while the story of Armenians in America is truly a success story, an injustice to friends, neighbors and to history still remains.

Every April 24 we in Congress gather to recognize the contributions of Armenian Americans and to remember the Armenian genocide. As we look to a new century we must be mindful of our dual obligation both to diplomacy and to justice. Like my colleagues, I rise today in the interests of justice, to call on humanity to put to rest one of the darkest episodes in history.

Mr. Speaker, for 10 years the Ottoman Empire tried to strip the Armenian people of their dignity, their property and their lives. What they failed to do was rob them of their soul and their will to survive and prosper.

In recognition of Haig Baronian and his fellow Armenians, both at home and abroad, who suffered at the hands of the Ottomans, I ask my colleagues to join me and for Congress to commit itself to the interest of justice and to the cause of peace. I ask that we remember the past so, as we have been warned before, we shall not be condemned to repeat it.

□ 1845

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

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

TRIBUTE TO NANCY OSTER, BARBIE DEUTSCH AND THE BREAST RESOURCE CENTER

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

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to a very brave woman from my district, Nancy Oster, and to a very special organization, the Breast Resource Center.

Nancy Oster is a survivor of breast cancer. As a survivor, she is an example and a symbol of courage and persistence. She was determined to do something about that life-changing event called breast cancer.

Another example of resolve and bravery, Barbie Deutsch, is in the gallery today. She is from my district, and I am honored to be speaking in her presence.

A few weeks ago, Nancy Oster came to visit me here in Washington while she was attending the celebration of survivors in conjunction with the Race For The Cure. Seeing her here, I was once again struck by her bravery and her caring nature, and energized by her commitment to the unique breast cancer collaborative community project that has emerged in Santa Barbara. And I want to pay tribute to that effort.

Nancy Oster is President of the Board of the Breast Resource Center of Santa Barbara. This organization came about after a group of women diagnosed with the disease found it very difficult to obtain critical and objective information.

Ideally, they wanted a friendly place where anyone impacted by a breast cancer diagnosis could come and find information about local and national resources, and also find access to what they described as a breast cancer grapevine. People who are willing to listen, to share experiences, and to offer a reassuring hand.

Their brainstorming session took place in 1996. Just 1 year later, the dreams of these courageous women came to fruition and the Santa Barbara Breast Resource Center was born. A cottage on Pueblo Street is the home for this special organization in Santa Barbara.

I have been at the cottage, and it is indeed a warm and inviting place. There is a pot of chicken soup on the stove; there is a little garden outside; there is access to the Internet. There are many books and pamphlets, comfortable couches, and most of all, caring and concerned people.

Dr. Susan Love, its medical director of the Breast Cancer Institute in Santa Barbara, serves as honorary chair of the Breast Resource Center. She was the driving force in the formation of this group, and in her words, information is power, which helps to dispel the fear and vulnerability of a breast cancer diagnosis. The Breast Resource Center provides the Santa Barbara community the access to that power.

The central coast of California is unique in that we have so much and such easily accessible support for those battling this disease. I hold Santa Barbara up as a model for communities all around the country. It provides wonderful resources for women who often feel like they have nowhere else to turn.

I am honored and humbled to be a partner in this effort and in this enterprise.

So, Mr. Speaker, I salute the Breast Cancer Institute, the Breast Resource Center, Nancy Oster, Barbie Deutsch, and all the other breast cancer survivors who carry on. They have taken what can be seen as a tragic circumstance and turned it into something real and something powerful. This is a community operating at its best, and I implore women all around the country to look to Santa Barbara and these special women for inspiration. I also implore those of us who are Members of this body, this House of Representatives, to take the inspiration of these women as motivation, as a call to action, to provide the resources to find a cure, resources for early diagnosis, for effective treatment.

We are partners with you, Barbie and Nancy, and those of you in the Breast Resource Center. I salute you, and I thank you for leading the way.

COMMEMORATION OF THE 83rd ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. PORTER. Mr. Speaker, today I come to the floor again to commemorate the anniversary of one of the darkest stains on the history of Western civilization, the genocide of the Armenian people by the Ottoman Turkish Empire. I greatly appreciate the strong support of so many of our colleagues in this effort, especially that of the gentleman from New Jersey (Mr. PALLONE) my fellow cochairman of the Armenian Issues Caucus.

I commend the gentleman for arranging this evening and for his continued dedication to these vitally important issues.

Mr. Speaker, there is not a single Member here who wishes that we did not have to have this special order. We would like to believe that such a tragedy could have never happened, because it is painful to accept that man is capable of perpetuating and tolerating such atrocities. Unfortunately, however, we have seen over and over the tragic results of hatred and ignorance; the Holocaust, ethnic cleansing in the former Yugoslavia, the Rwandan genocide. And too often, the so-called civilized nations of the world have turned a blind eye.

On April 24th, 1915, over 200 Armenian religious, political, and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign, which resulted in the destruction of the ethnic Armenian community, which had previously lived in Anatolia, in western Armenia. Between 1915 and 1923, approximately 1.5 million Armenians were killed, and more than 500,000 were exiled.

The U.S. Government was aware of what was happening during these tragic years. The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., sent back graphic descriptions of death marches and mass killings. Other Western diplomats did the same.

Although the U.S. and others voiced concerns about the atrocities and sent humanitarian assistance, little was actually done to stop the massacres. The Armenian genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort.

We must call this what it was, genocide, and we must never forget that it happened. Congress has consistently demanded recognition of the historical fact of the Armenian genocide. Unfortunately, the same cannot be said for our executive branch.

The modern German Government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for it and apologized for it. Yet the modern Turkish Government continues to deny that the Armenian genocide ever happened. Moreover, they have chosen to attack the messengers with smear campaigns and misinformation, rather than facing historical facts. A number of Members of Congress have been called names and accused of lying and treachery by the Turkish media for simply speaking the truth.

Turkish refusal to acknowledge historical facts fits the pattern of denial that, unfortunately, we have come to expect; denial of torture, denial of repression of minorities, denial of political repression, denial of high-level corruption.

Recently, however, some Turkish officials have realized that the only way Turkey can cement her position in the community of democratic nations is to admit these problems and deal with them.

There is finally a national dialogue in Turkey about these human rights abuses. I have yet, however, to witness a change in rhetoric about the Armenian genocide. I hope that the fact that Turkey and Armenia may begin direct bilateral discussions to improve relations will signal real substantive change.

Armenia and the Armenians will remain vigilant to assure that this tragic history is not repeated. The United States should do all it can in this regard as well, including a clear message about the historical fact of the Armenian genocide.

I call on President Clinton to have the courage to speak plainly about what happened 83 years ago. We do Turkey no favors by facilitating her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on the human rights abuses occurring in Turkey, a close American ally today.

Armenia has made amazing progression in rebuilding a society and a Nation, a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics, and the rule of law, as evidenced by the recent peaceful free and successful Presidential elections.

The time has come to recognize the history of the region, to admit the truth of the Armenian genocide, and to bring the nations and peoples together to live in peace and with a commitment that never again will an atrocity such as this be allowed to occur.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

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

Ms. NORTON. Mr. Speaker, along with the gentleman from New York (Mr. NADLER), I am due later to cosponsor a special order for Bella Abzug, who died last week. I will need to be in my district for an event, and wanted to offer these 5 minutes of commemoration at this time.

When I heard that Bella was dead, I immediately said something close to, ''Well, she can't die. She doesn't die. Bella doesn't do things like that.''

I think this was my spontaneous reaction, because Bella seemed to many of us incapable of dying. There was so much life there, we felt that by the time she was to die, there would simply be leftover life. In the permanence of the memory of her life and times there, of course, is leftover life.

Feminists will compete with the other great causes of Bella's time for entitlement to her energetic legacy, for Bella's feminism owed as much to her universal sense of justice as to her gender.

Bella has been called, ''The bravest, smartest, brightest progressive of our generation,'' and I think that the vote in the House where she served would not be close on that one. Civil liberties and the antiwar movement, civil rights and the environment, economic justice and the labor movement, Bella did not simply taste the great social movements of her time; she drank deeply, more often than not after being among the first to pour the energy into them that started their growth in the first place.

Every new movement needs a Bella. Few get them. The second feminist revolution got Bella, and Bella is just what feminism needed then. Women had been patronized and placated for so long in this country, they needed a woman who could not be ignored.

Bella of the Bronx, in case you had not noticed; Bella, daughter of the live-and-let-live meat market; Bella, who learned to live by the opposite credo; Bella was a force that spread through this House and has made it never the same since.

Then there were 10; now we are 55. Today we celebrated three new women

who bring us to 55 strong. Bella so filled the place, there must be some who cannot even tell that our numbers have grown since she left; so large was her impact that those three short terms beginning in 1970 seemed not to have ended.

After Bella left, she showed she did not need this House to have impact. While she was here though, she brought her causes to the House floor, and often made them law, from the resolution to withdraw from Vietnam introduced on her first day in the House, to her place as the first to call for the impeachment of Richard Nixon.

Make no mistake, Bella was a legislature par excellence and a procedural expert in this House. She coauthored the Freedom of Information Act and the Privacy Act, bringing into law her lifelong crusade against the excesses of the FBI and the CIA, and the prominent battle for which she will always be remembered, of course, the Equal Rights Amendment.

Once Bella got in, they could not get her out, so they redistricted her out. Her State came within 1 percent of getting her in the Senate, however.

For many women who serve in the House, Bella's place will always be in the House and in our hearts.

If the truth be told, however, Bella, the outsider, never came fully into this House or any part of the establishment. For public officials today, this capacity not to take your official self so seriously that you lose sight of the outside causes that sent you here in the first place may be the most valuable legacy of her service in this place.

If we remember only that part of her fact legacy, all of us who serve here will serve better, and all of us who seek to be better public servants shall have found in her an important guiding principle left over from Bella's abundant life.

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

(Ms. ESHOO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1900

REMEMBERING THE GENOCIDE OF THE ARMENIAN PEOPLE

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

Mr. BILIRAKIS. Mr. Speaker, I, too, rise today to remember one of the most appalling events in human history, the genocide of the Armenian people.

It shames and saddens me to say that the human race is no stranger to genocide: the great purges in Russia, during which Stalin methodically killed millions of Russians; the Holocaust, in which 6 million Jews were systematically slaughtered by the Nazis; and less well known but certainly just as significant, the Armenian genocide, in which 1.5 million Armenians were exterminated by the Ottoman Turks.

I feel a special kinship to the Armenian people. As many know, I am of Greek descent and my ancestors, too, suffered at the hands of the Ottoman Turks. In fact, this past March 25, my colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY) and I conducted a special order to celebrate Greek Independence Day.

On that day, 177 years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire. Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. Between 1915 and 1923, one and one-half million Armenians were murdered, and hundreds of thousands were driven from their homes by the Ottoman Turks.

Today I want to acknowledge this tragedy and remember those Armenians who lost their lives. As citizens of a Nation that celebrates the strength of its diversity, we should always remember those dark moments in history where people were persecuted because they were different.

Mr. Speaker, there is an unfortunate tendency to forget these horrific tragedies and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we could keep similar dark moments from happening in the future.

I thank the gentleman from Illinois (Mr. PORTER) and the gentleman from New Jersey (Mr. PALLONE), the cochairs of the Congressional Caucus on Armenian Issues, for helping us do that.

THE CENSUS

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

THE ARMENIAN GENOCIDE

Mrs. MALONEY of New York. Mr. Speaker, I rise to put on the RECORD my statement on the Armenian genocide on its 83rd anniversary. As we stand here on the floor now, the Armenian National Committee is hosting a meeting with Members of Congress to remember the genocide and to take action to make sure that it becomes part of the history of the world and is recognized.

Mr. Speaker, I would like to take this opportunity to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), who are cochairs of the Armenian Caucus, for all of their hard work on this issue and other human rights issues.

Mr. Speaker, I want to talk about a very important point, and that is getting a fair and accurate census, one that counts every American.

There has been a lot of rhetoric about the Census Monitoring Board floating around. Once again, there has been little connection between that rhetoric and reality. I hope to set the record straight by discussing the facts of the situation and not the mythology the opponents of a fair census are trying to create.

Mr. Speaker, my colleagues who oppose a fair and accurate census, who repeatedly call for spending billions more to assure that the inaccuracies of the past are repeated, have criticized the President for appointing a couple of, and I use their quotes, ''political hit men'' to the Census Monitoring Board set up in the 1998 appropriations bill. These appointments, they claim, show that the President is really interested in politics, not in science.

The facts argue that just the opposite is true. The President has put forward a plan for the 2000 Census based on science, not politics. The opponents of that plan know they cannot win a debate on the merits, so they have tried to smear the President and the Census Bureau with innuendo.

The President appointed politicians to the Census Monitoring Board because, from the outset, it has been clear that the board was a political entity. The President appointed politicians to counter the politicians appointed by the Republicans. It is clear that, from the beginning, the new leadership intended this board to be political.

Let us look at the facts. When the board first appeared in language drafted by the Republican leadership during the negotiations over the 1998 budget, it had four Republican appointees and just two Democratic appointees. That sounds rather partisan and slanted to me. At the same time, they tried to give the board subpoena power, congressional printing authority, and a host of other functions. In fact, they designed the board to look very much like a House committee, where they could control the rules of the game. In other words, they tried to create a political entity.

We are fortunate that the President refused to accept such a blatantly partisan board. Even after the President forced the Republican leadership to accept a board that had four Republican appointees and four Democratic appointees, the Republican leadership wanted the board to operate with a quorum of four.

Mr. Speaker, I would like Members to stop and think about what that means. A quorum of four would allow the four Republican appointees to meet without including a single Democrat. Is that partisan? Does that tell us what their agenda is? I think it does.

The Republican leadership at every turn has signaled that this monitoring board is nothing but a political entity. The President has responded to these signals in the only rational way possible. When the Speaker of the House and the Majority Leader of the Senate appointed board members with political rather than scientific credentials, the President did likewise.

What is different is that the President has a strong record on the science of this issue, and the Republican leadership does not. The President called on the National Academy of Sciences for advice. The Republican leadership has ridiculed the Academy as political because it does not like their scientific judgment. The President continues to seek the advice of experts through the National Academy of Sciences and through advisory committees. The Republican leadership continues to fret about what a fair and accurate census might do to their attempts to manipulate the redistricting process.

Right now, the Census Monitoring Board is a political entity because the Republican leadership made it that way. But it does not have to continue in that vein. Let me put forward four principles that, if adopted, could make the monitoring board a bipartisan operation.

First, all personnel hired to work for the monitoring board other than the executive directors, have to be hired with the agreement of both executive directors.

Second, all work done by board employees has to be approved by both executive directors.

Third, any press release, publication, or statement attributed to the board has to have the approval of both chairs before released.

Fourth, any funds expended by the board have to be approved by the two chairs.

If the Republican appointees on the Board will agree to these four principles, the board can proceed in a bipartisan manner.

If they refuse to agree with these principles, it is a clear indication that their agenda is to conduct partisan political activities and try to use the monitoring board to legitimize their partisan agenda.

I ask the Chairman of the Census Subcommittee to join me in calling for the Census Monitoring Board to accept these four principles.

His willingness to join me in supporting these principles will also send a signal that he too is interested in fact and not fiction.

LET US REMEMBER THE ARMENIAN GENOCIDE

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

Mr. HORN. Mr. Speaker, as we near the dawn of a new millennium, many people have begun reviewing the events of the past 1,000 years. In the year 1000, Europe was only just beginning to rise from the Dark Ages, but the advances of the enlightenment were still centuries away. Life was still brutish and short, marked by random violence and terrible purges from time to time. We like to look at history and see a steady improvement in the condition of mankind. We would prefer to believe that humanity today bears little resemblance to the near barbarism that marked the last millennial change.

Sadly, as we narrow our focus and look back at the 20th century, we see that many of the horrors that marked the 10th and 11th centuries still exist in our world. This century has seen horrors on a scale that even the cruelest leaders of the beginning of this millennium could not have imagined. More than 100 million people have been savagely murdered in this century. It is disheartening that many in the present day continue to hide or diminish these events of sheer terror.

In our lifetime, we have seen the genocide of Stalin, of Mao, of Hitler, of Pol Pot, and a large number of lesser known despots; the Nazi Holocaust against the Jews.

The practice of genocide certainly was rooted in the efforts of the Turks to destroy the Armenian people 83 years ago. At that time, the Ottoman Empire began a movement that would ultimately kill more than 1.5 million Armenians, and it left deep scars upon those who survived, scars that continue to exist today.

What is so disheartening is that not only did this awful travesty occur but today the effort to cover it up or diminish this awful event continues. Mankind is capable of forgiveness, but it requires an acknowledgment by the guilty party of that guilt and a desire for contrition. Unfortunately, the government of Turkey wants to escape its guilty by blaming the Ottomans and has made no effort at reconciliation.

Mr. Speaker, Turkey not only denies responsibility for its past action but has continued efforts to cause hardship in Armenia by blocking U.S. assistance from reaching Armenia and generally trying to obstruct closer relations between the United States and Armenia. Turkey is our ally and has helped further the security of the United States and Europe. It would be unfair to leave this unacknowledged. But it would also be unfair to ignore a serious issue that does affect our mutual relations.

By accepting its responsibility, Turkey can help show that, while horrible events still take place, mankind has advanced to the point that we acknowledge and atone for these awful actions.

Mr. Speaker, I want to extend my appreciation to the Members of this body who have done so much to prevent the world from forgetting the atrocities of 83 years ago, and to the many Armenian American organizations throughout the Nation, and in particular California, for their good work on behalf of the Armenian American community and to foster closer ties between the United States and Armenia.

Let us remember. Let us never forget.

RECOGNIZING THE SACRIFICE OF THE CREW OF THE U.S.S. INDIANAPOLIS

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

Ms. CARSON. Mr. Speaker, today several of my colleagues and I join 12-year-old Hunter Scott in his outstanding efforts to correct an injustice dealt to the skipper and crew of a World War II battle cruiser. The U.S.S. *Indianapolis* was torpedoed and sunk just before the end of the war, in the U.S. Navy's worst disaster at sea.

Hunter Scott, a 7th grader at Ransom Middle School of Cantonment, Florida, researched the story of the U.S.S. *Indianapolis* as a school history project. This week, today, he came to Washington to ask Congress to exonerate Charles McVay, the ship's captain, who was court-martialed for the loss of the ship.

Hunter has been able to do what adults have been unable to do for 53 years. He has drawn attention to the story of the *Indianapolis*, and now we are preparing to give the crew and captain of the ship the recognition that they so rightfully deserve.

The U.S.S. *Indianapolis* was sunk by a Japanese submarine in 1945 after delivering the components of the atom bomb to Tinian Island in the Pacific. Only 316 of the 1,916 soldiers who served on the U.S.S. *Indianapolis* survived to be rescued.

The crew was adrift at sea without lifeboats, food, or water for 4½ days. More than 500 were eaten by sharks or succumbed to injuries or the elements. During this time, the failure of the ship to arrive in port at the Philippines went totally unnoticed. The ship's Captain, Charles B. McVay III, was convicted in a 1946 court-martial. He was the first U.S. naval officer ever to be tried and convicted following the loss of his ship in combat. McVay committed suicide in 1968.

Captain McVay's conviction was based on the fact that he failed to zigzag the ship, but his superiors never gave him information that a Japanese submarine was patrolling the area. In addition, the Japanese captain of the submarine said before the trial that he would have sunk the ship even if it had been zigzagging.

Evidence suggests that the Navy made McVay a scapegoat for the embarrassing loss of the ship and tragic death of most of the crew. Because McVay's court-martial severely tarnished the ship's reputation, the crew of the *Indianapolis* has gone without recognition for 53 years.

Today, my colleague and I introduced legislation to reverse this injustice to Captain McVay and the crew of the U.S.S. *Indianapolis.* The enactment of the bill would exonerate Captain McVay of the responsibility for sinking the U.S.S. *Indianapolis.* It would express the sense of Congress that the court-martial conviction of McVay was a grave injustice. It urges the President to grant a posthumous pardon to Captain McVay and expresses the sense of Congress that the President not only award a Presidential Unit Citation to the crew of the U.S.S. *Indianapolis* in recognition of their courage and fortitude but it waives any time limit applicable to such a situation.

Twelve of the survivors of the sinking of the U.S.S. *Indianapolis* came to

Washington to join Hunter in his crusade. After the ship sank, they endured almost 5 days adrift in shark-infested waters, where two-thirds of their shipmates perished from shark attacks, hunger, thirst, and exposure.

Let us, at long last, understand that justice delayed is justice denied and recognize in a very patriotic fashion the kind of sacrifices that were rendered at that particular time.

□ 1915

The Walt Disney Channel on Sunday has a very special and unique presentation about the *U.S.S. Indianapolis.*

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

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

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

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

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

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

THE THIRD CONGRESSIONAL DISTRICT OF MASSACHUSETTS REMEMBERS ARMENIA

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

Mr. MCGOVERN. Mr. Speaker, last year on April 25th, 1997, I attended a remembrance for the 1½ million men, women, and children who were persecuted by the Turkish Ottoman government and who perished during 1915 to 1923. The commemoration, held at the Worcester City Hall in Worcester, Massachusetts, honored the 60 survivors of the Armenian Genocide who are still living and residing in the Third Congressional District of Massachusetts. I had the privilege of meeting 14 of them, and nothing I can express will ever compare to their words or memories.

In the past year I have had the privilege to meet with many Armenian Americans in discussions not only about Armenia, but also on how to strengthen our communities, our schools, our health care, and the welfare of our children. I have learned a great deal from the Armenian community in central Massachusetts and I hope that they will continue to share with me their views and their insights.

I also had the opportunity to spend a memorable afternoon at the Armenian Youth Federation Summer Camp in Franklin, Massachusetts, also in my district. There I met and spoke with young Armenian Americans who come to this camp from all around the country. It is clear that the sons and daughters of Armenian heritage will continue to speak about their family's history and tragedy, and they will greatly enhance life in America with their spirit, intelligence and humor.

It is as much out of my respect for them, these young people, that I feel privileged to add my voice to today's commemoration of the Armenian Genocide.

Every year we gather not just to honor and commemorate the victims, but to stand witness and declare that we will never forget this horrific tragedy. What happened during those years was more than just a series of massacres carried out by the Turkish Government during a time of instability, revolution and war. Whole communities were wiped off the face of the map. Over 1½ million men, women, and children were deported, forced into slave labor, tortured and exterminated by the Ottoman Government of Turkey.

It was deliberate. Millions of Armenians were systemically uprooted from their homeland of 3,000 years and eliminated through massacres and exile. It was a carefully executed plan of extermination. It was the first example of genocide in the 20th century, and it was the precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination that are the nightmares that haunt and characterize our own times.

Unlike Germany, the Government of Turkey, however, has never acknowledged its attempted annihilation of Armenians. Instead, successive Turkish governments have engaged in a global campaign of denial and historical revisionism.

Mr. Speaker, this is why we must remember, why we must always remember. This is why we must speak out, why we must always speak out. To forget history dishonors the victims and the survivors of the Armenian Genocide, and it encourages tyrants everywhere to believe that they can kill with impunity.

Over 30 nations, from Australia to Russia to Lebanon, have adopted resolutions officially recognizing the Armenian Genocide. Earlier this month the Senate in Brussels, Belgium, approved a resolution recognizing and commemorating the Armenian Genocide.

Mr. Speaker, as an American and a Member of Congress, I am profoundly angry that the United States of America has yet to recognize the actions taken by the Turkish Government between 1894 and 1923 as acts of genocide against the Armenian people. What other name could we possibly give to actions that reduced the Armenian population in the Ottoman Empire from 2,500,000 souls at the beginning of World War I to the fewer than 80,000 who remain today inside of Turkey? Yet every year the administration fails to acknowledge that a genocide took place in order to appease our Turkish allies.

As a Member of the Congressional Caucus on Armenia, I am a proud cosponsor of H. Con. Res. 55, legislation that honors the victims and survivors of the Armenian Genocide, and calls upon the United States Government to recognize the genocide and encourage the Republic of Turkey to acknowledge and commemorate the atrocity carried out against the Armenian people.

As a Member of that caucus, I work with my congressional colleagues to strengthen support and assistance to the people of Armenia; to support the Democratic process and elections recently held in Armenia; and to support and aid the Armenians of Nagorno-Karabagh who must daily confront the hostility and violence of Azerbaijan and the threat of another genocide.

Mr. Speaker, on behalf of the 1,400 Armenian families who reside in my district, I will continue to work and speak on these issues in the 105th Congress. I will continue to honor the memory of the survivors of the Armenian Genocide, and I will continue to work for the freedom and human rights of Armenians everywhere.

I thank my colleagues, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), for their leadership on Armenian issues and for coordinating these special orders today.

CRISIS IN AMERICAN EDUCATION

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

Mr. MCCOLLUM. Mr. Speaker, last Sunday, April 19th, there appeared on the front page of the Orlando Sentinel, my hometown newspaper, an extraordinary article with an extraordinary insight into the nature and the scope of the problem with public education that we are facing in the United States.

I think that this is an article which should be read by all of our colleagues, and I call it to our colleagues's attention.

I also at this time, so that I do not forget to do it later, although I am going to be referring to this liberally, would like ask that the entire text of this article and the accompanying text of a teacher's diary, an insert on the front page of this newspaper, be introduced into the RECORD following my remarks today.

Mr. Speaker, back a couple of years ago, the Florida legislature passed a law requiring that every student who graduates from high school in the State of Florida had to have a 2.0 average throughout their high school studies. A 2.0 on a four-point scale means a

C average. My colleagues might be surprised to learn that somebody would have to have a C average to graduate. Before that they only had to have a 1.5, and my colleagues would not believe the uproar that it has caused in our school system, but it has.

At exactly the same time the legislature said we are also going to say that what counts for C is a 70 on a scoring sheet of paper when students take a test, no longer a 65. So they have to have a 70 get a C and they have to have a C average to graduate.

Here is what this newspaper article found after a year or so of operation of this law. This article entitled, ''Thousands continue to fall short,'' by Mike Berry says,

First semester grades for the Class of 2000 are in and they show that a third of central Florida's sophomores are in serious trouble and on a path that would keep them from graduating. Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure. If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids have D or F averages. That's 40 percent of the class.

The article goes on to say that,

At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read. Many simply cannot fathom the concept of a textbook. Forty percent of the freshmen are years behind where they should be.

Berry goes on to say,

These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help. And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around. That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.

Last year you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and still leave another 6,000 standing outside.

''Students who earn more than 24 credits can drop their lowest grade'' in some of these schools, Berry says. ''There are classes without tests. There are sessions where kids get one-on-one attention.'' But regardless of what the teachers do, these kids still don't have a 2.0 average.

The question he poses is: Who is to blame for this? And we can go through a lot of hand-wringing. Obviously, we know there are problems with the schools themselves, but there are also problems with the kids and there are problems with the parents and their involvement.

''Regardless of what teachers do, too many kids,'' he says, ''care only about their lives outside the classroom. One Oak Ridge math teacher, Cherry Jones, struggles to teach multiplication, only to hear kids respond, 'Why? I've got a calculator.''' And another surprise these days is the attitude of some parents. They don't care either.

But, Mr. Speaker, I thought the most interesting point of all about this came from a diary that accompanied this text and this article by an English teacher in Central Florida, and I am just going to quote a little bit of what she had to say. This is one day's entry.

Today I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills as opposed to memorization skills. I have been giving open-note tests since day one.

Even so, every time I lecture I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?

Last week I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of topics that would be covered. Last night I put a reminder on my homework hotline.

Apparently, I speak a different language than they do because a quarter of them came in this morning and said, ''We have a test today? You didn't tell us we had a test today! Can we use our notes?''

Now it's 8 o'clock and I've just finished grading the test. My spouse has gone into the other room, tired of hearing me yell, ''How many times did we go over this?'' as I drew a line through another wrong answer.

More frustrating than the students who answered incorrectly were the ones who don't even attempt an answer.

We have got a major problem with education in this country this is only illustrative of this problem, but I commend my colleagues to read the whole text of this article and the diary because it does give an insight we do not get anywhere else.

[From the Orlando Sentinel Online]

THOUSANDS CONTINUE TO FALL SHORT

(By Mike Berry)

First-semester grades for the Class of 2000 are in and they show that a third of Central Florida's sophomores are in serious trouble and on a path that would keep them from graduating.

Schools have been struggling for a year and a half to find ways to rescue these kids. But the latest grades show that very few have been able to turn things around. More than 7,000 students remain on the brink of failure.

If that weren't bad enough, the new freshman class is doing worse than last year's freshmen. More than 11,000 kids from five Central Florida counties have D or F averages. That's 40 percent of the class.

Under standards that applied to most freshman for the first time last year, these kids will need C averages to graduate.

Florida's get-tough standards

The reality is that they cannot meet the most basic standards. Despite numerous remediation programs, schools just don't know how many kids will graduate.

Number of Students below 2.0 GPA at the end of the first semester '97–'98

Last year, educators in large part were talking the company line: If you raise the bar, the kids will meet it.

But the numbers are daunting. There is great uncertainty. More teachers and administrators are acknowledging how tough things really are.

Here are some of the signs:

In 23 of 39 Central Florida public high schools, the percentage of incoming freshmen making D's and F's increased this year. At 19 schools, more than 40 percent of freshmen can't muster a 2.0 on a 4.0 grading scale. At four of those schools, half of the freshman class can't cut it.

In Lake County, where four of every 10 freshmen have D or F averages, officials are rushing to set up alternative schools to help at least some at-risk kids graduate. Lake officials said they've made the decision because of research by The Orlando Sentinel showing that schools aren't coping with the crush of student failure.

Although grades for sophomores improved a bit from last year, one of every three 10th-graders still is in trouble. The schools are working to help failing kids, but there clearly is no quick fix.

There are 5,490 juniors and seniors below a 2.0. They, too, must meet that standard for their last years of school. Borderline seniors won't know until a few days before graduation whether they'll get diplomas.

Lump them all together, and the number of kids at risk is accumulating at a frightening pace.

A year ago, schools were concerned with 7,311 freshmen who couldn't manage passing grades. Now they must try to help 24,000 who aren't making it.

At some schools, officials say they're not worried, that students tend to do better as they get older.

In Volusia County, for instance, high school services coordinator Tim Egnor found many historically had begun high school with abysmal grades.

''If past history has any accuracy whatsoever, this just won't be that big a deal,'' Egnor said. ''It always looks really ugly up front, but . . . four years later there's always been dramatic improvement.''

THE HARSH REALITY

But the bottom line is this: When kids needed a 1.5 grade-point average to graduate, about one in four didn't make it. Now, there is an even tougher standard, and no one knows how many more might fall by the wayside.

Many teachers feel besieged. They say they are facing ill-equipped, often uninterested kids they just didn't see 10 years ago.

Florida's new get-tough rules say every student must have a 2.0 cumulative grade-point average—a C—to get a diploma. Every time a kid gets a 1.5 in one class, he has to do better than 2.0 in other classes to improve his average.

But as kids get older, they have less time to pull up their grades. At the same time, the grading scale has gotten tougher. Now, kids have to get a 70 for a D. The cutoff used to be 65.

Many among the current crop aren't going to make it, or they'll spend six years in high school, or they'll get a certificate of completion, which means they went to school but never got a diploma.

And that doesn't point to a bright future. Without diplomas, kids cannot get into college. They cannot compete for the best jobs.

And so there is pessimism.

At Leesburg High, Principal Wayne McLeod expects half of his freshman class to drop out. A large number of them have a special problem: They cannot read.

Many simply cannot fathom the contents of a textbook. Forty percent of the freshman are years behind where they should be.

Lake School Board member Mary Fletcher, a former teacher, remembers her shock when she returned to Leesburg High. ''I assigned a classic to the class,'' she said, ''and one girl raised her hand to protest: 'I don't do reading.'''

One indication of the problem is that Lake County held back many more freshmen this year than the year before, but that didn't do much to help the percentage of sophomores below 2.0.

Who's to blame? Everyone points a finger, either at high schools for doing a bad job, or at middle and elementary schools for passing along kids who should be held back, or at parents.

What is clear is that thousands of kids just aren't ready.

Oak Ridge High freshman Michael Petty got A's in middle school. Now, he is struggling with a 1.25 grade-point average.

''In math class last year, the only real work was graphing. When we came here and went straight to doing equations, it was like, 'Equations? I don't know how to do any of this.'''

Making things worse, many kids are living in a dream world. School, they think, has no connection with their lives. They just want jobs so they can get cars.

Many simply won't show up: ''These kids will not come to class,'' McLeod said. ''They will not do a bit of work when they do come. We need to fail them.''

Parents are scared. Don Peplow, parent of a Lake Mary High junior, said he is afraid too many students below a 2.0 are going to give up. D students can't suddenly be expected to start making B's and A's, he said.

''They're going to say, 'Screw it. Why bother?'' Peplow said. ''That's what really gets me.''

A BLEAK OUTLOOK

These kinds of problems are not new. The truth is that schools have been graduating kids who can't read for years. In Florida, one of every four freshmen entering a college or a university needs some kind of remedial help.

And though educators and legislators have been talking about the 2.0 rule for a couple of years, there still is no comprehensive plan for a way to turn things around.

That is being left up to individual schools. At the district level, officials only now are starting to talk about overall strategy.

In Lake County, ''we are absolutely still developing a program,'' Superintendent Jerry Smith said.

For 10th-graders who did very poorly last year, Lake has special programs. But only 60 kids at each high school can get in.

In Osceola County's Gateway High, where 40 percent of the Class of 2000 is below 2.0, the dropout prevention program was dumped two years ago.

A few miles west, at Poinciana High, there is a seventh-period class for extra help. But it only works for kids with transportation because it ends more than an hour after the last bus has gone.

Most remedial programs deal with small groups, so teachers can work closely with the kids. And that means they are expensive.

To try to buck that trend, Colonial High tries to find a mentor for every kid in trouble.

Social studies teacher Dee Libonati recognized that Jeffrey Cope needed help. Jeffrey is bright and conscientious, but he lost interest and got behind. She offered to meet regularly with him before school.

''You gave me a lot of encouragement,'' he told her. ''You always checked up on me.''

Jeffrey is doing a lot better. But the bad news is that there are almost 600 underclassmen at Colonial alone who need help.

What has been left out of the discussion of ''raising the bar'' is this: How long it will take before results begin to show?

''We knew we were in for a long-term fight. But we have to start somewhere,'' said Frank Brogan, state education commissioner.

''We were always very careful to point out that you cannot take a freshman already two grade levels below his peers and in six months see that student catch fire.''

Nevertheless, the new rules affect thousands of kids who would have graduated under the old system.

Last year, you could have filled the lower bowl of Orlando Arena with Central Florida freshmen who couldn't make a 2.0. This year, the first that the rule applies to every student, you could fill the entire arena and leave another 6,000 standing outside.

Jennifer Reeves, a senior director for Orange County schools, thinks it was a mistake to impose the 2.0 requirement all at once, instead of phasing it in.

''It wasn't our decision. I wouldn't have done it that way. It was a lot to throw at kids. It's a feel-good thing: 'We're going to be tough.'''

Caesar Campana, who teaches freshman English at Orange County's Edgewater High, isn't surprised at the poor showing.

''On top of the 2.0, we're asking our students to pass a year of algebra I, and this is difficult for a lot of our students.''

''They say, raise the bar. I love that, It's like taking a kid in a weight room who can't bench press 200 pounds, and saying, 'I'm going to make you stronger. So you have to bench press 300 pounds.'''

UNINTERESTED AUDIENCE

As difficult as the task is, schools are feeling great pressure to get kids through. There is remediation, tutoring, night school.

In Volusia County, they've held pep rallies to fire kids up about studying harder. Some schools sent letters home to parents. Some offer alternative classes that award more credits in less time.

Students who earn more than 24 credits can drop their lowest grade. There are classes without tests. There are sessions where kids get one-on-one attention.

At Lake County's Eustis High, Lino Santos, 17, has done well in a special class for 10th-graders.

''I used to be a D student,'' he said, ''and now I am pretty much an A and B student.''

Here, the work is simpler. ''It is much easier,'' said Crystal Edge, 15, another Eustis High 10th-grader.

And that may be a mixed bag.

''There are some days when I feel this is great. If kids don't get their diploma, what will they be doing? This keeps them in school,'' said Skellie Morris, who teaches at Tavares High.

''But maybe we are giving them the easy way out.''

Yet, it's not just a matter of finding something that works. Regardless of what teachers do, too many kids care only about their lives outside the classroom.

At Oak Ridge High, Assistant Principal Susan Storch said some kids are far more concerned about having good jobs and cars.

''Their future is Friday night,'' Storch said.

Oak Ridge math teacher Cherry Jones struggles to teach multiplication, only to hear kids respond: ''Why? I've got a calculator.''

Bobby Jones is a typical 10th-grader at Umatilla High. He has a C average. He could do better. It just isn't worth the investment.

''I would have to spend all of my time in school,'' he said. ''I just won't do it.

''I'm a slacker. I'm still passing, but I could have good enough grades to get a scholarship. But it is not going to happen because school is not my main priority.''

Sadly, it is not simply a question of attitude. Talk to longtime teachers. They'll tell you there have been fundamental changes in the way things are.

Storch calls it ''simplistic'' to impose higher standards and expect kids suddenly to rise to the occasion.

''We will do our best. But we would all like to see some of these people come to a high school—any high school—and experience it for themselves. How they remember school to be, that it is not what it is today.''

For DeLand High School sophomore Shante Thomas, the tougher standard has added to an already hefty load. Shante is 15, has a 1.7 grade-point average and often misses school because her 1-year-old, Lametriana Harding, suffers from chronic bronchitis.

Shante brings her son to a child-care facility at her school. And although there is an after-school tutoring program, she can't attend. The child-care program closes when classes end.

''I want to do good, and I know I could, but for me it's hard to catch up,'' she said. ''I have all these other things I have to do, like change diapers and take care of my baby.''

Another surprise these days is the attitude of some parents. They don't care, either.

''We have parents now who advise their children to drop out of school and get a job,'' said Delores Gray, longtime guidance counselor at Leesburg High. ''I about fall out of my chair when I hear them.''

PUSH FOR ACCOUNTABILITY

So what's the answer?

Across Florida and the nation there is a push for more accountability. Brogan, the education commissioner, three years ago began publishing a list of Florida public schools that fall below minimum expectations in test scores. Since then, the number of schools on the list has dropped from 158 to 30. Those still on the list this year may face some sort of state intervention.

Administrators are thinking about typing principals' job reviews to student performance. But they are stepping very gingerly.

What happens, Seminole County's secondary education director Tom Marcy asks, if a school consistently fails to improve?

You would have to look for a trend, not just a change from one semester to the next, he said. Then you would have to make sure there were no significant changes in the student population or faculty, that might explain a drop in grades. That can happen with something as simple as a change in attendance zones.

Should teachers who raise test scores get more money? Should principals who fail to teach kids get fired?

Historically, educators have fiercely resisted such moves. The rationale: Should a principal of a school with a largely poor, highly mobile student body be as accountable as one in an affluent, stable community flush with bright-eyed honors students?

''It's very controversial,'' said Peter Gorman, associate superintendent in Osceola County.

However, he said, ''the public can no longer accept us saying we can't improve our schools based on factors beyond our control.''

Eventually, the pressure—and the new emphasis on grades—will bring most kids up to speed, Seminole Superintendent Paul Hagerty says.

But for years to come, some kids will go without diplomas.

''It may take a trauma for a few kids,'' Hagerty said, ''to get the attention of the others.''

FLORIDA'S GET-TOUGH STANDARDS

Florida's education reform effort isn't just the 2.0 rule and a tougher grading scale.

This year, all teachers must teach the Sunshine State Standards—guidelines for what kids should know and be able to do by certain grades. This year, the state begins to

measure progress with its Florida Comprehensive Assessment Test.

The state is requiring schools to target students who fail to meet math and reading standards, a chronic problem. In Orange and Osceola counties, for example, at least 30 percent of eighth-graders scored below the 25th percentile on reading and math achievement tests. That means they did worse than 75 percent of kids across the country.

There is a push to get kids up to speed early on, particularly in reading. A state law that takes effect next year won't allow grade school kids who don't read well enough to be promoted. Seminole County has new elementary school tests to diagnose reading problems. In Lake County, there are 250 reading volunteers in elementary schools. Orange County this year will have summer school in at least 19 low-achieving elementary schools—more than double the number last year.

[From the Orlando Sentinel Online]

TEACHER'S DIARY: 'APPARENTLY, I SPEAK A DIFFERENT LANGUAGE THAN THEY DO'

Today, I gave a test. As always, the students were allowed to use their notes. The way I see it, I serve them better by honing their note-taking and comprehension skills, as opposed to their memorization skills. I have been giving open-note tests since day one.

Even so, every time I lecture, I have to remind them to copy what I write on the board. They have been in class for 150 days. When will they catch on that it will be beneficial to have notes?

Last week, I put a note on the board about when the test would be. Every day since, I reminded them. Yesterday, I gave them a list of the topics that would be covered. Last night, I put a reminder on my homework hotline.

Apparently, I speak a different language than they do, because a quarter of them came in this morning and said, ''We have a test today? You didn't tell us we had a test today! Can we use our notes?''

Now, it's 8 o'clock and I have just finished grading the tests. My spouse has gone into the other room, tired of hearing me yell, ''How many times did we go over this!?'' as I drew a line through another wrong answer.

More frustrating than the students who answered incorrectly are the ones who don't even attempt an answer.

I explain to them before every test that I will give them partial credit if I can see they knew at least a little about the answer.

Even if their answers are different from what we discussed in class, I will give credit if they can explain their point of view.

Believe it or not, I have had students choose to take a zero because they left their notes at home. What do they do in other classes? What were they doing for the last week when we were learning about the ideas that test covers? Where is their survival instinct?

I encourage what is known as ''thinking out of the box.'' I want my students to disagree with me. I want them to think, to seek alternatives. Sadly, most of them just can't. Sadder still, many don't want to. They want to be given the answer; they want to write it on the test from memory; and then they want never to think about it again.

I think that the theory that high expectations will cause kids to rise up to meet those expectations is only true if the kids already have some foundation to stand on. But by the time they reach the upper grades, their feet are already mired in quicksand.

One foot is stuck in their own inescapable kid-ness, which causes them to try and get out of as much work as possible.

But the other is mired with teachers who don't expect them to do anything but memorize. I have kids who are about to go to college whose teachers actually give them a copy of the upcoming test to use as a study guide.

And do you know what? Even after that, some of them fail. Why should I try to teach them to think?

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

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

ACTIVITIES DURING THE DISTRICT WORK PERIOD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER. Mr. Speaker, this evening I would like it go through a number of issues. Wednesday evening is the opportunity for the freshmen Republican class to spend a little time on the House floor and brief our colleagues and, indeed, the rest of the country on some of the activities that we are pursuing throughout America in our respective districts.

I know for me out in the Fourth District of Colorado that I represent, which is essentially the eastern plains of the country, I spent the last two weeks over the Easter break working pretty hard, actually. It was not much of a break at all. We did a lot of town meetings and a lot of visits at school sites throughout the district and so on.

I wanted to spend a little bit of time tonight just telling my colleagues about some of the activities that I had pursued with the Committee on Economic and Educational Opportunities that made a site visit out to my district recently, and report back on some of the comments that we received at that subcommittee.

It was a subcommittee of the Committee on Economic and Educational Opportunities, the Subcommittee on Oversight and Investigations led by the chairman of that committee, the gentleman from Michigan (Mr. HOEKSTRA). They came out to the town of Timnath, Colorado, which is a little bit east of Fort Collins, and Timnath is a community that includes an elementary school that we went to visit, Timnath Elementary School.

The school was a unique one and one that I think provided perhaps the best snapshot of education in my district as far as at the elementary level, because this particular community is located just on the outskirts of a bigger city, the City of Fort Collins, but still has a large rural component. So we have an interesting mesh of children from urban as well as rural settings, and of course that is representative of the district overall.

We met for a day-long hearing of the subcommittee, again, part of the Crossroads in Education program of the committee which has taken place in several States throughout the country under the leadership of the committee.

Let me tell you, Mr. Speaker, about some of the individuals that we heard from. Our focus was asking local leaders about what works and what is wasted in public education today. We heard from Don Unger, who is the superintendent of the Poudre School District in the town of Fort Collins.

He cited one of the biggest problems that he is confronted with as a superintendent of a relatively large school district in Colorado. He said that we continue to receive increased Federal mandates. What he focused on, for example, were the changes made in the IDEA bill last summer, which are taking well over 100 hours of staff time with no new resources provided to support this additional mandated requirement.

He also spoke about parent and staff litigation against the school district which he said caused a major demand on staff and dollars. These litigations are coming from three areas, he said: the Office of Civil Rights; right to due process under IDEA; and through parental and staff complaints to the State government.

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He said that some of the things that are working very well are the efforts here in the Congress to consolidate Federal programs, and, in fact, this Congress accomplished that in the last session with a number of education titles that we reviewed and consolidated here. He spoke about some of the literacy programs that we have promoted as a Republican Congress, and commented that they are working very well in his district.

Secondly, we heard from a woman named Pat Chase. She is the president of the Colorado Association of School Boards, and she takes in a perspective in her testimony of the entire State and all of the school boards that she represents, which are 176 in number, of locally elected school board members, and all very dedicated to education.

She says that the efforts in the State to lead local school districts in establishing standards are being received very positively, and have had a very positive impact on local schools. She, once again, hit on the issues of public school mandates, and described the Federal mandates that we are handing down to school districts as being particularly detrimental. She said the Omnibus Transportation Employee Testing Act has been somewhat of a problem that imposes drug and alcohol testing requirements on school bus drivers, and she said that the mandate has the best of intentions. And on a State level and local level it is something that, in fact, Colorado would

most likely support anyway without the mandate from the Federal level.

However, the Federal mandate just being in existence compels States and local school districts to fill out a lot of paperwork; spend a lot of time complying with the Federal mandate. Here is a mandate that is pretty obvious. You want to make sure that the people driving buses and being around kids are free from drugs, and pass the drug tests. And as I mentioned, Colorado is no different than many other States in that it would accomplish this objective on its own; left to its own devices and its own laws, but again the Federal Government's intrusion on something that is rather obvious results in nothing more in Colorado than more paperwork and more headaches for school board members throughout the State, and in the end detracts from getting dollars to classrooms where they are also needed most.

We also heard from Dr. Randy Everett. Randy Everett is a urologic surgeon. He and his wife have been very involved in establishing education opportunities for children throughout northern Colorado where they were instrumental in establishing a school that focuses on the Hirsch ''Core Knowledge'' curriculum or the ''Core Knowledge'' sequence designed by Dr. E. D. Hirsch. And they started that school as an alternative school, and it resulted in a huge waiting list of parents who wanted to get their children into that kind of an education setting.

This school is one that is created around a sequential curriculum, very well ordered, and very logical in terms of one lesson building upon the previous one. It is built around a concept called mature literacy and cultural literacy, which is one step above just basic functional literacy; the whole notion that children should be able to read for meaning and be able to understand all of the historic and scientific and cultural context of things that they read, and the way they understand the world.

A curriculum that is being used throughout the world, certainly throughout the United States with great success, this was the first school that was established in Ft. Collins. Dr. Everett then went on to establish a second school under Colorado's charter school law. That school, as well, the Liberty Common School, is one that is enjoying tremendous success in its first year and Dr. Everett was on hand to give us testimony about the success of that institution.

We also heard from Mr. Clair Orr, who is an individual from Greeley, Colorado. He serves on the State board of education, was elected to that position from throughout my Congressional District in the Fourth District. He spoke about a number of issues. The huge variances that we have in Colorado, very large school districts, down to small school districts that have in some cases 60 students total. And he spoke very directly, again, about the Federal Government taking on several responsibilities and duties for which it does not pay. And at one point in time our Federal Government mandated a number of requirements upon school districts, and over the years the size of the U.S. Department of Education has been broadened and flattened out, and there are too many programs now, far more than the district is able to fund.

We heard from Jane Anderson, a parent at Liberty Common School. Jane Anderson spoke about school choice and the positive impact that that has on parental involvement. Many, many parents, far more parents than seems to be typical are getting involved in education delivery right at the classroom level when empowered by school administrators to do that, and again spoke about how wonderful that seems to work in Colorado.

We heard from Bob Selle, a superintendent from east Yuma County school district, RJ–2, way off in the eastern part of Colorado, almost out near Kansas. He spoke about, once again, about some of the, about some of the very difficult challenges that rural communities have. They spend a disproportionate amount of money on transportation because they have to transport their children from such far distances to get to some of the rural schools, and spoke about the success of some of the reading programs that the Federal Government helps initiate.

One of the most memorable portions of our hearing involved testimony from a teacher, science teacher named Pam Schmidt. She is Colorado's 1997 Teacher of the Year and she teaches at Thunder Ridge Middle School in Cora, Colorado. That is in the Cherry Creek school district, a very inspirational teacher.

What struck me most about Pam's comments and testimony was her desire to see teachers treated like real professionals. That is a term that I use quite frequently, and I asked her about a system that we have today, largely dominated by union politics at the National Education Association and the Colorado regimen being the Colorado Education Association. This union has secured a contract essentially that treats all teachers the same, regardless of their professional abilities and their ability to contribute to an education system and process; in fact, a system that results in the absolute worst teacher in the district being paid the same as the absolute best.

She and I agreed that we ought to create a system throughout the country where teachers are rewarded as real professionals, and, in fact, allowing the very best teachers to become wealthy in carrying out the services that they render to children, which if we as a society agree, and I think we mostly would, that this process of public education is of paramount importance, truly then those who are the best and who are those who excel in their profession and field ought to be rewarded financially as well as professionally on that basis. And conversely, those who fail to perform well ought to be persuaded to find a new line of work.

That, according to Pam, does not happen in public schools today. The worst teachers seem to be protected most by laws that certainly do not have the best interests of children first and foremost in their intent.

We heard from Dan Balcerak, principal of Timnath Elementary School. First of all, let me say he was very gracious, and we certainly appreciated his hospitality in opening up his school for a day to the Congress and to the State of Colorado. Principal Balcerak mentioned that public education serves the needs of a wide variety of students, so teaching methods need to include accommodations for a wide spectrum of learning styles.

He spoke about how local control being the best way to accomplish that, not centralizing curriculum in Washington, D.C., as many people here in Washington would suggest needs to occur. You find most of those folks over in the U.S. Department of Education and in the Clinton administration. And we assured Dan Balcerak that on the Republican side of the aisle, we are working very hard to liberate public schools throughout the country, and honor the freedom under which they operate best.

We heard from Bill Moloney, the Commissioner of Education of the State of Colorado. He spoke about many things that seem to work very well. He said that technology, for example, is having a remarkable impact upon public education. He spoke about the Core Knowledge movement as being very positive, a rigid strategy toward testing and accountability that is occurring in Colorado; pointing out where the real problems are, and allowing professionals to go to work on improving those particular aspects of our school system. And he again spoke about the unfunded Federal mandates, and the real need for this Congress to work forcefully to liberate public schools at the State and local level, and free them from these burdensome rules and regulations that are again largely unfunded.

Mr. Speaker, I just wanted to go through that report for the benefit of the Members here and also for those who wonder what it is we do when we take these breaks from Congress. In this case, which is a snapshot of one day, we spent considerable amount of time bringing other Members of Congress from other parts of the country out to Colorado to consider the contributions and the problems that we are dealing with in a part of my State where the rural areas are, come up against some urban areas.

I see the gentleman from South Dakota has joined me here. The gentleman from South Dakota (Mr. THUNE) is one of the outstanding leaders of the freshman class. I appreciate him joining us here tonight.

I yield to the gentleman from South Dakota (Mr. THUNE) to present whatever point he needs to bring to our attention tonight.

Mr. THUNE. Mr. Speaker, I want to thank the gentleman from Colorado for yielding to me. I might add that as you traveled across your State of Colorado, I would suspect that many of the concerns that you heard were not unlike the ones I hear in traveling my State of South Dakota, because I think our congressional districts are very much alike in many respects, and as I spent the better part of 2 weeks, actually all of 2 weeks traveling across South Dakota, I had the occasion to visit with a wide range of groups from economic development groups, to agricultural groups to education groups, and to discuss with them a wide range of issues; all of which I think are very relevant as we look to the future, and what some of the needs are that are out there.

It is sort of ironic. I was listening to the debate today on the tax limitation amendment here on the House floor, and there was a lot of invoking, I guess you would say, of our Founding Fathers and what their intentions were with respect to taxes and whatnot. And there was the suggestion, the notion that somehow because our Founding Fathers did not include in those original documents a supermajority requirement to raise taxes, that in their wisdom they had excluded that, and they talked about, I heard the discussion of the Articles of Confederation and whatnot, and it occurred to me, I guess, that in my reading of history that the Articles of Confederation were, in fact, they relied upon the States to raise revenue, and it became clear that the States were not going to do it. And so they came up with a way in which they could raise revenue for the national government.

But that, nevertheless, I would also argue that our Founding Fathers probably never anticipated that we would be looking at $5.5 trillion in debt. In fact, if our Founding Fathers had known that we were going to run the country $5.5 trillion in debt, they probably would have moved back to Europe and forgotten the whole thing to start with.

The fact of the matter is that there is an inertia in government to spend, and one of the things that the tax limitation amendment does, it says in very straightforward terms that if, in fact, the government is going to raise taxes, that the representative form of government that we have, that they elect people to make these decisions; that it will take a two-thirds majority, supermajority to raise taxes. I think that is something that is very much in the interest of the people in this country so that we can get away from this built-in inertia toward big government to spend dollars.

I look at our State of South Dakota, which I think is a good case in point. We have in our Constitution a balanced budget amendment. We balance our budget every year. We have a requirement for a supermajority.

In fact, in 1996, on the ballot almost 75 percent of the voters in South Dakota voted in favor of making it a two-thirds requirement in order to raise taxes in our State. And more and more States are moving in that direction because the people of this country, I think, have realized what we already know and what you cannot help but realize after you have been in this town for a very short time: that there is an incredible inertia in this city and in government generally to continue to spend and spend and spend. So this afternoon we had the vote on that.

I think it was a significant vote for the people of this country, and for your voters in Colorado, and the folks in Michigan. And the gentleman from Michigan has just joined us, but certainly for the people in South Dakota, interestingly enough, as I traveled across our State, and we dealt with, again, a wide range of issues. We talked about corn prices and wheat prices and cattle prices, and there is not a whole lot to be happy about in agriculture today. A little bit about supporting ethanol, making sure that we have opportunities to add values to our raw commodities in South Dakota and across the agricultural sector of this country.

We also talked a lot about retirement issues, a lot about education issues, drug issues, which is an incredible problem in many small communities across South Dakota today. But interestingly enough, one incident in particular that stuck out to me, as I stopped at a gas station in Aberdeen, South Dakota and the young lady at the counter said to me, as I walked in, she said, Congressman, working families need lower taxes. And she said, my husband and I both work. We are raising kids, paying the bills, trying to educate our kids, put aside a little bit for retirement, and we are writing these big checks to Uncle Sam.

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''And the best thing that you can do to make our lives easier and to allow us to make to have more control over our futures is to lower taxes on working families.''

In fact, I would like to just briefly mention a couple of bills that I introduced some time ago which would do just that. The Taxpayer Relief Act was one, H.R. 3151; the Taxpayer Choice Act, which is H.R. 3149, lowered the tax burden on working people in this country in a way that addresses a couple of principles that I think we ought to be concerned about when we talk about lowering taxes. And one is, not further complicating the Tax Code.

We have 480 forms, and we put them on a scale one day at one of the meetings I had in South Dakota. 34½ pounds of tax code and instructions and all that. So, clearly, we need to move in a direction towards simplification so the people who pay this rate in this country can understand what it is, the Tax Code, that they are supposed to comply with in the first place; and, secondly, we ought to do something that is broad based.

Now, this administration has forever seemed smitten with the notion that we have to do things in a targeted way so that Washington can identify and pick winners and losers. And the legislation that we introduced drops more people out of the 28 percent bracket down to the 15 percent bracket, in fact, 10 million filers in this country. Altogether, 29 million Americans would pay lower taxes as a result of lowering that.

What in effect it does is it says to the people of this country that, instead of each additional dollar that they earn we are going to tax them at 28 cents, we are only going to take 15 cents. That is an incredible incentive to work harder, earn more, produce more, be more productive, and improve their lot in life. Today I think as people grow into higher tax brackets we continue to penalize them and to take away the incentive.

The other bill, very simply, raises the personal exemption from $2,700 to $3,400, and that does affect in a broad based way everybody across this country who pays taxes, and it brings real relief. We talk about giving people more education when it comes to child care and education and health care and retirement.

Giving money back to people or allowing them to keep more in of what they earn in the first place and making the Federal budget smaller and the family budget bigger does that in a very meaningful way because it allows families the freedom to make decisions that affect their lives. And they can determine how best to meet those needs, to make that house payment, to make that car payment, to pay for child care, to pay for health care. But it is doing it in a way that is consistent with the principle and the value which I think we in the Chamber all share, and that is to allow people in this country to make those decisions, rather than bureaucrats in Washington, D.C.

So I commend those particular bills to your consideration, and as we get into this budget debate I hope they will be on the table.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield to the gentleman from Michigan (Mr. HOEKSTRA) in just a second.

Because it is interesting, at the crossroads hearing that we had in my district that I mentioned, the topic, of course, was education, but one of the State Board of Education members, an elected official, in speaking about a variety of education issues, mentioned the marriage tax penalty that existed where a married couple, where two individuals who are earning incomes get married, they move into a higher tax bracket or a portion of their income does. But he spoke about, just on a

philosophical basis, how this Federal Government consistently beats up on families that are the most central and social unit in America and makes it difficult for a variety of reasons.

And he looked to that particular example of a fallacy in our tax code and was able to show very dramatically to the chairman and I, who is here now, about the direct impact that that has on local education, on families, on just the ability of families to be functional in America today, whether it is health care, whether it is keeping their children on the straight and narrow or educating them appropriately in school.

The chairman is here with us tonight, the gentleman from Michigan (Mr. HOEKSTRA). And that was one of the most memorable portions, in my opinion, of that hearing that we had. And I want to publicly say I sure appreciate the gentleman for bringing the committee out to my district, and those in my community appreciate his attention as well.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding, and I thank both of my colleagues for being here and also for the work that they have helped us accomplish in this Congress.

We are talking about education. We are talking about the budget. We are talking about where we go with spending and tax cuts. And because of the work of Members like my colleague, we here now in Washington I think really are at a crossroads on a number of issues, on education, where we have got these series of hearings, we have gone to 17 different States, and we are at a crossroads I think in Washington about deciding how we deal with education in America.

We know that, since 1979, with the Education Department, we have been bringing more power and more funding, more rules and regulations to Washington and saying we need to improve education in America, and the way to do that is to move more money and power to Washington and allow the Education Department to dictate to local schools and to local parents and local administrators how best to educate their kids.

After 19 years of following down that path and seeing that our children's test scores are not up and seeing that Washington defines ''education'' as being 760 programs going through 39 different agencies, and there is 34 pounds of rules and regulations in the IRS code, I can tell my colleagues that when we took a look at all of the forms that schools have to fill out for these 760 different programs, we had about four or five stacks that were four or five feet high and it is like wow, and what that means is when we spend a dollar to Washington for education, only 65 cents gets back to the classroom.

What we found in our 17 hearings around the country is what is the leverage points for improving education in the local school in Colorado, in New York, in Michigan. It is parents, it is local teachers, it is local administrators identifying the needs for their kids. So I think here in Washington now we are going to have some votes on this on the floor, we are going to have some votes in committee about we are at the crossroads.

The President does not agree with the gentleman, because the President wants to spend more of the money that comes here. He is not in favor of tax cuts. He believes bureaucrats here ought to define what school districts get more money for school construction, which schools get money for technology, which schools get money for lowering class size. He wants that money to come here and not stay in the district.

So we are going to have to make the decision. Are Washington bureaucrats going to make more of those decisions or are we going to take these programs, consolidate it, move it back to local teachers and administrators and parents and say, hey, here is a check, if you want to use this to reduce class size, use it to reduce class size? If you need technology, you decide where you are going to spend it.

So I think we are at a crossroads. There is a group here in Washington that says we need to spend more and we need to tell people what to do, and there is a group that came out and said, we have gone around the country, we have gone to these places, the energy and innovation and the effectiveness, the good things that are happening in education in America today, and there are lots of them, it is happening because there are people at the local level who have a passion for helping their kids and they know what to do and we have got to unleash their potential and follow the roles of the States with charter schools, with innovation. That is the key crossroads in education.

We are going to have the same types of questions on the budget. I know that we do not have a surplus as good as we would like to have and it is only a surplus in Washington terms, but it is a significant change. There are some that want to spend it. I think some of us want tax reduction and pay down the debt. That is another crossroads. Are we going to use it to grow government or are we going to use this to take the opportunity to rethink programs and move the power back to the American people?

Mr. BOB SCHAFFER of Colorado. Shrinking the size of the Federal Government has benefits not only for education but for everything we do as Americans and for the constituents we represent back home.

Right now, the Federal budget is $5½ trillion.

Mr. HOEKSTRA. If the gentleman would further yield, the debt is $5.6 trillion. And we spend $1.6 trillion, $1.7 trillion.

Mr. BOB SCHAFFER of Colorado. Right. I am sorry if I misspoke.

Mr. HOEKSTRA. I always get beat up at my town meetings between getting the deficit and the debt confused.

Mr. BOB SCHAFFER of Colorado. The debt is $5½ trillion for the national debt. The amount we spend every year, $1.7 trillion to run the Government this year, for example. But that $5½ trillion debt that we consistently run up, even with this surplus that we talked about that we have here in Washington, we have to realize and remind people that this is only a surplus the way the Federal Government does its accounting.

We are still moving in the right direction. There is no question about that. We are able to put more resources into relieving some of these debt issues.

Mr. HOEKSTRA. My colleague talks about moving in the right direction. When I first came here in 1993, the deficit as Washington counted it for 1998 was projected to be $300 billion per year. We are on the path now to have a $40 billion to $50 billion surplus. This is a switch of $350 billion to the positive.

Mr. BOB SCHAFFER of Colorado. Well, whatever we can do to lower the size of that effective debt and move not only authority but real wealth back to the States and the people allows us to speak more forcefully and more seriously about improving our local schools, about improving local economies, the ability to pour capital back into the private sector rather than hoard it here in Washington, either held as debt or spent on a number of government programs is a choice that we just have to make in favor of States and the people.

And we talked about education a lot tonight. The problem we are really dealing with the U.S. Department of Education is the disagreement that we have, and the debate that is at the center of education issues is not about whether resources ought to be spent in classrooms. On that point we all agree. The question is, how do we do that?

For those of us who are conservatives here and try to figure out how to make our government operate more efficiently and really improve classrooms, our big concern is the 40 to 60 percent of the money that we are spending right now out of the Federal budget never makes it to a classroom. It gets soaked up by bureaucrats here in Washington, never leaves the city. When it goes back to the States it gets soaked by various Federal bureaucrats and State bureaucrats at the local level.

We believe very firmly that in order to reduce class sizes, in order to allow technology to be used appropriately in classrooms, in order to allow for innovations in education to occur at the classroom level, we just need to get the Federal Government out of the way and allow the wealth that the country is generating to be spent on its legitimate intended purpose, which is to help children. It is not occurring today, and we are fighting very hard to make that happen.

Mr. THUNE. If I might add, we look at the Washington model, which is obviously, I think we would all concur, in

many respects a failed model and the message that Washington sends to our young people. And would we not be much better served if we had our parents and teachers and administrators and people plugged into the local levels and all just issue a recent incident of this that I think needs to be talked about later on today?

But Washington, D.C.'s idea of how to help our young people is to give them free needles and to tell them to go ahead and shoot up. And that is a mixed signal when Washington gets in the middle of something affecting the young people in America today.

Mr. HOEKSTRA. Is this the same Washington that is going to stop our kids from smoking but we are going to give them free needles? Somewhere in here there is a contradiction. We can stop our kids from smoking through Washington programs, but we cannot keep them off drugs so we are going to give them free needles.

Mr. THUNE. If the gentleman would yield on that, because that is an important point, and we are talking about an important issue. Tobacco is an important issue, and it is something that we are going to pass legislation which prevents teens from starting smoking.

But the issue, the reason that they are talking about at the White House the tobacco issue not the drug issue is because it is a money issue. It is all about money. It is about bringing more money in here to create new government, Washington-based spending programs. That is what the issue is. And if the objective ultimately is to help young people, to get them to stop smoking, to get them to stop quit using drugs, that is exactly the wrong message to send. We do not want to hand them free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I will yield time to the gentleman from Illinois (Mr. HASTERT) in a minute.

What I have here in my hand is about 2 days' worth of responses to a public opinion survey I sent out in my district about the topic of education. And my colleagues can pour through these. And we have to respect the confidentiality of those who sent them. I do not want to disclose any names.

But just in general, I asked about a number of education topics. But in the comments people wrote in, it was alarming to go see how many times parents expressed real concern for drugs in their schools, that their concern, the most precious things in the lives of these parents are their kids and they send them to schools to learn and they have these great hopes and ambitions for their children and their families.

We ought to be, when it comes to schools, talking about class size and curriculum and the real issues that are confronting our children in schools. But to see the concerns of parents over and over and over again expressed in a way that goes right to this drug issue, it is a tremendous problem throughout the country. And parents in America should not have to worry about sending their children to a public school and having them confronted with the reality of drug addiction, drug abuse, and illegal drugs at all.

The gentleman from Illinois (Mr. HASTERT) is here, who is one the foremost leaders in the Congress on trying to reduce the rate of drug abuse in America, especially among children. I would yield to him at this point.

Mr. HASTERT. Mr. Speaker, I would thank the gentleman from Colorado for yielding. And certainly this is a real issue. I appreciate him talking about what happens when government has too much money. And when they have too much money there, there is a lot of ideas that people have about how to spend that money.

Unfortunately, one of the ideas that this administration has was, well, it was a good idea to hand out free needles to drug addicts.

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Now we have to look at this issue. You know, drugs are not legal. Marijuana, heroin, crack, cocaine, all those are against the law. But, yet, the paraphernalia, needles and other things that are used to inject those drugs into a human body all of a sudden are not just legal, all of a sudden, you have the Federal Government with a plan to use taxpayer dollars, Federal dollars to hand those needles to drug addicts.

I am saying, you know, maybe we have got something wrong. We talked about trying to stop kids from smoking cigarettes. I think that is something we should do. I mean, we should send a message. We should have the moral courage to talk about this issue. Certainly teen smoking is not a good thing. But I question when we take a cigarette out of a kid's mouth and stick a needle in his arm, I mean, where are we going? What is the issue here? How can you justify that and morally move that idea forward?

I think we have a bad message, certainly a bad message to drug addicts to all of a sudden say it cannot be too bad. The Federal Government is giving me the paraphernalia to put these drugs in my veins.

And certainly the message to parents, and I think as a parent myself, and a teacher, the worst thing that I would ever want to happen is to think about my kids using drugs. I think most parents think of that, boy, one of the things I do not want to see ever happen in my family is to have my kids use drugs. Yet, the Federal Government is actually saying, oh, by the way, if you need free needles to use drugs, you cannot use drugs. That is bad. That is illegal. But if you want the free needles to use them, here they are.

I do not quite understand that. The logic is not there. You know, it is the wrong message. I am particularly frustrated in what signal, in what message we are sending to the kids in this country, the parents of this country, the schools of this country, our foreign neighbors.

I was just down in Chile last weekend attending the President's Summit down there in South America on issues that are relevant. One of the things, one of the messages we are trying to get across to our South American neighbors is that we need to stop drugs. We need to have them stop growing drugs in South America and in Colombia and Peru and Bolivia and other countries. We need to stop having them move those drugs or transit those drugs across their countries and across through Mexico and on to our borders.

But when we are saying it is our job, too, to take care of the demand in this country, but, oh, by the way, we are against people using drugs, and we want to stop the demand because we know the demand in some sense drives supply and vice versa, here, by the way, here is what we are doing. We are instigating a program. We are giving away needles so people can use drugs. The message is wrong, very, very wrong.

I think this Congress needs to stand up. They need to say it is wrong. They need to convince this administration that it is a wrong-headed policy. That is our job.

I think, you know, one of the reasons we are talking tonight and trying to get involved in this and have talked to the American people is to get people to react. I am not sure if there are many people in this country who realize that the Federal Government wants to instigate a program that starts giving away taxpayer-paid needles to drug addicts.

I think in the heart of hearts of some people, the reason they are going to do that is that because there is a high incidence of AIDS among drug addicts, and they want to stop AIDS. But do you know what the facts are? In both the Montreal study and in the Vancouver study and in the Chicago study, and I would like to enter those studies into the RECORD.

What it says is, you know, people who get free needles pass these needles around anyway. The drug is such, especially the purity of heroin that we have today, is such a driving need for those people, once they become addicted, is that they do not care; they just have needles. They do not care if they are clean needles or dirty needles. Once they get that drug buy, they do not want to go more than 100 feet away from where they are at to inject the drug. They will take a dirty needle. They will take a needle from a friend.

The statistics are amazing that, in programs where you do not give needles away, 38 percent of the people trade needles. In programs where you give needles away, such as they did in a study in Montreal and Vancouver and in Chicago, 39 percent of the people trade needles. So it does not make any difference. As a matter of fact, it exacerbates the problem.

What else you find is, when there are free needle programs, it does not do away with drug addicts. The percentage of drug addicts in a neighborhood actually rise. More people are using drugs. And do you know what? The whole issue is to do away with HIV. And do you know what? You have more incidents of HIV. Plus crime increases.

So you have all these dynamics that happen that certainly are not good.

Another interesting thing, too, in New York City, we had a hearing last September, as a matter of fact, September 18, 1997, and it was a hearing on the needle exchange and legalization and the failure of the Swiss heroin experiments. In this study, we found out that, in New York City, for every 40 needles given away, only one needle was actually exchanged. Let me explain that.

The idea of a needle exchange is, you give one needle to the person; he gives you the dirty needle back. Here in New York City, they give 40 needles away and get only one dirty needle back. So the exchange means you just put out more needles in the universe and certainly something that just perplexes me.

Interesting, I have a constituent in my district who heads up the Illinois Drug Educational Alliance, a woman by the name of Judy Kreamer. Ms. Kreamer says needle exchange programs are offered as a way to prevent the spread of HIV, AIDS. However, studies have shown that such programs increase the spread of HIV, AIDS.

In addition, needle exchange programs encourage drug use and pose a serious threat to the health and safety of innocent people, and I will attach support.

Mr. Speaker, I include the documents referred to for the RECORD.

[From the New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

FREE NEEDLES DON'T HELP DRUG ADDICTS

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted to the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals. After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other innercity neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups we have talked to, the center, since it began in 1992, has become a magnet not only for addicts but for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

[From the Wall Street Journal, Apr. 22, 1998]

CLEAN NEEDLES MAY BE BAD MEDICINE

(By David Murray)

The Clinton administration on Monday endorsed the practice of giving clean needles to drug addicts in order to prevent transmission of the AIDS virus. ''A meticulous scientific review has now proven that needle-exchange programs can reduce the transmission of HIV and save lives without losing ground on the battle against illegal drugs,'' Secretary of Health and Human Services Donna Shalala announced.

The administration is not unanimous, however; the drug czar, Gen. Barry McCaffrey, who opposes needle exchange, was out of the country Monday. Who's right? As recently as a month ago, HHS had restated needle-exchange programs, ''We have not yet concluded that needle exchange programs do not encourage drug use,'' spokeswoman Melissa Skolfield told the Washington Post March 17. By Monday the department had reached that conclusion, though the scientific evidence that needle exchanges don't encourage drug use is as weak today as it was a month ago.

In fact, the evidence is far from clear that needle-exchange programs protect against HIV infection. Most studies have had serious methodological limitations, and new studies in Montreal and Vancouver have revealed a troubling pattern: In general, the better the study design, the less convincing the evidence that clean-needle giveaways protect against HIV.

The Montreal study, the most sophisticated yet, found that those who attended needle-exchange programs had a substantially higher risk of HIV infection than intravenous drug addicts who did not. In a much-discussed new York Times op-ed article two weeks ago, Julia Bruneau and Martin T. Schechter, authors of the Montreal and Vancouver studies respectively, explained the higher risk this way: ''Because these programs are in inner-city neighborhoods, they serve users who are at greatest risk of infection. Those who didn't accept free needles . . . were less likely to engage in the riskiest activities.''

Dr. Bruneau is apparently rejecting her own research. For her study had statistical controls to correct for precisely this factor. In the American Journal of Epidemiology, Dr. Bruneau wrote: ''These findings cannot be explained solely on the basis of the concentration around needle-exchange programs of a higher risk intravenous drug user population with a greater baseline HIV prevalence.''

Even more troubling, Dr. Bruneau reported that addicts who were initially HIV-negative were more likely to become positive after participation in the needle exchange. Dr. Bruneau speculated that needle-exchange programs ''may have facilitated formation of new sharing networks, with the programs becoming the gathering places for isolated [addicts].''

Janet Lapay of Drug Watch International says needle-exchange programs often become ''buyer's clubs'' for addicts, attracting not only scattered users but opportunistic dealers. Not everyone agrees. Dr. Schechter says that when he asked his study's heroin users, they reported meeting elsewhere. But a delegation from Gen. McCaffrey's office returned from Vancouver in early April with some startling news: Although more than 2.5 million clean needles were given out last year, the death rate from illegal drugs has skyrocked. ''Vancouver is literally swamped with drugs,'' the delegation concluded. ''With an at-risk population, without access to drug treatment, needle exchange appears to be nothing more than a facilitor for drug use.''

The problem for science is that no study has used the most effective method for settling such issues—a randomized control trial. Moreover, needle-exchange programs are usually embedded in complex programs of outreach, education and treatment, which themselves affect HIV risk. A 1996 study showed that through outreach and education alone, HIV incidence in Chicago-area intravenous drug users was reduced 71% in the absence of a needle exchange.

Peter Lurie of the University of Michigan argues that ''to defer public health action on those grounds [awaiting better research] is to surrender the science of epidemiology to thoughtless empiricism and to endanger the lives of thousands of intravenous drug users.'' But Dr. Lurie's reasoning appears circular. Only someone convinced that needle-exchange programs are effective at preventing HIV can claim that addicts are jeopardized by further testing.

And drug use carries risks besides HIV infection. A recent article in the Journal of the American Medical Association warned that the arrival of a new drug from Mexico called ''black-tar-heroin,'' cut with dirt and shoe polish, is spreading ''wound botulism.'' This potent toxin leads to paralysis and agonizing death, even when injected by a clean needle.

Thus, dispensing needles to the addicted could produce a public health tragedy if this policy does indeed place them at greater risk for HIV or enhances the legitimacy of hard drug use. Simply put, the administration's case is not proven.

NEEDLE EXCHANGE PROGRAMS HAVE NOT BEEN PROVEN TO PREVENT HIV/AIDS

Outreach/education programs have been shown to be very effective in preventing HIV/AIDS. For instance, a Chicago study showed that HIV seroconversion rates fell from 8.4 to 2.4 per 100 person-years, a drop of 71%, in IV drug addicts through outreach/education alone without provision of needles. i (1) Needle exchange programs (NEPs) add needle provision to such programs. Therefore, in order to prove that the needle component of a program is beneficial, NEPs must be compared to outreach/education programs which do not dispense needles. This point was made in a Montreal study which stated, ''We caution against trying to prove directly the causal relation between NEP use and reduction in HIV incidence. Evaluating the effect of NEPs per se without accounting for other interventions and changes over time in the dynamics of the epidemic may prove to be a perilous exercise. ''ii (2) The authors conclude, ''Observational epidemiological studies . . . are yet to provide unequivocal evidence of benefit for NEPs.'' An example of this failure to control for variables is a NEP study in The Lancet which compared HIV prevalence in different cities but did not compare differences in outreach/education and/or treatment facilities. iii (3)

Furthermore, recent studies of NEPs show a marked increase in AIDS. A 1997 Vancouver study reported that when their NEP started in 1988, HIV prevalence in IV drug addicts was only 1–2%, now it is 23%. iv (4) HIV seroconversion rate in addicts (92% of whom have used the NEP) is now 18.6 per 100 person-years. Vancouver, with a population of 450,000, has the largest NEP in North America, providing over 2 million needles per year. However, a very high rate of needle sharing still occurs. The study found that 40% of HIV-positive addicts had lent their used syringe in the previous 6 months, and 39% of HIV-negative addicts had borrowed a used syringe in the previous 6 months. Heroin use has also risen as will be described below. Ironically, the Vancouver NEP was highly praised in a 1993 study sponsored by the Centers for Disease Control. v (5)

The Vancouver study corroborates a previous Chicago study which also demonstrated that their NEP did not reduce needle-sharing and other risky injecting behavior among participants. vi (6) The Chicago study found that 39% of program participants shared syringes vs 38% of non-participants; 39% of program participants ''handed off'' dirty needles vs 38% of non-participants; and 68% of program participants displayed injecting risks vs 66% of non-participants.

A Montreal study showed that IV addicts who used the NEP were more than twice as likely to become infected with HIV as IV addicts who did not use the NEP. vii(7) There was an HIV seroconversion rate of 7.9 per 100 person years among those who attended the needle program, and a rate of 3.1 per 100 person-years among those who did not. The data was collected from 1988–1995 with 974 subjects involved in the seroconversion analysis. There was a cumulative probability of 33% HIV seroconversion for NEP participants compared to 13% for non-users.

It is important to note that the Chicago, Montreal, and Vancouver studies followed the same group of addicts over an extended period of time, measuring their seroconversion from HIV negative to HIV positive. This has not been the case in previous studies which have purported to show the success of NEPs, such as a New York study which combined results in different populations viii(8) or the New Haven study which was based on a mathematical model of anonymous needles. ix(9)

Some authors have suggested that the increase in HIV in NEP users in Vancouver and Montreal is because NEPs attract high-risk IVDUs. If this is true, then most IVDUs are at high risk, since 92% of Vancouver IVDUs used the NEP. However, an alternative hypothesis was posed by the authors of the Montreal study who postulated that NEPs may serve to facilitate the formation of ''new [needle] sharing groups gathering together isolated IVDUs.'' x(10) This evidence is supported by information that NEPs serve as buyers' clubs and facilitate drug use. Pro-needle activist Donald Grove has written, ''Most needle exchange programs actually provide a valuable service to users beyond sterile injection equipment. They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.'' xi(11) By cutting down on the search time, i.e. the time necessary to find drugs, an addict again is able to inject more frequently, resulting in increased drug use, dependency, and exposure to HIV/AIDS through needle sharing or sexual behavior.

FACILITATION OF DRUG USE LEADS TO RISE IN COCAINE AND HEROIN

This facilitation of drug use, coupled with the provision of needles in large quantities, may also explain the rapid rise in binge cocaine injection which may be is injected up to 40 times a day. Some NEPs are actually encouraging cocaine and crack injection by providing so-called ''safe crack kits'' with instructions on how to inject crack intravenously. xii(12) This increases the addict's drug dependency and irrational behavior, including prostitution and needle sharing. In some NEPs, needles are provided in huge batches of 1000, and although there is supposed to be a one-for-one exchange, the reality is that more needles are put out on the street than are taken in. For instance, on March 8, 1997, Nancy Sosman of the Coalition for a Better Community, NYC, accompanied by a reporter from the New York Times visited the Manhattan Lower East Side NEP requesting needles. xiii(13) Even though they had no needles to exchange and were not drug-users, they were promptly given 60 syringes and needles, little pans for cooking the heroin, instructions on how to properly inject drugs into their veins, and a card exempting them from arrest for possession of drug paraphernalia. They were told that they did not need to return the needles. This community has requested that the NEP be closed.

NEPs also facilitate drug use because police are instructed not to ''harass'' addicts in areas surrounding these needle programs. Addicts are exempted from arrest because they are given an anonymous identification code number. Since police in these areas must ignore drug use, as they are instructed not to ''harass'' these program participants, it is no wonder drug addiction is increasing. In Vancouver, Lynne Bryson, a Downtown Eastside resident, notes that large numbers of addicts visit the exchange, pick up needles, and ''shoot up'' nearby. She has watched addicts buy heroin outside the NEP building ''and inject it while huddled against buildings in nearby alleys.'' xiv(14) As the presence of law enforcement declines in these areas, it is not surprising that the supply of drugs also rises, with increased purity and lower prices. This also serves to hook new young users. With addictive drugs, increased supply creates increased demand. Surprisingly, the response in both Vancouver and Montreal to the above-mentioned reports was to increase the amount of needles provided.

Many drug prevention experts have long feared that the proliferation of NEPs, now numbering over 100 in the US, would result in a rise in heroin use, and indeed, this has come to pass. This rise in drug use was ignored by all the federally-funded studies which recommended federally funding NEPs. The National Center on Addiction and Substance Abuse at Columbia University reported August 14, 1997 that heroin use by American teens doubled from 1991 to 1996. In the past decade, experts estimate that the number of US heroin addicts has risen from 550,000 to 700,000.xv(15)

A 1994 San Francisco study falsely concluded that there was no increase in community heroin use because there was no increase in young users frequenting the NEP.xvi(16) The rising rate of heroin use in the community was not measured, and the lead author, needle provider John Watters, was found dead of an IV heroin overdose in November 1995. According to the Public Statistics Institute, hospital admissions for heroin in San Francisco increased 66% from 1986 to 1995.xvii(17)

In Vancouver, heroin use has risen sharply: deaths from drug overdoses have increased over five-fold since 1988 when the NEP started. Now Vancouver has the highest heroin death rate in North America, and is referred to as Canada's ''drug and crime capital.''xviii(18)

The 1997 National Institutes of Health Consensus Panel Report on HIV Prevention praised the NEP in Glasgow, Scotland, but the report ignored Glasgow's massive resultant heroin epidemic. Currently, as revealed in an article entitled ''Rethinking 'harm reduction' for Glasgow addicts,'' Glasgow leads the United Kingdom in deaths from heroin overdose, and the incidence of AIDS is rising.xix(19)

In Boston, illegal NEPs were encouraged after the well-known, long-time needle provider Jon Stuen-Parker was acquitted in 1990 amidst much media publicity.xx(20) Then in July 1993, NEPs were legalized, and the city became a magnet for heroin. Logan Airport has been branded the country's ''heroin port;''xxi(21) Boston leads the nation in heroin purity (average 81%); and heroin samples of 99.9% are found on Boston streets.xxii(22) Boston now has the cheapest, purest heroin in the world and a serious heroin epidemic among the youth.xxiii(23) The Boston NEP was supposed to be a ''pilot study'' but there was no evaluation of seroconversion rates in the addicts nor of the rising level of heroin use in the Boston area.xxiv(24)

Similarly, the Baltimore NEP is praised by those who run it, but the massive drug epidemic in the city is overlooked. For instance, the National Institutes of Health reports that heroin treatment and ER admission rates in Baltimore have increased steadily from 1991 to 1995. ''At one open-air drug supermarket (open 9 a.m. to 9 p.m.) customers were herded into lines sometimes 20 or 30 people deep. Guarded by persons armed with guns and baseball bats, customers are frisked for weapons, and then allowed to purchase $10 capsules of heroin.''xxv(25) Baltimore's mayor Kurt Schmoke is a pro-drug legalizer on the Board of the Drug Policy Foundation. He favors not only NEPs but also heroin distribution.xxvi(26)

Any societal intervention which encourages drug use will also result in increased AIDS rates. It is important to note that needle sharing is not the only way drug users

are infected with AIDS since they are at high risk for acquiring AIDS sexually through promiscuity or prostitution. For instance, a study of non-needle using NYC crack addicts showed a high incidence of HIV/AIDS.xxvii(27) Addicts often fund their addiction through prostitution and trading sex for drugs. Furthermore, addicts commonly support their habit by selling drugs to other addicts, and by recruiting new addicts. They target the youth, often providing free samples and free needles to hook their clients. By enabling addicts to stay addicted, NEPs serve to increase the numbers of new young addicts.

Recently, many communities have been attempting to defeat these NEPs before they start or to close them once they have started. In Willimantic, Connecticut, community opposition to its NEP arose as many discarded needles were observed along with increased open drug use. One man, having received needles from NEP, fatally overdosed after his friend unsuccessfully tried to get help from the exchange. Also, a toddler was stuck by a needle discarded near the NEP which was finally shut down. xxviii(28) In New Bedford, Massachusetts, there was a referendum, and the people voted down NEPs by a margin of over 2–1. xxix(29) A 1997 survey done by the Family Research Council found that Americans overwhelmingly oppose NEPs and believe giving an endless supply of needles to drug addicts is irresponsible, representing an official endorsement of illegal drug use which encourages teenage drug use.

RATHER THAN ENCOURAGE DRUG USE, TREATMENT SHOULD BE MANDATED

By providing needles to addicts, NEPs enable the addict to continue self-destructive illegal behavior. With regard to treatment outcomes, NEPs should be compared to mandatory treatment programs, such as drug courts, which serve to force addicts into treatment whether they are ''ready'' or not. An addict under the influence of a mind-altering drug does not think clearly and may overdose before he/she ever concludes that treatment is the best choice. Indeed, most persons in treatment are there because of an encounter with the criminal justice system, and studies show that involuntary treatment works as well as voluntary treatment. Thus addiction specialist Dr. Sally Satel writes that ''For Addicts, Force is the Best Medicine.'' xxx(30) Even worse is the fact that, as pointed out by addiction expert Dr. James L. Curtis, NEPs often serve to lure recovering addicts back into injecting drug use. xxxi(31)

Since outreach/education programs and mandatory treatment programs are safe and effective in preventing both drug use and HIV/AIDS, these programs should be encouraged and funded. NEPs should be discontinued since they are not safe or effective and since they result in increased drug use and HIV/AIDS.

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Mr. Speaker, my friend, the gentleman from Georgia (Mr. BARR), has done a lot of work in this area.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Colorado for yielding. I also thank the gentleman from Illinois, the distinguished Chairman of the Subcommittee on National Security on which I have the honor of serving and which has really been on the forefront on the war against mind-altering drugs, both here domestically as well as in the international manifestations.

We have, in recent years, as we know and, Mr. Speaker, as you know, become a Nation deeply concerned with the messages that we, as adults, send to our children. We yearn for the athlete whose poster hangs above our child's bed to be as good a citizen as to be a ball player. We want our teachers to practice what they preach, and we want our government to provide an environment by which our children can truly learn safely.

Unfortunately, our government, at the direction of the President, is failing miserably. Drug use among America's children is on the rise. This was confirmed recently in a study, Substance Abuse and the American Adolescent, released by the National Center for Addiction and Substance Abuse at Columbia University.

What is more, surveys have found that 23.5 percent of 12-year-olds personally now know a drug user, whereas, 2 years ago, in 1996, 10.6 percent of 12-year-olds personally knew a drug dealer. That is an increase of 122 percent. Drug overdoses and emergency room treatment of drug patients are also increasing.

Now, Mr. Speaker, the President and his Secretary of Health and Human Services would have us believe that giving needles to drug users is sound policy and good for our Nation's children. This is pure lunacy.

In the wake of this ill-advised policy, we now have evidence that America's children are drinking, smoking, and using mind-altering drugs at the youngest ages ever.

The war on drugs should only be thought of in one way, a war for the very lives of our children. I am constantly dismayed that many of our colleagues on the other side of the aisle who rarely introduce legislation without claiming that it is for America's children would support any legislation or initiatives that in any way encourage drug abuse, particularly since initiatives have proved to be destructive in other nations that have similarly experimented with the lives of their

children. Mr. Speaker, we must never experiment with the lives of children in America.

As the distinguished subcommittee chairman indicated, Switzerland has gone through this very same policy with devastating results. I had the opportunity just last year to visit Switzerland where such an experiment has taken place. It has failed. Drug use in Switzerland has not decreased. It has increased. America will rue the day when you can walk down a city street in Atlanta or Washington or Indianapolis or Boulder and next to a Coke machine find a machine that distributes needles or, more accurately, death in a box, indiscriminately, to any man, woman, or child, with the only qualification to getting that out of the machine is that you are tall enough to drop the coins into the slot.

The proponents of this medicinal use of marijuana or needle exchange programs which, as the distinguished subcommittee chairman said, is really a needle giveaway program, know that this is simply the first step towards legalizing drugs in our Nation. For our children, this must never happen.

In Switzerland each year, their needle distribution programs have given out more, not fewer drug needles. It does not take a rocket scientist to conclude that more, not fewer people, are using drugs under the Swiss experiment. Of course, the initial logic behind these distribution programs was suspiciously benign: to help combat the spread of HIV.

In 1986, the Swiss started a needle exchange program in a park in Zurich. In the beginning, they exchanged about 300 needles a day. By 1992, that number had swelled to 12,000. We should not, we must not be fooled.

This is part of a strategy to legalize drugs in the United States. First, it starts with needles. Then it moves to distributing the drugs. To be sure, there will be some clever reason why this should be done. There is always an excuse, always a rationale.

Were I to support this needle giveaway program, how could I or any of us ever look a mother in the eye who comes to us in a town hall meeting or visits us in our office and says to us that her child is shooting up drugs and what can we do to help? How could any of us tell that parent that that needle that child is using could be a needle that was bought and paid for by our government? Her tax dollars at work, in the hands of her child, in the form of a needle, containing a recipe for death. What a cruel twist of fate.

Mr. Speaker, there can be no compromise in the lives of our children. As the saying goes, the buck does stop here. Not one single penny of Federal tax dollars, not one should ever be used to help addicts continue their destructive and deadly work on the streets, in the homes, in the schools, and in the businesses of these United States of America.

Mr. Speaker, I appreciate the gentleman from Colorado for yielding, and I want to once again thank the gentleman from Indiana for the distinguished leadership that he has provided as chairman of the Subcommittee on National Security.

If the gentleman from Colorado would continue to yield, Mr. Speaker, I want to insert into the RECORD with my remarks the following editorial which appeared on April 22, 1998, by James L. Curtis in the New York Times, entitled Clean But Not Safe.

Mr. Curtis is a professor of psychiatry at Columbia University's Medical School and the director of psychiatry at Harlem Hospital. He has written a very eloquent, very eloquent, indeed, opinion piece on this matter which he concludes as we do here that needle exchange or needle giveaway programs are not a cure. They are simply one more way of getting death and destruction into the veins of our citizens.

The editorial is as follows:

[From The New York Times, Apr. 22, 1998]

CLEAN BUT NOT SAFE

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision, even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously. Instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy way to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted in the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. if the participants are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific journals.

After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other inner-city neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million from 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups I have talked to, the center, since it began in 1992, has become a magnet not only for addicts buy for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. infection among this group. What addicts don't need is the lure of free needles.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the Majority Whip, the gentleman from Texas (Mr. DELAY).

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

I really appreciate the gentleman for taking this special order and allowing us to participate, and I really appreciate my Chief Deputy Whip for all the fine work that he has done on drug abuse. Everybody that has spoken, I greatly appreciate it. I want to just take a few minutes, if I could, to express my opinion about the drug war and the lack of emphasis that the White House is making.

You know, when a mother sends her son off to a foreign war, she worries ceaselessly about his safety. Yet, every day, millions of mothers put their children on a school bus and send them off into a domestic drug war zone. Teen drug abuse has reached epidemic proportions. And few places, least of all the classroom, are safe havens from this insidious modern plague.

Let us not mince any words here. Drugs are everywhere. They are in the lockers and bathrooms and playgrounds of America's children's schools and parks and on the streets of our towns. Their poison, no longer confined to the inner city, has burst the damn and flooded the suburbs.

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Marijuana and hard narcotics are no longer the province of beatniks, punks and gangsters. The new drug abusers look a lot like Beaver Cleaver. Truth is, drug users do not just look like your son or daughter, drug users may very well include your son or daughter.

So, Mr. Speaker, the facts speak for themselves.

Overall teenage drug use has nearly doubled, nearly doubled in the 1990's, and perhaps most frightening of all,

nearly half of all 17-year-olds say that they could buy marijuana within an hour, and that is according to a survey by Columbia's highly respected Center for Addiction and Substance Abuse. For those under 18, marijuana has become as accessible as beer or cigarettes, and with the President who did not inhale and a generation of baby boom parents nostalgic about their own youthful drug use and who too often considered marijuana benign, our children have been getting mixed messages for years.

It does matter, character does matter. That is not to say that President Clinton or any national figure can be held individually responsible for the drug habits of our children, but the Clinton administration has made the fight against drugs its last priority and then abandoned ship mid-storm. No wonder teen drug use is on the rise.

Wherever American children turn, in the schools, in the neighborhoods, parties, movies, rock concerts, even at home where household products can double as inhalants, they will find drugs available. Children rate drugs their No. 1 problem, and every single child in America is at risk of falling prey, regardless of race, ethnicity or economic status.

So where is our war on drugs? Where is our political courage? Where is our sense of responsibility? Where is our leadership? Where is our shame?

Too often we find that people who should be leading us out of this crisis are leading us deeper and deeper into it. Just this week Bill Clinton, the President of the United States, publicly embraced the outrageous practice of supplying hypodermic needles to drug abusers. On the one hand he wants to take cigarettes away from teenagers, and on the other hand he wants to give them condoms and needles.

What kind of anti-drug policy is that? Instead of providing those addicted to drugs with assistance in kicking their habits, Bill Clinton is actually promoting the practice of providing drug addicts with the necessary tools needed to sustain their addiction. The issue is not whether our children are going to be tossed into the sea of drugs; the issue is how we will teach them to swim while we drain the pool.

But there is a solution, multiple solutions in fact. We wish to solve the drug crisis. We will start with the family. If we want to solve the drug crisis we will start with the family and the school and with our churches and synagogues. Teens with families that eat together, play together and pray together are the ones least likely to try drugs. Teens with parents who assume responsibility for their children and do not blame society at large, teens who have an active religious life, these are the teens least likely to use drugs.

Now, unfortunately there is an ever-increasing minority of our children. If the battle against drug abuse is waged at home, the war is only half won. Parents and children must also demand that their schools and their communities be made drug-free and take the actions necessary to keep them that way.

We need to encourage kids to report drug dealers to their teachers even when those drug dealers are their classmates. We need to empower teachers so that when they know who the drug dealers are there is actually something they can do about it, and we must demand absolute accountability and zero tolerance by principals for any drug use on school grounds whatsoever. Only when our teachers and principals are enlisted in the anti-drug effort can we make our schools truly drug-free.

The good news is that our children seem ready to enlist. More than 80 percent say that if their classmates went along they would make a pledge promising not to smoke, drink or use illegal drugs at school.

Now some communities should consider assigning a full-time police officer to each school. They could walk the hallways like they would walk the beat, passing lockers, checking the parking lot, becoming a presence in the cafeteria. It is happening in some places already and it is working. Officers are bonding with the students because the students know that the cops are there to help. The drugs are kept out of the school and the kids are kept out of harm's way.

Now there is even a role for the Federal Government. We can be more aggressive in guarding our borders, we can be more proactive in helping our neighbors to the south with their anti-drug efforts, as the gentleman from Illinois (Mr. HASTERT) is so good at doing, and we can be more vigilant in our policing, arresting and prosecution of anyone, anyone who sells this poison to our children.

But it is time for the policy-makers to acknowledge to parents and their children that while Washington must use the bully pulpit to set an example, the drug crisis cannot be solved here in Washington. It must be solved in an our homes, in our schools, in our neighborhoods, and in every other place where children make decisions about whether or not to use illegal drugs.

It is time for parents to say, ''We're mad as hell and we're not going to take it any more.'' It is time for them to send their kids a unequivocal message that they do not want them to try marijuana or any other illegal drugs and they will not tolerate it if they do. There is nothing wrong with being judgmental when it comes to the lives of our children, and I call upon every parent, Mr. Speaker, every parent to be intolerant and judgmental when it comes to drug use. It is time for parents to exert tough love for their children before these children become a physical threat to themselves and society at large.

And it is time for us to take a stand against those in the community that preach the life-threatening notion that drugs are harmless. Shame on the entertainment industry for glorifying drug abuse. Shame on the sports stars who use drugs and fail to live up to their responsibility as role models. Shame on the drug legalizers who profit from addicting innocent children and citizens. And, yes, I even say shame on us, the parents, the teachers, the principals and the politicians who have passed the buck and turned a blind eye for too long.

For the sake of our children we cannot afford to be shy any longer about calling drug abuse what it is, a moral crisis that must be addressed both immediately and over the long term. Drug use is wrong because it is immoral, and it is immoral because it enslaves the mind and destroys the soul. People addicted to drugs neglect their duties, their family, their friends, their education, their jobs, everything important, noble and worthwhile in life. In the end the drug problem is nothing so much as a manifestation of weakness, weakened families, weakened communities, weakened institutions.

People turn to drugs in an attempt to escape the realities of life with all its richness and suffering. Drugs may numb the pain, but they also flatten the world and cause it to lose all texture.

The question that the drug crisis poses is no less than the question of our civilization's future. Can humanity survive freedom and influence? Can we meet the challenge of liberty or must we, absent political bonds, find a way to enslave ourselves chemically? I decline to accept the dim view that man cannot retain the old virtues, the old values in this modern age. I decline to accept the notion that humanity is not suited for freedom.

America can overcome the drug problem, but it will not simply go away on its own. No, the cure for drugs lies in the hearts and the minds of America's families and communities. It is time for us to act.

By combining national leadership with community activism, we can and we will save America, one child and one neighborhood at a time. Working together with the American values of family, faith and sacrifice close at hand, we can ensure that the lives of our children are safer, more productive and free of the drugs that cripple their minds and destroy their souls. They, our legacy, deserve nothing less.

I appreciate the gentleman from Colorado taking this special order and the gentleman from Illinois for all the fine work that they have done in this regard. It is just a shame, as far as I am concerned, that our own President and our own administration seems to care less about what is happening to our children when it comes to drugs.

Mr. BOB SCHAFFER of Colorado. I have about a minute left, and I yield to the gentleman from Illinois.

Mr. HASTERT. Mr. Speaker, I appreciate the gentleman from Colorado yielding time to me, and the eloquence of the whip from Texas, a very nice presentation.

But the sad story is that we have 20,000 people who die of drugs in this country every year, 14,000 directly from drugs. They die because of overdose, they die because of gang violence. They are our kids. They are dying today at our street corners in the darkest parts of our cities. We should not help them die. We should work to stop the drug menace in this country.

BELLA ABZUG, A WOMAN AHEAD OF HER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes.

Mr. NADLER. Mr. Speaker, I am honored to represent most of the district once represented by the late Bella Abzug in Congress, and as such I come forward today together with my friend from the District of Columbia and with the Congressional Women's Caucus to say a few words about a departed legend. I would like to thank Congressman OWENS of New York for so kindly giving us this special order time which he had reserved.

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Not only was she driven to do the right thing, but she demanded the same of everyone she came in contact with.

She was not expected to win her 1970 campaign for the House. I remember when she ran the first time, I campaigned for her. I just graduated from college; we had run against the same incumbent every 2 years since 1962, and we lost in 1962, and we lost in 1964. We lost in 1966; we lost in 1968; and no one expected any different in 1970.

But Bella changed the mode. Bella didn't just try to get out her vote and up the percentage a few percentage points and hope that more of our vote would come out than theirs. Bella went into the opposition stronghold and cracked it, and made them vote for her and changed the whole tone and the whole model of politics in lower Manhattan.

I remember the astonishment when she won that June day in 1970. She changed the mode and the model of how New York politics was looked at.

Then she got here, and, of course, she made an immediate impression. It is hard to realize, she was such an inspiration to an entire generation. She made such an impression that we still remember today that it is hard to realize she served in this House for only three terms, for only 6 years.

But in that time, what a difference she made, what a difference she made for the emerging feminist movement, what a difference she made for the rights of women, for civil rights, for civil liberties, for social justice, for the struggle for economic justice. What a boost she gave to the opposition to an unjust war in Vietnam, and what a difference she made in so many different subjects.

People remember her as a great speaker, and a great leader, and a great expositor, and a great example. But sometimes I think they do not remember that she was also a great legislative crafts person.

She, for example, crafted the interstate transfer amendment under which 32 States gained billions and billions and billions of dollars for mass transit systems from highways whose construction they had changed their minds about. And she enabled them to trade in unwanted highways on the map for new mass transit systems, or for improved mass transit systems.

In my own city of New York, we got $1.7 billion for the mass transit system by trading in the West Way Highway, about which city and State government changed their minds.

So she was a great legislative crafts person, and she was a great leader on a host of issues. And she never, never thought that enough was enough.

I remember whenever I would talk to her, she would say to me, are you doing enough? Are you doing enough? Whatever it was I was doing, are you doing enough?

And then occasionally, almost begrudgingly, very occasionally, she would say, well, you are doing okay. And I would leave our conversation feeling as if I had received the greatest compliment one could ever receive.

That is one of my memories of Bella, and I am sure many Members of Congress have others they would like to share. That is why we are holding this special order so that those of us who still remain at this late hour can come forward and give former Representative Bella Abzug the tribute which is surely her due.

Let me add one other thing. She made as great a contribution to the people of this country, to the people of this world, after she left the House, and unfortunately she was not elected to the Senate, but after she left the House, as she did before. As the Representative of the United States to the United Nations, to various conferences, to women's conferences, abroad, she made a great contribution, and it will be long remembered.

Finally, regarding my colleague, I can only conclude with this: When Bella Abzug left this House, this chamber became a poorer place. Likewise, with her passing, the world became a poorer place, though all of us are immensely richer for her presence on this planet.

Mr. Speaker, it is now my pleasure to yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. NADLER), for yielding, and I thank the gentleman for organizing this special order for Bella Abzug.

Perhaps it was fitting that we lost one of the world's greatest women's rights leaders at the end of March. March was Women's History Month. It was a time when we recalled the great contributions made by women for women, and Bella, my friend and my mentor, was a great contributor.

I would like to say that Bella Abzug will not only be remembered for her flamboyant, colorful hats, but for what was under them; her wonderful mind and the voice with which she spoke it and her inspired heart.

I am deeply indebted to Bella, and I know many women feel the same way. But I also know that there are many young women who may just take Bella's work and the work of other women before them for granted. I invite them to get to know Bella's memory, because without it we could lose ground. If we begin to take her hard-fought victories for granted, we will lose sight of the work that lies ahead.

There is not an American woman alive today who does not command more respect or enjoy more opportunity as a result of Bella's work. Because of Bella Abzug, women today stand a little taller, walk a little prouder, and accept nothing less than what they deserve.

Bella broke through barriers; she shattered glass ceilings, she rattled cages, and she set women free. Even in her last years when she was confined to a wheelchair, no woman stood taller in the fight for women's rights, for women's equality, than Bella Abzug.

Bella was a pioneer on so many levels. She was a legislator, a peace activist, a labor lawyer, a lecturer, a news commentator, a civil liberties advocate, and the first woman to be elected to Congress, not under the banner of a particular party, but on a banner based on women's rights and a peace platform.

She cofounded the National Women's Political Caucus, which celebrates this year its 21st anniversary. She coauthored the Freedom of Information and Privacy Acts. She cast one of the first votes for the Equal Rights Amendment, which still has not been enacted into law in this country. She presided over the Women's Congress for a Healthy Planet. She organized the first National Women's Conference in Houston, Texas, and organized this past year the 20th anniversary of remembrance of the accomplishments of that conference. She authored Women's Equality Day, and she cofounded the Women's Environment and Development Organization.

She had an impressive resume. However, the whole of Bella's life was much more than the sum of its parts. She is now a historical figure, a cultural icon. She changed how people thought, how they looked at the world, and how they lived their lives.

Bella was a firebrand orator. One of my favorite Bellarisms goes like this: ''Women will change the nature of power, rather than power changing the nature of women.''

She proclaimed just last year, ''We are building a women's movement, and we have been making it larger and

larger. It is worldwide. It is where it has never been before.''

She was building a worldwide network because she could. She was a consummate organizer. She was always pushing the envelope, always trying to do more, and challenging others to do more. I suspect by now Bella has already demanded a meeting with God and has begun to try to reorganize heaven. If she were with us here today, she would tell us not to mourn, but to organize and to mobilize, and she would be right. We can never forget Bella Abzug or her works or her funny charm, but our best vehicle for remembering her will be to carry on her work.

Her sense of outrage must become ours. Her commitment to reaching out to our Nation's younger women must become ours. Her courage, her vision, her wit and her boundless energy must become ours. After all, these are the things she left us. We must take them as gifts and use them to advance the cause of women in America around the world.

Mr. NADLER. Mr. Speaker, we had a number of other speakers, about eight or nine other speakers, who, because of the lateness of the hour and the arrival of other events of the evening, who had planned to.

Ms. LEE. Mr. Speaker, as one of many friends and longtime admirers of Bella Abzug, I rise today to pay tribute and express my heartfelt admiration and respect for this exceptional woman. Bella Abzug was truly loved by many in the world who were positively impacted by her groundbreaking work on a myriad of crucial progressive issues.

The first time I met Bella I was working for my predecessor, the Honorable Congressman Ronald V. Dellums. Bella and Ron worked closely on a number of progressive causes, remaining at the forefront of peace, social, and economic justice issues, as well as efforts to normalize relations with Cuba.

Bella was a true pioneer. She had a brilliant mind, and her tireless efforts over the decades to build diverse coalitions and protect the civil rights of women, the poor, and people of color throughout the world will long be remembered and respected. Her most recent efforts through the Women's Environment and Development Organization, which she co-founded, have permanently changed the impact that all non-governmental organizations have on policy making. Her influence was truly global.

A great strategist for the advancement of feminist issues, Bella's unyielding dedication to gaining access to political power for women was also remarkable. Personally, I was a fortunate recipient of her encouragement, guidance, and a political knowledge from the time I began my public service. The last time I spoke with Bella was at a fundraiser for my California State Senate Race. Her involvement at this event is an example of her continual energy and support, for which I will be forever grateful. For me, Bella has been a truly inspiring mentor and role model.

I am proud to join my colleagues I paying tribute to and expressing my admiration for this superwoman. I am honored to have been able to call Bella a friend. It is my hope, that as I travel this new road, I will in some small way be able to keep her spirit and tenacity alive by continuing the ongoing struggle to remove barriers which prevent women and people of color from participating fully in society.

Bella, I know you are watching and listening. We all love you, and we truly miss you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise today to honor the memory of former Congresswoman Bella Abzug, who made such significant contributions to this House and to America's least represented people. Bella dedicated her life to public service, fighting particularly hard for the rights of women and minorities, even before such fights were popular or politically wise. Her death, just weeks ago on March 31, 1998, at the age of 77, is mourned by friends, former colleagues in this body, and those of us who simply admired her work.

Bella Abzug, the daughter of immigrant parents, made a habit of breaking through barriers and accomplishing the unlikely. Bella earned a law degree from Columbia University in 1947, which at that time was an accomplishment in and of itself for a woman. Bella used her law degree to fight for those who needed her assistance most: union workers, civil rights litigants, and minority criminal defendants in the South. Much of her work was done pro bono, or for a minimal fee.

Bella Abzug is perhaps best known for her contributions to the civil rights movement. During the 1950s, she counseled tenants and minority groups and helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and Voting Rights Act of 1965.

Bella's efforts to ensure peace and end the war in Vietnam are also well known. Columnist Jimmy Breslin once remarked about the peace movement that ''Some came early, others came late. Bella has been there forever.'' After the withdrawal of American troops from Indochina, Bella turned her attention towards banning nuclear testing and encouraging disarmament, mostly through the organization she founded, Women Strike for Peace.

Fortunately for the residents of New York City, Bella Abzug decide to take her passion and enthusiasm to a public office. Running with the slogan ''This woman belongs in the House''—the House of Representatives—in 1970, Bella was easily elected to this body for two terms as the Representative from New York's Nineteenth Congressional District. She served as chair of the House Subcommittee on Government Information and Individual Rights, conducting inquiries into covert and illegal activities by agencies of the federal government, and helping to produce the ''Government in the Sunshine'' law which gave the public great access to government records. While here in Congress, Bella often amazed and aggravated friends and opponents alike with her brash speaking style and passionate devotion to issues.

After leaving Congress, Bella continued to serve her government in appointed positions, and assisted with the creation and expansion of organizations that encourage women to achieve equality through economic, social, and political empowerment. In 1994, she was inducted into the National Women's Hall of fame in Seneca Falls, New York, where the first women's rights conference was held in 1848. The Congressional Caucus for Women's Issues has requested that the Speaker send a Congressional delegation to the 150th anniversary celebration of that conference later this year. Certainly, if such a delegation is sent, Bella Abzug's presence will be felt and recognized.

Bella was a key organizer of the Fourth World Conference on Women, held in Beijing just three years ago. During that conference, the international audience presented her with numerous awards and accolades that recognized her longstanding devotion to the needs and rights of women, particularly minority women.

Bella Abzug's dedication to the needs of women and minorities, and her willingness to fight those who were not similarly devoted, should stand as a model of effective nonconformity in this age when compliance and compromise reign supreme. I, along with other women and minorities in this body and in America in general, thank Bella for her time and effort, and assure her that her work, and the work of so many others like her, will continue.

While I certainly appreciate the opportunity to appear here today and speak warmly of Bella, we must do more. The most fitting tribute we can bestow upon Bella Abzug is to prove her prophetic: in 1996, she said that in the 21st century, ''Women will change the nature of power, rather than power changing the nature of women.'' Let us all, here in this House and beyond, ensure that this is the case—not only for the good of this nation and its peoples, but in memory of women like Bella who paved the way.

Ms. VELAZQUEZ. Mr. Speaker, I rise today to mourn the passing of a truly remarkable woman. In fact, across America, if not the world, women mourn the passing of Bella Abzug. It goes without saying that she was a pioneer. She was certainly more than just the first Jewish woman elected to Congress. She was at the forefront of a movement that said that women were capable of anything.

To put the achievements of this great woman in perspective, she was born in the year that women gained the right to vote. She earned her law degree from Columbia University in 1944, one of seven women to graduate in a class of a hundred twenty. In 1970, Bella Abzug was one of three new women Members of Congress, bringing the total number of women serving this institution to twelve. Yesterday, two more women became Members of the House of Representatives, bringing the total to fifty-five.

Of course, Bella Abzug did not come to Congress to rest on her laurels. Bella came to this town to make a difference, and it's safe to say that Washington has never been the same. Bella did not understand that in 1971 women Members of Congress were supposed to take a back seat to their male counterparts. She did not understand that there were two

sets of rules—and she cheerfully, boldly, bravely violated those rules if that's what it took to bring about change. On her first day as a Member of Congress, she introduced a resolution to end the war in Vietnam. Never mind that this sort of bold act was just not done in those days—she did it because it was the right thing to do.

She was candid, visionary, and her presence in this chamber made it possible for an entire generation of women to achieve success in a world from which they had been largely excluded. Bella once said, quote, ''Women have been trained to speak softly and carry a lipstick. Those days are over, unquote.'' Yes, thanks to Bella Abzug, those days are over.

And so, I join my colleagues, men and women, in expressing my deep sadness at the passing of this extraordinary woman. Bella Abzug will be terribly, terribly missed.

Mr. TOWNS. Mr. Speaker, I rise today to honor the achievements of my former colleague, Bella Abzug, the ''Queen of New York.''

Throughout her illustrious career in public service, she was a zealous advocate for all. This New York Democrat was truly a woman who dared to be different. As a Member of Congress, labor lawyer, civil-liberties advocate, and peace activist, Bella used her special talents to give ''voice'' to many causes.

From her first day on the floor of the House of Representatives when she protested the Vietnam war to her recent efforts to promote a ''safe and sustainable'' global environment, she gained the respect of the world. I am truly honored to have known the regal Bella Abzug.

Mr. Speaker, please join me in honoring the memory of my dear colleague, Bella Abzug. Her indelible mark on this nation will be remembered for a lifetime.

Mr. RANGEL. Mr. Speaker, as we mourn the death of our former colleague, Bella Abzug, I would like to pause to reflect and celebrate the life of an extraordinarily gifted human being.

I have fond memories of Bella Abzug and admire so many of the principles which guided her as she struggled to make the world a more humane place. I think about the unpopular causes she championed during the 1950's for civil rights. A specialist in labor law, she worked ''gratis'' for union groups, workers in the fur industry, restaurant workers, auto workers, and the first rank-and-file longshoremen strikers.

A large portion of her work outside of the labor field was done ''pro bono,'' or for a minimal fee, for civil rights and civil liberties litigants. She was the chief counsel in the two-year appeal of Willie McGee, an African American man convicted of raping a white woman and sentenced to death. The case drew worldwide attention, and some Southern newspaper editorials attacked McGee's ''white lady lawyer'' in language meant to incite racism and hatred between groups.

Bella argued passionately, and challenged the injustice of excluding Blacks from juries and applying the death sentence for rape virtually exclusively to Blacks. Although her arguments fell on deaf ears and McGree was executed in Mississippi in 1951, the case was an example of Bella's compassion and lifelong commitment to the underdog. She helped to draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965. An advocate of free speech during the 1960's she was a leader in the movement for women's rights, an opponent of the Vietnam War, and a supporter of environmental issues.

When we entered the Congress together in January of 1971, Bella was certainly no wallflower freshman. If her feisty, raspy-throated speeches didn't attract attention, her trademark hats certainly did. They were a throwback, she said, to her early days as one of the New York City's few female lawyers.

Bella came in demanding appointment to the House Armed Services Committee—a choice assignment seldom awarded to a freshman Representative. The last woman to serve on the committee had been Margaret Chase Smith, an outspoken critic of the military, in 1949. Although Bella failed at her attempt to secure a seat on the Armed Services Committee, she served effectively on the Government Operations and the Public Works Committees. Time and time again, she proved that regardless of the capacity in which she served, her presence would be felt, her voice always heard. Bella could not be silenced or contained against her will.

One of 15 women serving in the House of Representatives in 1971, and the first woman of Jewish descent to serve in Congress, Bella relished her reputation as a ''brash and brassy'' New Yorker. In 1998, we now have 55 women in the House of Representatives. Although Bella might say that we can do better, I think she was pleased and proud of the progress that was made during her lifetime.

Bella Abzug was truly a visionary, passionate, committed trailblazer, and a compassionate leader. She was also my friend. May she rest in peace.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay special tribute to one of our great leaders, Congresswoman Bella Abzug. I was deeply saddened to hear of Ms. Abzug's passing last month and would like to take this opportunity to recognize her many accomplishments.

Over the years, Congresswoman Abzug worked diligently to improve the status of women. Not content to work only on the behalf of the State of New York, she concentrated on issues such as the environment, civil rights, gay rights, education, affordable healthcare and many other issues of national concern.

This highly visible Congresswoman served as a member of the Committee on Public Works and Transportation and chaired the Subcommittee on Government Information and Individual Rights. She helped create the ''Government in the Sunshine Law'' which allows the public to have greater access to government records. In addition, during her service in Congress, she was able to help pass several laws that target and prevent sex discrimination. Without a doubt, the country is a much better place for women and men alike because of her leadership in Congress over the years.

Outside of her congressional career, Ms. Abzug led the way in improving the status of women. In 1971, Abzug co-founded the National Women's Political Caucus. As a firm believer in economic, social and political equality for women, she was appointed co-chair of the National Advisory Committee for Women. In 1995, she helped organize the Fourth World Conference on Women held in Beijing; during that conference she received many awards and accolades. As a crusader in the civil rights movement, Ms. Abzug expressed her opposition to the exclusion of African-Americans from juries and their receipt of harsher criminal sentences. During the 1950's, she helped draft legislation that was incorporated into the Civil Rights Act of 1954 and the Voting Rights Act of 1965.

Yesterday, in welcoming BARBARA LEE and MARY BONO as new Members of the House, many speakers noted the unprecedented number of women now serving in Congress. All of the women Members of Congress owe a large debt of gratitude to Bella Abzug, the woman who trail blazed the path for us.

Bella Abzug followed her heart and was always a crusader for just causes. We have lost a valuable colleague and role model and I will always remember her as one of the most influential women of the world. I am confident that her wisdom and spirit will be continued and remembered by all.

Mr. MANTON. Mr. Speaker, I thank the gentleman, my friend and colleague from New York, Mr. NADLER, for organizing this evening's special order in honor of Bella Abzug.

Mr. Speaker, with the recent passing of Congresswoman Abzug, this House, and indeed the Nation, has lost one more personal link to our Nation's history.

Bella is probably best known to the average citizen for her role as a Congresswoman during the rather tumultuous period of the 1970's. But, as the Speaker and many of Colleagues know full well, Bella was much, much more than simply that ex-Congresswoman from New York City who wore outlandish hats.

Bella's long and distinguished career of public service spanned many decades and a multitude of activities. In many respects, she was busier and had a greater impact on her community, the Nation, and, indeed the world, after leaving the House of Representatives. Her undying, total dedication to the causes she believed in will live on for many years to come.

Bella Abzug was an attorney, author, lecturer, environmentalist, news commentator, and, perhaps most of all, a lifelong activist. Of course, no matter what ''hat'' she was wearing, Bella was always a strong and vocal defender of women and women's rights throughout the world.

Mr. Speaker, it is no secret, and should not come as a shock or surprise to anyone who follows politics, that Bella Abzug and I were not close compatriots fighting in the trenches together. We came from different wings of the Democratic Party. Quite frankly, we were not often in agreement on many a matter or how best to address an issue.

Perhaps this difference, this diversity of opinions and methods, was an example of what makes the Democratic party so strong.

But, having said this, I was never prouder or more honored than to have been on Bella's side in opposition to the War in Vietnam.

Instinctively, the Liberal—and, this is not a pejorative term—Congresswoman from Manhattan and this moderate local politician understood the toll this war was taking on our Nation and our ''best and brightest.'' As a Congressman who's Woodside, New York, neighborhood lost the most servicemen in this war, I know full well that the position Bella and I took was the right and just one.

Mr. Speaker, regardless of your Party or political leaning, this House would do well to remember the dedication, hard work, caring, and

conviction of Congresswoman Bella Abzug. Not only did she strive to make the world a better place for all its people, she also succeeded.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to Bella Abzug.

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. GEPHARDT) for Tuesday, April 21, and the balance of the week on account of medical reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. TANNER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) 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. SERRANO) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes.

Ms. WOOLSEY, for 5 minutes.

Ms. NORTON, for 5 minutes.

Mr. MENENDEZ, for 5 minutes.

Mr. COYNE, for 5 minutes.

Mr. BARRETT of Wisconsin, for 5 minutes.

Mr. SHERMAN, for 5 minutes.

Mrs. MALONEY of New York, for 5 minutes.

Mrs. CAPPS, for 5 minutes.

Ms. ESHOO, for 5 minutes.

Ms. CARSON, for 5 minutes.

Mr. KLINK, for 5 minutes.

Mr. MCGOVERN, for 5 minutes.

Ms. JACKSON-LEE of Texas, for 5 minutes.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. GILCHREST, today, for 5 minutes.

Mr. PORTER, today, for 5 minutes.

Mr. HORN, today, for 5 minutes.

Mr. COX of California, today, for 5 minutes.

Mr. KINGSTON, today, for 5 minutes.

Mr. ROHRABACHER, on April 23, for 5 minutes.

Mr. BILIRAKIS, today, for 5 minutes.

Mr. MCCOLLUM, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. KIND.

Mr. CONDIT.

Mr. KUCINICH.

Mr. PALLONE.

Mr. FILNER.

Mr. BARCIA.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. LANTOS.

Mr. MENENDEZ.

Mr. HAMILTON.

Mr. SCHUMER.

Mr. KENNEDY of Rhode Island.

Mr. STARK.

Mr. DAVIS of Illinois.

Mr. LEVIN.

Mr. SERRANO.

Mr. CLAY.

Mr. DAVIS of Illinois.

Mr. EVANS.

Ms. HARMAN.

Mr. ANDREWS.

Mr. OWENS.

Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. WHITFIELD) and to include extraneous matter:)

Mr. WOLF.

Mrs. MORELLA.

Mr. RADANOVICH.

Mr. RIGGS.

Mr. CRAPO.

Mr. RILEY.

Mr. MCKEON.

Mr. GILMAN.

Mr. EVERETT.

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Massachusetts.

Mr. HORN.

ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, April 23, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Department's final rule— Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No. 98–046–1] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8580. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Alabama [Docket No. 98–036–1] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8581. A letter from the General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs [45 CFR Parts 2510,2516,2517,2519,2521 and 2540] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8582. 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 Plans for Designated Facilities and Pollutants; Missouri; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills [MO 053–1053a; FRL–6003–2] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-To-Know [OPPTS–400082D; FRL–5785–5] (RIN: 2070–AC00) received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8584. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 08–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8585. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Requesting Debriefings At GSA And Electronic Sales Reporting And Schedule For Submission Of Reports And Fees For Industrial Funding Under Federal Supply Service Schedule Contracts [APD 2800.12A, CHGE 78] (RIN: 3090–AG71) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8586. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 980408088–8088–01; I.D. 040798A] (RIN: 0648–AK98) received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8587. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments, Cape Falcon, OR, to Point Mugu, CA [Docket No. 970429101–7101–01; I.D. 032798B] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8588. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and

South Atlantic; Closure [Docket No. 970930235–8028–02; I.D. 032598D] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8589. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235–8028–02; I.D. 032598E] received April 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8590. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. TX–040–FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8591. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA–112–FOR] received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8592. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Guidance on Cost Sharing/Matching Requirements on the Award of Grants to Indian tribes Under Section 106 of the Clean Water Act for FY 1998— received April 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. YOUNG of Alaska: Committee on Resources. H.R. 1309. A bill to provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes (Rept. 105–489). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3603. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999, and for other purposes (Rept. 105–490). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 408. Resolution providing for the consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes (Rept. 105–491). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee of Conference. Conference report on S. 1150. An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes (Rept. 105–492). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 3702. A bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with the authority to reimburse veterans enrolled in the veterans health care system for the cost of emergency care or services received in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT:

H.R. 3703. A bill to establish the Adams National Historical Park in the Commonwealth of Massachusetts as the successor to the Adams National Historic Site; to the Committee on Resources.

By Mr. FORBES:

H.R. 3704. A bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information; to the Committee on Transportation and Infrastructure.

By Mr. GIBBONS (for himself and Mr. ENSIGN):

H.R. 3705. A bill to provide for the sale of certain public lands in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Resources.

By Mr. HERGER:

H.R. 3706. A bill to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; to the Committee on Resources.

By Mr. SAM JOHNSON (for himself and Mr. HAYWORTH):

H.R. 3707. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to allow reductions in the discretionary spending limits to be used to offset tax cuts; to the Committee on the Budget.

By Mr. OBEY:

H.R. 3708. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Resources.

By Mr. RILEY (for himself, Mr. BACHUS, Mr. ADERHOLT, Mr. CALLAHAN, Mr. CRAMER, Mr. HILLIARD, Mr. EVERETT, and Mr. JENKINS):

H.R. 3709. A bill to amend the Taxpayer Relief Act of 1997 to provide for the abatement of interest on underpayments by taxpayers in Presidentially declared disaster areas in 1998; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself, Ms. CARSON, Mr. CUNNINGHAM, Mrs. MINK of Hawaii, Mr. SAWYER, Mr. ABERCROMBIE, and Mr. FROST):

H.R. 3710. A bill to exonerate the late Rear Admiral Charles Butler McVay, III, captain of the U.S.S. INDIANAPOLIS when it was sunk on July 30, 1945, from responsibility for that sinking, and for other purposes; to the Committee on National Security.

By Mr. SMITH of Michigan:

H.R. 3711. A bill to amend title 11 of the United States Code to make debts to governmental units for the care and maintenance of minor children nondischargeable; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 3712. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. MATSUI, Mr. MILLER of California, Mr. BROWN of Ohio, Ms. ESHOO, and Mr. LANTOS):

H.R. 3713. A bill to amend title XXI of the Social Security Act to prevent conflicts of interest in the use of administrative vendors in the administration of State Children's Health Insurance Plans; to the Committee on Ways and Means.

By Mr. WICKER (for himself, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY):

H.R. 3714. A bill to establish a prohibition regarding illegal drugs and the distribution of hypodermic needles; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MANZULLO, Mr. LINDER, and Mr. GILCHREST.

H.R. 371: Mr. KILDEE and Mr. BARCIA of Michigan.

H.R. 678: Mr. DELAY, Ms. KILPATRICK, Mr. MCHUGH, Mrs. KENNELLY of Connecticut, Ms. HARMAN, Mr. Gibbons, Mr. SKAGGS, Mr. DIXON, Mr. DICKS, Mr. GEJENSON, and Mr. BAKER.

H.R. 900: Mr. BALDACCI.

H.R. 980: Mr. NORWOOD.

H.R. 1023: Mr. PORTMAN.

H.R. 1126: Mr. HALL of Texas, Mr. BISHOP, and Mr. PACKARD.

H.R. 1165: Mrs. LOWEY.

H.R. 1231: Mr. THOMPSON, Mr. MCHALE, Mr. KANJORSKI, and Mr. ANDREWS.

H.R. 1241: Mr. WAXMAN and Mr. MARTINEZ.

H.R. 1376: Mr. BROWN of Ohio.

H.R. 1401: Mr. DEUTSCH.

H.R. 1425: Mr. MENENDEZ.

H.R. 1525: Mrs. MINK of Hawaii, Mr. LOBIONDO, and Mr. TRAFICANT.

H.R. 1586: Ms. NORTON, Ms. ESHOO, Ms. PELOSI, Mr. HINCHEY, Mr. KILDEE, and Mr. BROWN of California.

H.R. 1715: Mr. HEFLEY, Mr. MCDERMOTT, Mr. HOSTETTLER, Ms. NORTON, Mr. YATES, and Mr. FILNER.

H.R. 1766: Mr. ADERHOLT, Mr. BAKER, Mr. BALDACCI, Mrs. CAPPS, Ms. DEGETTE, Ms. DELAURO, Ms. FURSE, Mr. HERGER, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. KIND of Wisconsin, Mr. KUCINICH, Mr. LEWIS of Kentucky, Mr. RUSH, and Ms. STABENOW.

H.R. 1788: Mr. BALDACCI.

H.R. 1813: Mr. TORRES and Mr. BORSKI.

H.R. 1895: Ms. SLAUGHTER, Mr. LAMPSON, Mr. BARRETT of Wisconsin, and Mrs. LOWEY.

H.R. 1972: Mr. SMITH of New Jersey.

H.R. 2081: Mr. WYNN.

H.R. 2094: Mrs. MORELLA and Mr. BROWN of California.

H.R. 2173: Mr. GUTIERREZ, Mr. LUTHER, and Mr. BACHUS.

H.R. 2202: Mr. SAWYER, Mr. BISHOP, Mr. BONIOR, Mrs. CLAYTON, Mr. HINOJOSA, Mr. KUCINICH, Mr. LIPINSKI, Ms. MCCARTHY of Missouri, Mr. MILLER of California, and Mr. NEAL of Massachusetts.

H.R. 2224: Mr. OLVER.

H.R. 2291: Mr. BOB SCHAFFER.

H.R. 2409: Mr. CAMP, Mr. UPTON, Mr. SHAYS, Mr. HORN, and Mr. QUINN.

H.R. 2431: Mr. STENHOLM, Mr. BALDACCI, Mr. FILNER, and Mr. KIND of Wisconsin.

H.R. 2454: Mr. GILMAN.

H.R. 2457: Mr. GILMAN.

H.R. 2499: Ms. DUNN, Mr. WOLF, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. CALLAHAN, Mr. DAVIS of Illinois, Mr. YATES, Mr. CALVERT, Mr. WALSH, Mr. KUCINICH, and Mr. BERMAN.

H.R. 2547: Mrs. TAUSCHER and Mrs. CAPPS.

H.R. 2609: Mr. ADERHOLT.

H.R. 2664: Mr. UNDERWOOD, Mr. SERRANO, Mrs. THURMAN, Ms. JACKSON-LEE, and Mr. DAVIS of Illinois.

H.R. 2678: Mr. STARK.

H.R. 2714: Mr. HOLDEN and Mrs. KENNELLY of Connecticut.

H.R. 2754: Mr. GORDON, Mr. KILDEE, Mr. KUCINICH, and Mr. BISHOP.
H.R. 2788: Mr. LAFALCE.
H.R. 2817: Ms. RIVERS and Mrs. JOHNSON of Connecticut.
H.R. 2863: Mr. HASTINGS of Washington.
H.R. 2874: Ms. LOFGREN, Mr. MCHUGH, Mr. LANTOS, and Mr. BALDACCI.
H.R. 2884: Mr. SAXTON.
H.R. 2912: Mr. DEFAZIO.
H.R. 2929: Mr. PARKER.
H.R. 2936: Mr. JONES.
H.R. 3043: Ms. CARSON, Mr. SHERMAN, and Mr. FROST.
H.R. 3050: Mr. MANTON, Mr. ACKERMAN, Mr. DICKS, Mr. KILDEE, and Mr. VENTO.
H.R. 3073: Mrs. CAPPS.
H.R. 3074: Mrs. CAPPS.
H.R. 3084: Mr. SANDERS.
H.R. 3131: Mr. SALMON.
H.R. 3140: Mr. BRADY, Mr. JOHN, and Mrs. CUBIN.
H.R. 3149: Mr. CHABOT.
H.R. 3151: Mr. CHABOT.
H.R. 3177: Mr. BAKER and Mr. CHRISTENSEN.
H.R. 3181: Mr. PASTOR and Mr. ROTHMAN.
H.R. 3205: Mr. BONIOR.
H.R. 3206: Mr. HASTINGS of Washington, Mr. EHRLICH, Mr. ISTOOK, and Mrs. CUBIN.
H.R. 3217: Mr. STARK and Mr. HULSHOF.
H.R. 3260: Mr. KASICH, Mr. BURR of North Carolina, Mr. BUYER, and Mrs. MYRICK.
H.R. 3293: Mr. RUSH, Mr. WYNN, Mr. BONIOR, and Mr. ABERCROMBIE.
H.R. 3297: Mr. HASTINGS of Washington and Mr. EVERETT.
H.R. 3300: Mr. POMEROY.
H.R. 3336: Mr. FOLEY.
H.R. 3341: Ms. VELAZQUEZ and Mr. DAVIS of Illinois.
H.R. 3400: Mr. YATES.
H.R. 3435: Mr. KANJORSKI, Mr. MCINNIS, Mr. HAYWORTH, and Mrs. TAUSCHER.
H.R. 3445: Mr. FORBES.
H.R. 3470: Mr. TORRES, Mr. DIXON, Mr. MARTINEZ, and Mr. ABERCROMBIE.
H.R. 3474: Mrs. KENNELLY of Connecticut, Mr. ROMERO-BARCELO, Mr. SANDERS, and Mr. WEYGAND.
H.R. 3503: Mr. GEJDENSON, Mr. HILLIARD, and Mr. NADLER.
H.R. 3506: Mr. HAMILTON, Mr. WALSH, Mr. GOODLING, Mr. MANTON, Mr. PAXON, Mr. SNYDER, Mr. MCNULTY, Mr. FOX of Pennsylvania, Mr. VENTO, Mrs. BONO, Mr. CHABOT, Mrs. CUBIN, Mr. COBLE, Mr. REGULA, Mr. HOYER, Mrs. MINK of Hawaii, Mr. SHIMKUS, Mrs. CAPPS, Mr. COYNE, Mr. SAXTON, Mr. TOWNS, Mr. BLILEY, Mr. ADAM SMITH of Washington, Mr. WOLF, and Mrs. MYRICK.
H.R. 3517: Mr. NETHERCUTT, Ms. FURSE, Mr. COOK, Mr. MCDADE, Mr. FOLEY, Mr. ROMERO-BARCELO, Mr. KLECZKA, Mr. FROST, Mr. BONIOR, Mr. LANTOS, and Mr. CALVERT.
H.R. 3546: Mr. REDMOND, Mr. HERGER, and Mr. WELLER.
H.R. 3547: Mr. NEAL of Massachusetts.
H.R. 3567: Mr. MALONEY of Connecticut, Mr. BONIOR, Mr. BARCIA of Michigan, and Mr. KIND of Wisconsin.
H.R. 3584: Mr. BENTSEN, Mr. KLECZKA, Mr. CAMP, Mr. ROMERO-BARCELO, Mr. CAMPBELL, Mr. MENENDEZ, Mr. LEACH, Mr. SMITH of New Jersey, Mr. PAUL, Mr. NETHERCUTT, Mr. FROST, Mr. BARRETT of Wisconsin, and Mr. COOKSEY.
H.R. 3605: Mr. LIPINSKI, Mrs. LOWEY, Mr. CLYBURN, Mr. BORSKI, Mr. MEEKS of New York, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mr. HALL of Ohio, Mr. BALDACCI, Mr. ACKERMAN, Mr. RODRIGUEZ, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mr. LAMPSON, Mr. BECERRA, and Mr. SNYDER.
H.R. 3610: Mrs. MORELLA, Mr. KENNEDY of Massachusetts, Mr. GILCHREST, Mr. DAVIS of Virginia, Mr. MCGOVERN, Mr. NEY, and Mr. MCNULTY.
H.R. 3627: Mr. KENNEDY of Rhode Island, Ms. ESHOO, Mr. MANTON, Ms. MCKINNEY, Mr. ENGEL, Mrs. MEEK of Florida, Mr. HINCHEY, and Mr. FROST.
H.R. 3629: Mr. SESSIONS.
H.R. 3647: Mr. SHAW.
H.R. 3661: Ms. WOOLSEY and Mr. NADLER.
H.R. 3690: Mr. PICKETT and Mr. BOEHNER.
H.J. Res. 108: Mr. MARKEY.
H. Con. Res. 19: Mr. POSHARD, Mr. WAXMAN, Mr. SCHUMER, and Mr. WEXLER.
H. Con. Res. 55: Mr. UPTON, Mr. MENENDEZ, and Mr. NEAL of Massachusetts.
H. Con. Res. 220: Mr. MENENDEZ, Mrs. MORELLA, and Mr. PAPPAS.
H. Con. Res. 229: Mr. BILIRAKIS, Mr. BONIOR, Mr. ENGLISH of Pennsylvania, Mr. HUTCHINSON, Ms. LOFGREN, Mrs. MYRICK, Mr. PALLONE, Mr. QUINN, Mr. SCHUMER, and Mr. SNYDER.
H. Con. Res. 233: Mr. FORBES, Mr. TANNER, Mr. PAYNE, Ms. STABENOW, Mr. CLEMENT, and Ms. LOFGREN.
H. Con. Res. 239: Mr. MCNULTY.
H. Con. Res. 249: Mr. BROWN of California, Mr. GUTIERREZ, Mr. COSTELLO, Mr. BISHOP, Mr. SANDERS, Ms. WOOLSEY, Mr. LANTOS, Mrs. CAPPS, Mr. CAMP, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 254: Mr. LANTOS, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PAPPAS, Mr. FOSSELLA, and Mr. ROTHMAN.
H. Res. 247: Mr. BALDACCI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1252

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 1: Page 8, line 15, insert ''or to disburse any funds to remedy the deprivation of a right under the Constitution,'' after ''tax,''.

Page 8, line 21, strike ''or assessment'' and insert ''assessment, or disbursement''.

Page 9, line 1, insert ''or disbursement of funds'' after ''tax'',

Page 9, line 9, strike ''or assessment'' and insert ''assessment, or disbursement''.

Page 9, line 10, insert ''or disbursement of funds'' after ''tax''.

Page 9, line 11, insert '', or (in the case of a disbursement of funds) of the residents of the State or political subdivision,'' after ''taxpayers''.

Page 9, line 17, insert ''or disburse any funds to remedy the deprivation of a right under the Constitution'' after ''tax''.

Page 9, line 20, insert ''or disburse any funds to remedy the deprivation of a right under the Constitution after ''tax''.

Page 10, line 7, insert after ''tax,'' the following: ''and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement,''.

Page 10, line 16, insert '', or disburse the funds,'' after ''tax''.

Page 10, line 21, insert '', or the disbursement of funds,'' after ''tax''.

Page 10, line 25, insert ''or the disbursement of funds, as the case maybe'' after ''tax''.

Page 11, line 10, insert '', or a disbursement of funds that is made,'' after ''imposed''.

H.R. 1252

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 2: Page 9, line 5, add ''and'' after the semicolon.

Page 9, line 9, strike ''; and'' and insert a period.

Page 9, strike lines 10 through 12.

H.R. 1252

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 3: Page 9, strike lines 13 through 20 and insert the following:

''(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax.

Redesignate succeeding paragraphs accordingly.

H.R. 1252

OFFERED BY: MR. DELAY

AMENDMENT NO. 4: Add the following at the end:

SEC. 12. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1632. Limitation on prisoner release orders

''(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

''(b) DEFINITIONS.—As used in this section—

''(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

''(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on prisoner release orders.''.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term ''consent decree'' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term ''prison conditions'' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

H.R. 1252

OFFERED BY: MR. ROGAN

AMENDMENT NO. 5: Strike section 6 and redesignate succeeding sections, and references thereto, accordingly.

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of America

Congressional Record

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

Vol. 144 WASHINGTON, WEDNESDAY, APRIL 22, 1998 *No. 45*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time today to do what You want us to accomplish. Release us from that rushed feeling when we overload the agenda with things which You may not have intended that we cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give time and attention. May we do what the moment demands with a heart of readiness. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things, on those important things that we must decide and eventually vote on with a decisive vote. Help us to be silent, to wait on You, to receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the strain and stress of political life, we have had our minds replenished by listening to You. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Washington State is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will immediately resume consideration of H.R. 2646, the Coverdell A+ education bill. Under the previous order, this Senator will be recognized at 9:30 a.m. to offer an amendment with respect to block grants. Members who have remaining amendments to the Coverdell bill are encouraged to come to the floor to offer and debate those amendments. Senators are reminded that any votes ordered this morning with respect to pending amendments will be stacked to occur at approximately 3 p.m. Further votes will occur throughout today's session as we attempt to complete action on this important piece of legislation.

Mr. President, this is the message from the majority leader, and I want to emphasize the last point. It is his intention that we finish all amendments and debate on final passage of this bill before the end of the session today. So those who have amendments should come to the floor and offer them in order, after the debate on my own is complete.

Now, Mr. President, I ask recognition in order to present an amendment.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (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, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Mr. GORTON, is recognized to offer an amendment regarding block grants, on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. DOMENICI, Mr. NICKLES and Mr. CRAIG, proposes an amendment numbered 2293.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. Mr. President, I ask the following Senators be listed as original cosponsors of the amendment: Senator FRIST, Senator HAGEL, Senator MACK, Senator COVERDELL, Senator HELMS, Senator BOB SMITH, Senator DOMENICI, Senator NICKLES, and Senator CRAIG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, last fall during the debate of the Labor, Education appropriations bill, I introduced an amendment to consolidate more than a dozen Federal aid programs for education from kindergarten through 12th grade into a single block grant, with the block grant going to each individual school district across the United States. The amendment had

three goals: To see to it that each school district receive more money than it does at the present time by sending directly to the school districts money now kept by the Department of Education for administrative purposes and money kept by State educational agencies for administrative purposes. The second goal was to reduce the flood, the blizzard, of paperwork imposed on all of our school districts across the country with respect to dozens, perhaps even hundreds, of separate programs directly or indirectly aimed at the education of our children between kindergarten and 12th grade. And the third and philosophical reason for the amendment was the belief that the professional educators, the parents, and the elected school board members in each State and school district in this country had the education of their children close to their hearts and really knew, in each community, more about what the children of that community required in connection with education policy than did any person in Washington, DC, whether a bureaucrat in the Department of Education or a U.S. Senator in this body.

Perhaps the most difficult conclusion for any of us here to reach is that maybe we don't know as much as do people at home about the immediate problems and challenges that they face in a wide range of areas—in this case, most particularly, education. So it was an attempt to allow 10,000 flowers to bloom, to allow each individual school district far more discretion than it has at the present time to determine where Federal aid could best be used. After all, we only come up with 6 to 8 percent of the money that our schools spend. We don't have a right to come up with 50 or 60 percent of the rules and regulations and forms with which our schools must contend. That burden lessens the ability of teachers to teach and administrators to administer and school board members to set policies.

Somewhat to my surprise, that amendment was passed by a vote of 51 to 49. It was objected to, partly on substantive grounds and partly on procedural grounds. It had not been the subject of hearings. The House of Representatives was uncomfortable with it. The President was opposed. And it was eventually dropped in the conference committee on that appropriations bill. Since then, however, it has been a matter of major discussion among school officials all across the United States. It has been the subject of hearings here in the U.S. Senate, conducted by my distinguished friend and colleague, Senator FRIST from Tennessee, on a bipartisan basis. I have spent countless hours talking to educators on the subject and listening to both their praise and to their concerns. As a consequence, this amendment is somewhat changed from the previous amendment. This amendment will last for 5 years, but its effective date will be delayed in order to give the people of each State a very real choice in the way in which they receive their Federal aid for education.

We heard the representative of at least one State school superintendent say that he liked the present system. We heard several State school superintendents say how much more they could do with the money dramatically to reform education policy if the money came to each of the 50 States, to their Governor or to their superintendent of schools. Many of the outside intellectuals and academics in the field of education feel that it is at the State level that true education reform is taking place.

We hear from many school board members—I hear from many of them in my home State and so do other Members—that they liked my original proposal to get rid of both bureaucracies and allow each individual school district to make these decisions.

So this amendment gives each State a choice. The State legislature in the next year may elect to continue the present system, it may elect to take the money at the State level going through whatever educational establishment that State has established, or it may elect, either positively or by taking no action, to allow the money to go directly through to school districts.

Senator FRIST will offer a second-degree amendment allowing that choice to be rescinded to change the amendment I think friendly to the proposition.

As a consequence, we will be able to determine whether or not the proposal I made last year is a significant benefit to education, whether the best system is one in which each State makes its own choices, much as we have done with respect to welfare reform, or whether the present system is best, because there will be States that make each of these three decisions.

I hope that this will turn this proposal into a bipartisan proposal. I am not sure why anyone should oppose that triple option allowing a different way of doing things. Only if we regarded the present education system as perfect should we reject an experiment of this sort.

The second objection, the second apprehension that was close to universal, was the proposition that if we went to a block grant, if we combined all of these ideas into a block grant, Congress would immediately lose interest in education and the block grant would inevitably decline and that the money wouldn't be there for schools. I believe the interest in education here to be high enough so that that would not have taken place, but the concern was very real.

In responding to that concern, we have set authorization levels for the 5 years during which this experiment will take place, each of which rises modestly in each of those years consistent with the balanced budget agreement and the projections of the freeze under which discretionary spending will operate. This proposal says that if in any year we don't meet that authorization level, the whole experiment falls and ends, and we go back to the present system. We have guaranteed not only a continuation of effort, we have guaranteed a modest increase in that effort over the years.

Finally, we have a hold harmless under which school districts say that no school will receive less money if they elect one of the two systems other than continuing the status quo than they would have received otherwise, with the distribution of title I money based on the number of title I eligible students fundamentally, bilingual money based on the number of bilingual students fundamentally, and a distribution of the balance on the basis of the prosperity and poverty of a given State.

I think we have something very positive for education here, a system that will get more money into the classroom, will allow more experimentation, will allow us to find out whether the present system is the best system we can come up with or a State-based system or a local-based system.

At this point, Mr. President, I urge my colleagues of both parties to look at this very carefully, not to judge it necessarily on the basis of the way in which they judged last year's proposal but to judge it on the basis of whether or not they have a sufficient trust in their own elected school board members, elected by the same people who elect us, to make better judgments, in some cases, about their schools than we can make here on a one-size-fits-all basis in Washington, DC.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to oppose the Gorton amendment. I listened with great interest to the Senator's presentation, as I did the last time we debated this issue. Of course, we understand now that if the States want to go out to their taxpayers and raise taxes and to vote those taxes to any of the points that the Senator desires, they have every right to do so, and there is nothing that any of us are doing here that would prohibit them from doing it.

The fact is that the resources which are being provided here and which the amendment is directed to are the resources that are being raised at the Federal level and have been targeted to those aspects of our educational systems that have been identified as being meaningful in terms of our national interest and our national purpose. The Senator's amendment effectively eliminates the Drug-Free Schools Program. That would be included in his block grant, but the funding would not be there.

Maybe parents are speaking to the Senator from Washington and saying they don't like a drug-free program in their schools, but parents in my State are saying they like it and they hope it will be enhanced.

They talk about dispute resolutions that are being developed in various schools. They don't want that program emasculated or effectively destroyed. It does not reach a level of priority in the Gorton amendment.

When I go around my State of Massachusetts, particularly after all of the publicity that was received in the international competition about where the United States stood in areas of math and science, they are not saying cut out the Eisenhower Math and Science Education Training Program. They are asking me, ''Do we have in our schools qualified teachers in math and science, and what are you going to do in your higher ed bill to try to have enhanced math and science qualified teachers who are going to teach our children in our schools?''

Too many of the teachers who are teaching in the schools in my State—and in every other State, I might add—are not qualified to teach in their particular courses. One of the most effective programs is math and science under the Eisenhower program. That doesn't exist in the Gorton amendment.

Maybe people are going around and saying to their Senators that math and science training and additional enhancements for our teachers is something in which they are not interested. But I do not hear that in Massachusetts. I do not hear that.

We have support for programming that is going to enhance academic achievement and accomplishments to raise the bar. One of the most important transitions we have seen in terms of education policy is to free ourselves from dumbing down academics, from social promotions in the various schools, and setting high academic standards. The provisions that exist in Federal law would be virtually eliminated by the Senator's amendment. I do not find parents in my State saying, ''We are not interested in establishing higher academic standards in our schools.'' That is eliminated.

If, in particular, communities do not choose to take advantage of these programs, they do not have to take advantage of these programs. But why deny the people in my State the opportunity to take advantage of it if it is desired in the local community and the State makes that determination of priority? It is a partnership today. It is a partnership, but they effectively are denying it under the Gorton block grant resolution.

Mr. President, our role is extremely limited. We provide maybe 7 cents out of every dollar that is extended locally—maybe 6, 7, 8 cents. A chunk of that goes into nutrition programs. A good part of that is the title I programs, additional help and assistance in terms of IDEA, a small part in terms of the bilingual program and a few others, such as the math and science programs. In the Eisenhower math and science training, it is about $360 million, but it is a very good qualified program. And for the life of me, I do not understand where this demand is coming to vitiate that and eliminate those programs.

If a particular community wants to innovate and create and try to do all these other kinds of matters that the Senator talks about, then let them go ahead and do it, let them go ahead and do it. But these programs have been targeted, been basically developed with strong bipartisan support, I might add, or they would not be on the books. We have had strong bipartisan support in terms of the safe and drug-free schools.

We have had it with regard to the Eisenhower training programs, math and science training programs. They will be reinstated when we are dealing again with the Higher Ed Act, with strong bipartisan support. Effectively, we are saying, without a day of hearings, with a very limited debate here for 30 minutes—a few hours in the last session of Congress—that we are effectively emasculating all of these programs.

It is not sound education policy, and I think it is unwise policy for us to be considering at this particular time. We ought to be looking and evaluating each of these programs one by one. If they are having a heavy administrative burden, we ought to examine that and address that. That is why we are commending the work that has been worked out with Senator DEWINE, Senator WELLSTONE, Senator JEFFORDS, and others in our committee for consolidating various work training programs, 126 work training programs in six different agencies to eliminate those administrative costs and to try to do it in a way as to protect the function but eliminate a lot of the administrative costs.

We have been involved in the last several years with waiving various rules and regulations in States and in educational districts, which is working out. And we can do that, selectively and effectively. We welcome the opportunity to do so. We have had evaluations, and they are effective. We welcome the opportunity to work with Members here. The leader in that effort was Senator Hatfield of Oregon, who is a leader in education as well as an attempt to try to give the focus of limited Federal funds to areas which have national purpose and national accord.

Finally, Mr. President, we do not have accountability under the Gorton amendment. We hear a great deal about trying to have greater accountability so we know what are going to be the results of investments of scarce Federal funds. We do not have that in the Gorton amendment. We do not know what is going to happen when that money goes out into these various communities. There may be some feel-good measures that people feel good that they are able to try to move various resources around in different directions, but we do not know what the outcomes are going to be. You do not have the accountability.

So finally I just say that we have a relationship at the Federal, State, and local community levels in terms of education. It is a partnership. I think it is fair to review that partnership. It is fair to examine various programs and what is effective in that partnership. But we raise money at the Federal level for national purposes, safe and drug-free schools. We made that a part of our war on drugs in this country.

It is a matter of national policy. We said we want, as a national policy, to have drug-free schools. That is effectively eliminated in this program. We said we want focus and attention on math and science in our schools, and we developed a program that if initiated in the local communities on a competitive basis will provide those resources. That program is eliminated.

We have said as a matter of national policy that—and just about everyone agrees with that—we ought to raise the bar in terms of academic achievement and accomplishment. Let us go ahead and do that. And we have an agreement by parents. They are enthusiastic about it. And that is going to be eliminated under this program.

Mr. President, this is not an advance. It is rearranging the deck chairs, but we are not enhancing the academic opportunities for children in this country with this amendment. And I hope that it will not be accepted.

Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. You have 5 minutes 40 seconds.

Mr. KENNEDY. I withhold the balance of the time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GORTON. Mr. President, those deck chairs, as I remember, were sitting on the deck of the Titanic. It is already going down.

I ask unanimous consent that Senator ASHCROFT be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am saddened by the response of Senator KENNEDY. This amendment was revised very substantially after consultation, wide consultation with people thoughtfully interested in education.

By the terms of the amendment, any State that wants to continue the present system and thinks it is best may do so, any State that wants to operate its Federal aid through its State educational entity may do so, and any State that thinks that education will best be conducted at the local level will be permitted to do so. How that destroys programs or hurts education is beyond my understanding.

In January, Dr. Carlotta Joyner of the General Accounting Office came before the Senate budget task force and said in three areas of education 15 Federal departments and agencies administer 127 at-risk and delinquent youth programs; 11 Federal departments and agencies administer more than 90 early childhood programs; and

9 Federal departments and agencies administer 86 teacher-training programs.

Twenty programs are consolidated into this block grant for those States that wish it. It takes about one-third of all of the money that the U.S. Department of Education spends on education from kindergarten through 12th grade. To say that once we reduce the rulemaking functions of the U.S. Department of Education we are going to destroy education is to say that neither State education agencies nor local school districts nor superintendents nor teachers either know what they are doing or care about what they are doing.

That is simply wrong. They know more and they care more because they are right there with our children. If it does not work, it will go out of existence. Any State that does not want it does not have to take it. I believe this is an amendment that ought to be adopted unanimously. I regret the opposition of the Senator from Massachusetts. What we are doing is improving education and getting more dollars into the classroom, not less.

Mr. President, I yield such time as he wishes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. Two?

Mr. GORTON. I yield the Senator 1 minute. Sorry.

Mr. DOMENICI. Mr. President, I rise to congratulate both Senator GORTON and Senator FRIST. Senator FRIST conducted a series of hearings in his Budget Committee task force from which came much of the factual information and evidence of the great need for reform in the programs that are now in the Gorton amendment.

Frankly, I think what has happened is some are still looking at last year's Gorton amendment and assuming that is the bill before us. This is about one-third of the Department of Education's programs, a little over $10 billion out of a little over $30 billion. So one-third of it will be block granted.

But the point of this amendment this year for those who thought we were going to in some way dismantle the programs nationally, this bill has options in it so if anybody wants to stand up and say these Federal programs are the greatest thing and the States love them and the school boards love them and they participate wholeheartedly and they are effective, they can say that. It really isn't true, but they can say that, and we can stand up and say, well, fine, if they are that good, obviously, the States and school boards across the land will choose the option to keep them just like they are and let the Federal Government run them. The healthy part of this is it is going to be a wonderful experiment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask unanimous consent I be permitted to speak for 1 additional minute and it not be counted against Senator GORTON's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This will be a wonderful experiment, for if, indeed, some States choose to remain under the bureaucratic programs that in many cases do not even fit the needs, and in many cases States do not even participate because they are so far from what the needs are, if they want to, they keep the programs. And then a number of States may go the other route, it will be marvelous for Americans to be able to see, in about 5 or 6 years, which approach helped the kids more, which approach got more education dollars into the classroom on a day-by-day basis, addressing the major problems that the school boards and State school boards find to be the real areas of need at the State level.

I think it is time to let States make that choice. Let us see which one works best—categorical strings attached, Federal programs that frequently miss the mark, or the approach that Senator GORTON has. I am delighted to be a cosponsor.

I yield the floor.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 5 minutes 40 seconds and the manager has 1 minute.

Mr. DORGAN. Let me make a couple of comments.

First, I think the Senator from Washington, Senator GORTON, is a thoughtful legislator and I have agreed with him on a number of education policies, including last year his fairly controversial amendment on IDEA. I supported him on that and I thought his amendment was the right amendment.

This is an area in which there is just some philosophical disagreement. Let us be honest, there are some—I don't think the Senator from Washington is among them, or perhaps the Senator from New Mexico—there are some who very much believe the Federal Government should not be involved in education in the elementary and secondary education at all.

The Republican Party platform in 1996 said, ''This is why we will abolish the Department of Education and end Federal meddling in our schools.'' I am not suggesting that is what this amendment does, but philosophically there are people, and a fairly significant number in your party, who really believe there should not be a Federal Department of Education, who believe that these programs represent meddling, and it ought to all be done at the local level.

My point is this: There have been certain national priorities that we have tried to address with the programs that we have developed for elementary and secondary education at the Federal level. By far the bulk of funding for elementary and secondary education is at the local level. They run the schools; they finance the schools. If we were to decide, ''Let's not care about how these moneys are spent that go to State and local governments from the Federal Government for elementary and secondary education,'' I would say then let's not be a tax collector here. That is what we would be. If we say we don't care how the money is spent, we will collect the money and throw it back there, all we end up being is a tax collector to add extra money for elementary and secondary education. In that case I say, raise the money at home. Why pass around an ice cube? All that does is mean you get less money back when you do it that way, so just raise the money at home. Don't do it at all. Just suggest there aren't national programs of national interest or national need.

Some of us here believe very strongly that what we have done with the Department of Education and the kind of ''gap funding'' we have provided for certain title programs and other programs of some national importance and national interest and national need have advanced the issue of education in this country. It doesn't mean we have tried to run the school systems. We haven't and shouldn't and won't. It does mean that a number of these things we have done nationally strengthens the schools. It fills in areas of national need on issues of national importance that otherwise would not have gotten done.

Again, I have great respect for the Senator from Washington, but I will oppose his amendment simply because I happen to think that what we have done in creating a Department of Education and in providing some directed gap financing for programs that represent national interest and national need—drug-free schools program being one, for example, and many, many others that are very important that I think have strengthened education in this country.

I understand there will be a second-degree amendment offered here and that will allow a few more minutes of discussion. But let me just say again, I think this stems just from some philosophical differences. I respect those on the other side who say, ''Well, you can spend this money better at home.'' I say, if that is the case that there shall be no national purpose and no national interest with respect to some of these issues, let us not have tax collectors in Washington raising the money here and taking it away before they send it back home. Just have the folks back home raise all the money and spend all the money.

If you believe there are certain things that are worthy—including programs like title I and so many others—that have advanced education in this country and been very helpful, not intrusive, but very helpful, to State and local governments who run our elementary and secondary school systems, if you believe that, then I think you support what we have done to improve it and strengthen it.

I yield back the remainder of our time. My understanding is there will be offered a second-degree amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. GORTON. Mr. President, my friend from North Dakota makes two arguments. One, a philosophical argument against the abolition of the Department of Education, based on the philosophy that there is a function of the Department of Education in Washington, DC. That, however, is not an argument against this amendment since this amendment does not abolish the Department. It takes only about one-third of the money that it is spending in K through 12 education.

The second argument the Senator from North Dakota makes is that it is absolutely essential for the success of our educational efforts that there be very strict rules coming from the Department of Education to every school district in the United States. That would be a forceful argument if we had been a tremendous ''signal'' success in these policies. Nothing indicates that we have been. It is one of the reasons we are debating education policy here today.

What I proposed is an opportunity to try three experiments: Continue the present system, allow the States to do it, or allow local school districts to do it. I remain puzzled that anyone should say that we are so successful today that we can't experiment, we can't change. Let's try for a while three different systems and see which one works the best. Competition always ends up with the best results.

I yield back the remaining time.

The PRESIDING OFFICER. Time on the amendment is expired.

AMENDMENT NO. 2294 TO AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

Mr. FRIST. 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 Tennessee [Mr. FRIST] proposes an amendment numbered 2294 to amendment No. 2293.

Mr. FRIST. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FRIST. I understand we have 15 minutes on either side.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, I rise today in support of the Gorton amendment and also rise to explain the amendment which I just submitted.

As has previously been referred to this morning, I have had the opportunity over the past 6 months to chair the Senate Budget Committee task force on education. During that series of seven hearings that we held, I listened very carefully to a number of witnesses. Both Democrats and Republicans alike came before our committee and discussed the nature of the Federal role in education. The terms that were used and the picture painted was that we had this sprawling endeavor, that is duplicative in many ways, that has not been focused to the degree that any of us would like, which in turn, in many ways, has tied the hands of the education establishment, has tied the hands of State communities and local communities and local school administrators and teachers and principals and parents. We have heard it again and again.

I applaud Senator GORTON for building upon his amendment from last year. The amendment that we see today, which I think goes a long way toward accomplishing the goals as recommended by the task force to consolidate—not eliminate, but consolidate—the various efforts we have at the Federal level to accomplish what we want to accomplish; that is, to educate the young people, K through 12 today. We have not been successful in the past. We all know that. That has been demonstrated again and again.

The amendment that I introduced today makes the Gorton amendment, I believe, even stronger. Under the Gorton amendment, a State must choose within a 1-year time period and pursuant to a majority vote in their State legislature and with the concurrence of the Governor, one of three options. Again, the beauty of this amendment is that there are three options. After the initial selection under the Gorton amendment, a State can only change that selection one time and only after a 3-year period.

My amendment would simply allow a State which has chosen to remain in the current system—again that is the beauty; if a State elects not to change under the Gorton amendment, they don't have to change—if a State does say we will stay exactly as we are today, continue the categorical program that they have today, under my amendment they will be able to opt any time over the next 4 years to go into one of the block grant programs.

That is the extent of my amendment. In addition, we heard from States like Kentucky that have biennial State legislatures, and it gives them the opportunity to make that decision after they next meet, since the underlying amendment had this 1-year time limit. The real theme to the Gorton amendment is the flexibility that is given to localities—flexibility for individual localities and individual States to decide for themselves, based on their own priorities, based on their own identified needs, how to best spend their education dollars.

My amendment builds on that flexibility, allowing States to decide, and they are given more choice. The need for consolidation could not be clearer today. We know that over the last 20 years we have had stagnant student performance in science, mathematics, and reading. We have seen that data again and again. Our task force looked at the Federal role in education, and we found this sprawling, unfocused effort that did suffer from a programmatic reluctance to ask the fundamental question: What works and what doesn't work? There is something inherent in the program that prevented us from asking that question, until today.

We saw these huge charts that take the 500 Federal programs, or 2,900 programs of the Department of Education, and we saw these overlapping, intertwining, well-intended programs that have lacked the focus, have lacked the streamlined consolidation approach, and they have not worked. What the Gorton amendment allows us to do is choose a system, not change it all for two block grants of about $10 billion, to choose based on your individual needs what might work for you.

We have already tabled, over the last 2 days, a school construction program. We will debate other amendments that create a program for dropout prevention, to create new programs. The beauty of the Gorton amendment is that we give the States and the localities the money, and if they have a problem with dropouts, they can identify that program and use the money there. If they don't have a problem, they don't have to use it there. For technology development, we give the States and the localities the option to decide how to spend that money.

It is not a partisan issue. People have tried to make it, both in the media and sometimes on the floor, Republicans versus Democrats. We listened carefully in our task force to the Democratic officials from the Chicago school system. They extolled the virtues of flexibility. That is what the Gorton amendment is all about. They said that the flexibility in much of their own program's success in reforming the Chicago system can be—it draws back to that use of block grants, which has that flexibility. They said to our task force: ''We know the system, and we believe we know the things that it needs to have in order to improve.'' They continued: ''So the more flexibility we have with Federal and State funds, the easier it is to make those changes.''

Florida's commissioner of education went on to say: ''We at the State and local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided, one-size-fits-all command and control approach.''

Those were the words of Florida's commissioner of education.

We also heard that the Department of Education has indeed made some progress in eliminating some regulations and consolidating programs. Secretary of Education Riley reported that the Department eliminated 64 programs. But then we heard 2 weeks later from the General Accounting Office that the Department still oversees 244 separate individual programs. Given that the Department and the Secretary are moving in the direction of streamlining and consolidation, it is really confusing to me why the Department and the administration oppose the Gorton amendment, which does just that; it consolidates, it does not eliminate the Department of Education, it does not eliminate the targeted populations; it consolidates and allows individual communities to best choose how to use those same amounts of dollars.

Accountability was mentioned. It is a red herring. The Gorton amendment very specifically provides for accountability to both the Federal Government and to those people who really care the most. I am absolutely convinced that the people who really care the most are the parents of those children in those schools. The Gorton amendment very specifically requires public involvement in planning a strategy for the use of block-granted funds and an accounting to the public of the results once the funds are used. Accountability is specifically addressed.

Targeting. We heard about the title I population. That is specifically spelled out in this amendment. There is no weakening of the targeting nature of the Federal funding of things like title I. It is interesting to note that the Gorton amendment does not do this. In fact, 100 percent of title I part A funds would flow directly to the local education agencies—100 percent. There is no cutting there. Under the Gorton amendment, 100 percent of the funds would be used by the schools in the classrooms, not with that administrative overlay, administrative cut taken off to be spent here in Washington, DC. No; this makes sure that the targeted populations receive the funds in the classroom.

The premise behind both my second-degree amendment and the Gorton amendment is flexibility. States and localities will have the flexibility to decide for themselves how to best use education dollars, not the U.S. Congress' well-intended layering on of program on program, not the administration's budget proposal sent to us in which there were eight new education programs. Another four have been proposed here in the last 2 days. No; we want those moneys, that accountability, that flexibility to be carried out at the local level.

The task force heard testimony of numerous witnesses. We heard from Susan Gendrich, who runs a wonderful public school in Murfreesboro, TN, called Cason Lane Academy. We heard that the real beauty, the reason they have been able to accomplish so much, is because they were given the flexibility to have remedial schoolwork in the afternoons by using unused funds that otherwise would have gone to something they did not need.

Yes, let the States and the localities exercise some creativity. That is where the innovation actually is. Again, remember, in the last 20 years we have been stagnant in school performance. What we have done through 500 programs, spending $100 billion a year, has not improved education in our public schools. Let's give them an option. That is what this is, an option to keep what you have, to go to a block grant program. Our current approach is simply not working. Let's try a new approach, something novel, and return decisionmaking authority to those closest to our students—the States and the localities.

Mr. President, I urge adoption of the FRIST amendment, and I reserve the balance of my time.

I yield 5 minutes to the Senator from Missouri.

How much time remains?

The PRESIDING OFFICER. Four minutes 42 seconds.

Mr. FRIST. I yield 4 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to commend Senators GORTON and FRIST for what I believe to be a very important step forward in providing the basis for educational achievement by students. Sometimes I think in all the debate we have about education, we get worried about one group of individuals who might manage funds here and one group who might manage funds there, and whether or not this would be directed by this group or that group. The ultimate objective of our program in education is student achievement. We want students to develop, as a result of our educational efforts, the capacity to grapple with the issues of the next century. We ought to ask ourselves on a regular basis, How is that best done? How do we elevate the capacity and the performance of the students? What is it that gets that done best?

Well, I think this particular effort on the part of the Senator from Washington and the Senator from Tennessee recognizes two or three important principles in student achievement. First, nothing is more directly correlated to student achievement than parental involvement. The more influence we give to parents, to community leaders, and to the role models who are right around those students in shaping the students' opportunities, the more likely those students are to achieve. Study after study shows that when parents are involved, when schoolteachers and community officials are involved, when the culture around the student is involved in decisionmaking and they get active in the schools, that is when achievement goes up.

Now, this block grant approach is going to move toward the parents, toward the communities, toward the students, toward the cultural leaders who surround the students, and give the right to make and the opportunity to make decisions that they believe will best motivate and enhance the capacity of students to achieve. It is very, very important.

Second, I believe that it is very difficult to make intelligent decisions for the whole country under the rubric of a single prescription. There are a lot of health problems in the United States. But if we were to say we were going to prescribe a single wonder drug, I think people would wonder about it. They know they would like to be able to go to their doctor to decide what is wrong with them, what their problems are, and to get a prescription that would really make a difference to them. I think when we give the capacity to deploy resources to State and local school agencies and we don't tell them what sort of prescription there has to be but we allow them to use the resources to best achieve what is needed in that area, we provide the basis for student achievement for actually delivering through the educational process what it is we need to deliver.

I visited a school in southwest Missouri just this last year. Both State and local governments had so many strings on what they said money could be used for that they could not do what needed to be done. They needed to build new classrooms. They were laboring under a requirement that they had to spend so much of the money for teacher's salaries. They wanted to be able to do teacher's salaries. But they first needed classes. Because it was a high growth area, they were trapped between needing to get the classrooms first, for which they could not spend the money, and having to spend the money for teachers. They couldn't use the teachers until they had the classrooms.

We really need to free the people who care the most about America's future—they are parents, community leaders, school leaders, teachers, and administrators at the local level. We need to free them to be able to deploy resources effectively.

There is a myth in Washington; that is, that we can make something where one size fits all. The truth of the matter is one size fits none.

These amendments are fundamentally beneficial amendments which will help Americans develop and shape better schools for their children in which students achieve.

I thank the Senator from Tennessee.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, once again I think we have a philosophical difference here. I don't see that parents, teachers, schools, and local officials are not free now. They are certainly free now to develop their own programs, raise their own money, and

run their own schools. They do that. They are free to do that. They do it every day in every way.

The local school in my hometown of 300 people is run by the local school board. They raise the money in the local tax district. The school board hires the teachers. They decide with the State government about the curriculum. They are perfectly free to do that, and do it every day.

The Senator from Washington indicated this is not a debate about abolishing the Department of Education. He is absolutely correct about that. This, however, represents a seed from the same garden. That is why I mentioned that in the 1996 Republican National Party platform it says: ''That is why we will abolish the Department of Education and Federal meddling in our schools.''

It is a seed from the same garden that says, by the way, if there is any money going back from the Federal Government, let's make sure that there is no purpose for that money; let's make sure it goes back in the form only of general aid and not some kind of assistance, as has historically been the case for compensatory education for poor children.

One-half of the Federal money that has been spent since 1960 for elementary and secondary education has been spent for compensatory education for lower-income children. It has been remarkably successful.

Once again, let me emphasis that we don't run and never will run the local school districts, and we don't finance the local school systems. This is kind of gap financing for certain things that we have considered a national purpose, among which, as I mentioned, is compensatory education for lower-income children, but other areas as well.

Let me mention just a couple of them: The School-to-Work Program, the Safe and Drug-Free Schools Program. What if, for example, this amendment passes, and it is decided that in 45 States, while we have said there ought to be a national priority on the Safe and Drug-Free Schools Program, and here is the money for it, 45 States say, ''Well, sorry. It is not our priority. That is not our priority. We are not going to do that.'' Yet, we keep sending the money, and we have 45 States in which there is not a safe and drug-free schools program.

My question to the Senator from Tennessee and the Senator from Washington is: Why would we want to keep spending the money in that case? Why would we want the Federal Government to become a tax collector for local school districts for no national purpose? They have said, ''We want your money, but there is no national purpose served in having a safe and drug-free school program.'' I don't think that makes any sense.

I say just do this through the front door. If one really doesn't want the Federal Government to be involved in these programs, just end the financing for the programs.

What we are suggesting here is not—the Senator from Washington is correct—abolish the Department of Education, although I certainly think there are plenty who want to do that. But I think the American people probably would not approve of that. So it is the kind of an approach that says, ''Well, let's simply abolish the purpose for the money but continue to provide the money.'' I just do not understand that.

The Senator from Missouri made a general point about education. Let me say that I agree with what he said about education. Education works in our local schools all across this country when you have a teacher that is a good teacher, when you have a student who comes to school willing to learn, and when you have a parent involved in that education. Those three elements are critical and necessary for education to work. There is no question about that.

We debated yesterday the question of the priority of school construction to see if there could be some incentive to promote further investment in school construction. That was not the priority yesterday. There needs to be other discussions. Regrettably, I wish it was. But that is also a rather important point. That child must go through the classroom door of the classroom that is a good classroom in good repair and not overcrowded.

I mentioned a week ago that I was at the Cannon Ball school—at an Indian school, a public school, and a public school district—and a second grader named Rosie Two Bears, she is going to school this morning in a school that is not in good repair. You can have all the other things that work, and then to have classes where one teacher is teaching two classes back and forth at 50-minute intervals with kids with desks that don't have a half an inch between them, because there is not room with 140 kids and 40 staff people in a building that is 90 years old, part of which is condemned, and they have two bathrooms and one water fountain for 180 people, that is not in good repair. Does that school need substantial investment to make sure this second grader named Rosie who goes to school has the same opportunity that your kids and my kids do? Absolutely.

We have a lot to do, and a lot of challenges.

This issue, however, is not about the general financing of elementary and secondary education, because we do not do that. The general financing and the management of our elementary and secondary education system is done at home. That is where it ought to be done. We have, however, in recent decades indicated there are some basic issues of national purpose to be served by creating a title I program, a vocational education program, and a safe and drug-free schools program. That represents national interests and a national purpose that you would hope to see attained at every school district in every State all across this country. Some say, ''Well, let's just retreat on this issue of national purpose. Let's just back up on this issue of national importance.'' The Senator from Washington last year when he offered his amendment included, for example, title I in vocational education. He did not include it this year. I am pleased to see that because, frankly, it seems to me that if you just look at what has happened to the success of these programs you can't help but conclude that what we have done, while not perfect, has been enormously important in the lives of a lot of students, especially poor students in every school district in this country.

The General Accounting Office recently found that the targeting of the Federal education programs to those with the greatest financial need has been very successful.

In fact, they say for every dollar the Federal Government provides to a student, in general, it provides $4.73 to an impoverished student.

What that means is what we have tried to do has largely worked to try to fill in some gaps to say that where there is not adequate funding locally and where we have a sense of national purpose about something that we know needs to be done, we are going to try to fill in that gap.

It seems to me to say that we are going to retreat on that and say what we are going to send back now will just be general aid—I say the right approach for that is, if you are going to retreat altogether, just say we will not be sending categorical aid because we do not sense a national priority or a national purpose or a national interest and therefore we won't send the money either.

Or, alternatively, you can end up deciding there is no national purpose here and we will not support the national interest in these programs, safe and drug-free schools being an example, but we will continue to be a tax collector and will collect the taxes and then send the money back. Gee, I think the folks back home would be much more impressed with a straightforward approach to this alternative, which I don't support, in which we say we do not support the programs and we will not collect the money for it; you do what you will back home.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee has 29 seconds remaining.

Mr. FRIST. And the other side?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. In my 29 seconds, let me make it very clear that the Gorton amendment continues to target title I, the student. The disadvantaged students still get the money, still get the programs. The difference is that 100 percent of the money gets down to the classroom where it is needed.

The Gorton amendment has as its underlying theme flexibility and accountability, the two things that we have heard again and again are necessary to accomplish our goals of educating students. We are not doing a good job. Our education system is not successful. When we compare ourselves in the 12th grade to science students all over the world, out of 21 countries only 2 do worse than us. It is not successful.

This bill preserves choice. It gives options: No. 1, to continue to receive this $10 billion in Federal funds under the current system with the same regulations, no change. You can choose that. Or your second choice: Have those Federal funds sent directly to the local school districts minus the Federal regulations. Or choice No. 3: Have Federal funds sent to the State education authority minus Federal regulations.

As Frank Grogan, Florida's commissioner of education, said:

> With education, we are already beginning to see States becoming living laboratories. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others with the freedom to emulate some programs as models and/or discard those that are ineffective.

The Gorton amendment gives that opportunity, with accountability built into those States and the local level.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. DORGAN. Let me just make another quick point.

You will not find a challenge anywhere in this Chamber by anyone who would stand up and say it is not important to have local people making local decisions, that some of the best decisions that can be made can be made locally. No one is going to contest that.

The point I am making is this: Local governments, State and local officials who run the elementary and secondary school systems in many cases over now many years, have indicated they do not have the resources to provide the kind of help we provide in title I as a gap financing that moves certain kinds of assistance to poor children or children who go to poor school districts.

Now, the amendment of the Senator from Washington does not put title I in this block grant category this time, as I indicated he did last year but does not this time, as I understand it. I address the Senator from Washington. Is that correct?

Mr. GORTON. No, the Senator is not correct. Title I is in this amendment. However, the money is distributed only on the basis of title I-eligible students. In other words, the school districts will get the same amount of money and will still be targeted for title I-eligible students. But it is in this amendment.

Mr. DORGAN. My understanding was that title I was not part of his amendment. We were trying last evening and this morning to understand exactly what the language would be.

That makes his amendment much, much worse than I had previously thought. It does confirm then what I said earlier, that we have taken a successful approach in which we have tried to provide some compensatory education assistance especially directed at impoverished areas and at poor children, and have done it in a very successful way, and now say but all of that will become a pot of money that we send back, and we will just become tax collectors for local governments or for school districts and say, ''You all pretty much retool this and rethink what you want to do with it along the lines that represent your priorities.'' They have their priorities, and should have their priorities, and their priorities are to govern how they run their schools. And they are free to do that.

Again, the discussion earlier was about they are not free somehow. Of course, they are free. State and local schools are run by the State and local school districts. They are free to raise their money, free to impose taxes, free with their State governments to develop curriculums. Of course, they are free to make those decisions. But in areas where we have provided some assistance based on what we perceive to be a national purpose, the amendment says, let us provide the money but no requirement that anyone sign up to this national purpose. And again I come to the issue of safe and drug-free schools. There are a good many of them: Eisenhower Professional Development, the Innovative Education Program, the Technology Challenge Grants, and so on—safe and drug-free schools.

Have we decided, or should we decide, or will we decide as a country on a national need to have a safe and drug-free schools program across this country that is stimulated by some financing that we say you must pursue this and must have it because there is a national purpose for this, and we will provide some financing help because we are mandating something? Are we at a point where we say, no, there is no longer a national purpose for a Safe and Drug-Free Schools Act? Let's have a Safe and Drug-Free Schools Act, for example, in North Dakota, but the other 46 States say, ''Gee, we don't want one; this is not a national priority.''

Drugs and the issues surrounding drugs and young Americans and schoolchildren are a national priority. It is of national interest. And we have decided in the Safe and Drug-Free Schools Act that we want to provide some funding if we are going to provide a mandate here, some funding from the Federal Government to say to these school districts, ''We would like you to do this as a sense of national purpose and national interest, and here is some financing to help you do it.''

The amendment is an amendment that essentially says, well, let's convert all of those national interests and urges to some notion of general aid, and so we will then be tax collectors and we will just collect money and send it back. I say as I started, that is like passing an ice cube around. By the time you get to the sixth or seventh position on that ice cube passing, there is no ice cube left.

A much more straightforward way of doing this would be to say we don't believe these are programs of national interest, and therefore let us say to local governments, ''Raise your own money and spend your own money. We are out of the way.'' We are, as their party would suggest in their platform, abolishing the Department of Education. Get out of the way and let everyone else do their thing.

There is a different way, and the other way is to recognize that most all of elementary and secondary education is funded by, controlled by, the local people back in the home districts and the school district in the towns. It will always be that way. But there are things that represent a national interest, and those kinds of policies and those kinds of issues, debated over many, many years here in this Congress, resulted in the construction of a program called title I and other title programs. The Safe and Drug-Free Schools Act, the Technology Challenge Grants, and others have been, I think, enormously important to say to the local school districts, ''While you are there, we are going to offer some help, for example, to see that you get your school wired up to the Internet. If you need help to do that, here is some help to do that, to see that you have a safe and drug-free schools program in your school district, in your schools.''

That has been the nature of our involvement in education. Again, it is very seductive, I think, to say, well, gee, shouldn't local people make all these decisions. Yes, I think so. With their money they should make all their decisions in their elementary and secondary education programs. But isn't there a circumstance where we have some issues of national importance where our money, our resources, our investment ought to follow that urge of national importance on the Safe and Drug-Free Schools Act? I think so. To back away from that, I think, would be a mistake.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. GORTON. Mr. President, I understand the minority will simply permit the Frist second-degree amendment to pass by a voice vote. I will then ask for a rollcall vote, which will take place at 3 o'clock, on the underlying amendment.

Mr. DORGAN. Might I, by consent, say to the Senator from Washington, while we do not support the second-degree amendment, the second-degree amendment is a rather technical change of the underlying amendment

and we see no purpose in having another rollcall vote on that. While I do not support it, we will accept a voice vote on the second-degree and then have a recorded vote on the underlying amendment today.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 2294) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2293

Mr. GORTON. Mr. President, in 1768 in a letter to George Wythe, Thomas Jefferson wrote,

> No other sure foundation can be devised for the preservation of freedom and happiness . . . Preach a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against the evils [of misgovernment].

As a nation we have long recognized the importance of education of the future well-being of our children and our nation. A quality education is vital in an increasingly competitive global environment and indeed, as Jefferson notes, to the preservation of our democracy. Every Senator undoubtedly wants to do everything in their power to improve the educational opportunities for all children. It is one of our highest priorities in the U.S. Senate.

As many of my colleagues may recall, last year I offered an amendment to the fiscal year 1998 Senate Labor, Health and Human Services Education appropriations bill that consolidated most federally funded K–12 education programs, and sent that money directly to local school districts free from the mandates and regulations imposed on our schools by Washington, DC, bureaucrats. The Senate approved the amendment but, at the administration's insistence, it was stripped from the final bill.

For most of this half century Washington, DC, has been dominated by people who believe that centralized decisions and centralized control exercised by Washington, DC, is the best way to solve problems, including those in the classroom. This approach has not worked. As Washington, DC, has taken power and authority from local school districts, our schools have not improved. But, old habits die hard. The belief in centralized power is still very much alive. When I proposed my amendment last year, every single Democrat in the Senate opposed it and the President strongly criticized the approach of returning money and authority over education to our school districts.

Why is the status quo no longer acceptable? There are a multitude of reasons. As many of you know, the results of the Third International Math and Science Study (TIMSS) were recently announced. Unfortunately, those graduating from our high schools did not fare well. Twelfth grade students from the United States did not achieve at a level I would call acceptable, with scores below the international average in both science and mathematics.

Is it because the United States has not been devoting sufficient resources to education? The facts don't bear out that assessment. Resources devoted to education have been increasing in constant dollars almost yearly for the last 25 years, but there has been no significant change in the achievement of students.

What do we have to show for our investment? We have a web of literally hundreds of Federal education programs woven throughout 39 Federal departments and agencies and totaling $73.1 billion in 1997. I wish I had a comprehensive list of all the Federal education programs to show you, but the Department of Education doesn't know exactly how many there are.

In January of this year Dr. Carlotta Joyner of the GAO appeared before the Senate Budget Committee Education Task Force and presented us with a graphic that highlights the web of Federal education programs in only the three areas of education: At Risk and Delinquent Youth, Early Childhood programs, and Teacher training programs. What this chart shows is that 15 Federal departments and agencies administer 127 At Risk and Delinquent Youth programs, 11 Federal departments and agencies administer more than 90 Early Childhood programs, and 9 Federal departments and agencies administer 86 Teacher Training programs.

It is no wonder that more and more, our states and local school districts are being suffocated by a tidal wave of papers, forms and programs, each of which no doubt began with good intentions. The net result of this tidal wave, however, is precisely what makes it difficult to set priorities in each of the many varied states and school districts across the country to determine that which will best serve their students. I firmly believe that the elected school board members, parents, superintendents and principals, as well as governors and legislatures, are dedicated to providing the best possible education for school children that they possibly can, and that they are better able to make decisions about what is best for their students than are Members of Congress or bureaucrats in the Department of Education.

It is extremely arrogant of us here in this body to set detailed requirements for very specific education programs that apply to children all across the United States. It's wrong to believe that Congress or the Department of Education has all the answers to the variety of problems our schools and educators face. Why should a bureaucrat in Washington, DC, decide what's best for the children in Washington State? They don't know Walla Walla from Wenatchee from Woodinville.

Over the past several months I have had the opportunity to meet with parents and educators from across Washington State and the Nation. They have expressed a great deal of concern about the stifling nature of the rules and regulations that come along with the myriad of federal education programs in existence. In fact, several have commented that although school districts receive only about 7 percent of their funding from the Federal Government, with that money comes 50 percent of the rules and regulations they must comply with.

A perfect example of the crushing nature of Federal rules, regulations and paperwork comes from a program I didn't even include in my amendment. The Bellevue School District, a suburban school district east of Seattle, has gathered all the paperwork necessary to begin, just begin, the file they are required to keep for special education students under the Individuals with Disabilities Education Act (IDEA). Placed end to end, this paperwork extends for almost 40 feet. 40 Feet! We have allowed bureaucrats in Washington, DC, to impose half or more than half of the rules and regulations that so often frustrate innovation and success in our schools.

Therefore, I have come to the conclusion that Congress must do more to free State and local officials from the burden placed on them by the Federal Government to educating America's children. We must be willing to admit that somebody else may know a little bit more than we do about this subject. My firm belief is that the wisdom needed to educate our children lies in States and individual school districts—with parents at home, with teachers in the classroom, with principals in the schools, and with school board members who, almost without exception, are public-spirited citizens who have run for election to a job that does not pay or pays very little. We must keep in mind that the same citizenry who elected us to the U.S. Senate also elected our school board members. It is unlikely that they were wise in electing us and ignorant of their own interests in picking their school board members.

I have listened to educators from around the country and have applied those lessons to the crafting of this amendment. My amendment makes several changes that address the concerns of those who have been kind enough to take the time and work with me and my office to improve upon the work begun during last year's appropriations process.

First, there were concerns that any attempt to block grant education funds to local communities was simply a back door attempt to cut funding. My amendment makes it crystal clear that is not what this effort is about. My amendment authorizes specific levels of funding through fiscal year 2003, targets that appropriators must meet in order for the block grants to continue.

If these targets are not met, we would revert to the status quo.

Others have expressed concern that my amendment is an attempt to close the Department of Education. Nothing could be further from the truth. My amendment is not about abolishing the Department of Education—my amendment is about giving communities the flexibility they need to educate our children. Even after enactment of my amendment, there would be plenty of work left for the Department. My amendment does not even touch on the Department's responsibilities with respect to higher education. And even though my amendment includes more than 20 Federal education programs, that is but a fraction of the total number of education programs administered by the Department of Education, not to mention the Federal Government as a whole.

Concerns have also been expressed about the targeting of Federal funds to disadvantaged students. The concern is that because Federal funding often is targeted at a specific population, block granting funds and allowing States and school districts to decide how those funds are spent will mean those populations will no longer be served. Well, this mentality is what led to the creation of the quagmire of education programs we find ourselves wallowing in today. My amendment retains specification for what populations the Bilingual Education and Education for the Disadvantaged (Title I, Part A), funds are to be spent, but it leaves up to States and school districts the method by which those populations are best served. As for the list of 20 Federal programs, my amendment outlines a series of allowable uses such as hiring new teachers, magnet schools, charter schools, and combating illiteracy, which give local officials flexibility in designing reforms to improve the achievement of students. The total amount of funding that gets to the classroom will be considerably greater because so much less will get lost in the gears of administration at two, three or four different levels of bureaucracy between Washington, DC, and the classroom. As I've stated previously, we cannot assume that Washington, DC, knows best when it comes to educating the diverse population that exists in America today.

I have heard comments that different states have different opinions about how they should receive federal funds. As a member of the Senate Budget Committee Education Task Force, chaired by my good friend and colleague Senator FRIST, I had a chance to hear from Frank Brogan, Commissioner of Education from the State of Florida, and Henry Der, Deputy Superintendent of Public Instruction from the State of California. Mr. Brogan and Mr. Der have widely different opinions about the efficacy of involving the Federal Government in decisions regarding education in their States. Mr. Brogan states,

> Congress should identify priority areas and allow States to designate the dollars for specific programs.
>
> With Education, we are already beginning to see States becoming living laboratories, testing varied programs and options. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others, . . . with the freedom to emulate some programs as models and/or discard those that are ineffective.

Mr. Der followed Mr. Brogan with,

> We submit to you that the roads toward devolution will result in less opportunities for those with special needs and will retard the leadership role that the U.S. Department of Education has played, as well as undermine the accountability that we need to build into our education programs.''

Therefore, it became clear to me that States should have a choice concerning how they receive their Federal funds, and my amendment gives them that choice. My amendment says that States will have three options with respect to how they receive Federal education funds. Simply put, a State legislature, with the concurrence of the Governor, will choose from one of three methods for receiving Federal funds: (1) States can continue to receive Federal education funds through current categorical programs; (2) States can receive Federal education funds in a block grant to the State Educational Agency; or (3) States can direct the Federal Government to send Federal education funds directly to their Local Educational Agencies.

There are also provisions in my amendment that respond to other concerns about the immediate financial impact on States and school districts. My amendment includes a 100 percent hold harmless, so that no State or school district will receive less than what they received before enactment of this legislation. Further, there is a provision which says that for those States receiving a multiyear grant through one of the programs included in the block grant, that multiyear grant will be funded through to completion in order to provide an appropriate transition from one process to another.

Finally, my amendment encourages accountability by requiring States and school districts to collect information about how Federal funds are spent, as well as involving parents and other members of the public in debates over how funds will be utilized.

As you can see, my amendment is based on the principal that with additional authority and money schools would receive from this reform, our teachers, parents, principals, and school boards would be inspired to do even more for our children. They would not, as some suggested during debate on this issue last year, be inspired to build swimming pools. They would be inspired to make sure that every child in their community receives the best education possible. While I think this example shows the fundamental difference between the approach I advocate, and that of the administration, I just have to ask this question: Does anyone really believe that there are parents, teachers or school board members in America who would rather use scarce education dollars for swimming pools instead of providing a quality education for their children?

On February 10 of this year, I had the opportunity to visit the Union Gap Elementary School and learn about the tremendous work they are doing, in the words of their Superintendent Bob McLaughlin, to 'heal' their children's reading difficulties.

More than three years ago, Dr. McLaughlin became painfully aware that the Union Gap School District did not have a program to assist its students who were having difficulty learning to read. Dr. McLaughlin then took it upon himself to search out a program which would be both affordable and helpful to the students. During the 1995–96 school year. Dr. McLaughlin discovered the Read-Write program and soon thereafter the program underwent a 10-week test in the school.

The test was so successful that at the conclusion of the 10-week test run the school board adopted the program and fully implemented it for the 1996–97 school year. Since the program has been implemented, significant gains have become evident.

Dr. McLaughlin also took the time to explain to me his previous experience as a principal at a neighboring high school upon which brought him to the conclusion something should be done about reading comprehension at the elementary level. As a high school principal, Dr. McLaughlin would continually see students entering his school unprepared to read and write effectively, and in many instances no where near grade level. The frustration he experienced seeing these kids struggle through high school without the necessary tools drove Dr. McLaughlin to seek a solution at Union Gap Elementary. As Dr. McLaughlin and other teachers at the elementary school know, once you teach a child to read that child has gained a skill he or she retained for a lifetime of enrichment.

This instance is a clear example of the innovative work school districts are engaging in to improve the education of their students. Under the Gorton Amendment, Dr. McLaughlin and his school board would have the flexibility to expand this program if that is what they felt was in the best interest of their students. I doubt seriously that Dr. McLaughlin would consider tennis courts or swimming pools to be a priority.

This issue boils down to each Senator asking if he or she believes schools will be improved through more control from Washington, DC, or by giving more control to parents, teachers, principals, superintendents, and school board members? I believe our best hope for improving the education of our children is to put the American people in charge of their local schools.

Mr. President, I wonder if the minority manager will agree to a unanimous

consent agreement that I have 3 additional minutes on this amendment? I do see my colleague from Washington here. We are going forward with that amendment, and I would like just 3 minutes further to speak on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, my friend and colleague from North Dakota and I, together, less than 2 months ago, voted with 94 other Members of this Senate for a bill relating to transportation covering somewhat more than four times as many billions of dollars as this amendment does. Unlike the House of Representatives, we included no specific programs in that transportation bill. We decided there was a national purpose for transportation but that the priorities as to how that money for highways ought to be spent should be set by States—generally speaking, not by elected officials in those States, but usually by a highway bureaucracy.

No one said that, because we weren't telling the States what roads to build, there was no national purpose and we should abandon transportation as a national issue. Yet the Senator from North Dakota says that, rather than give a three-way option to States with respect to $10 billion a year in education money, it would be philosophically more consistent to abandon the field because, after all, the States might set different priorities; maybe the States and local school districts don't care about drugs or don't care about disadvantaged students.

Mr. President, that is a basic philosophical difference between us. The thought being expressed to me—that elected school board members and principals and teachers and parents and even State legislators don't care much about education or about education priorities—boggles the mind. We are the only people who do so? We are the only people who can set the way in which national priorities are carried out? We and bureaucrats at the Department of Education? Let me tell you, we come up with 7 percent of the money and 50 or 60 percent of the rules? In one field not covered by this, where the Senator from North Dakota did support me, we give 9 percent of the money for disabled education and we set rules that are so stringent that some school board members are saying they are going to defy those rules because they cannot provide for a safe environment for their students. In title I, the forms are exceeded only by IDEA.

This proposal will allow schools to spend more money on disadvantaged students, more money on bilingual students, and do it in a way that suits the particular needs of the districts, if the State elects to do so. Any State that agrees with the position of Senator DORGAN is perfectly free to keep the present system. Any State that feels it can do a better job will be allowed to do a better job. And any State that feels its elected school board members can do a better job will be allowed to do that.

Maybe Senator DORGAN is right. If so, we will learn by experiment. But unless we feel—with him and Senator KENNEDY—that the present system is working magnificently, that our system of education is so good that it doesn't need to be changed or experimented with at all, we should reject this amendment.

Mr. DORGAN. Mr. President, I know the Senator from Washington will allow me, by consent, 2 minutes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The Senator from Washington chooses an inappropriate example to begin with, the highway system. We provide Federal money to the State of Washington. But if I go to Washington and drive on roads that are constructed in the State of Washington by his State highway officials with Federal money, I know I am not going to drive on a roadbed of marshmallows or cork. Why? Because his highway officials must follow the Federal prescribed rules about what kind of highways they are going to build with those Federal funds.

My only point is, if the Senator from Washington suggests that if, for example, the Safe and Drug-Free Schools Program is not a national priority, let's give them the money for it but not require them to do it, I think that is a huge step backwards. Is it in most instances the case that people closer to the problem can spend the money more effectively? Absolutely. That is why almost all of elementary and secondary education is done and managed and controlled locally. But there are some programs of national interest for which we provide the financing and for which we hope there is a national purpose and to which we will have all school districts subscribe. That is the purpose for all this.

I find it interesting. You could make the same case about food safety. You could have exactly the same debate. Say, do you think back home they are not concerned about food safety? Why do we need national food safety standards? Do you think back home in every State they are not concerned about food safety? Of course they are. Of course they are. But it is something of national interest and national importance, and that is the gap financing that is involved here with respect to these kinds of programs. Are they perfect? No. Should they be changed? Yes. Should we retreat from them? In my opinion, I think that would be a huge mistake.

I yield the remainder of my time.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to the Gorton amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, seeing there is the sponsor of another amendment here, I think proper procedure is to move to that amendment.

Mr. President, I ask for a rollcall on the Gorton amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Gorton amendment is temporarily laid aside and the Senator from Washington, Senator MURRAY, is recognized to offer an amendment on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2295

(Purpose: To express the sense of Congress regarding reductions in class size)

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 2295.

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 end, add the following:

TITLE ____—SENSE OF CONGRESS

SEC. ___01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were ¾ of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in

working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) The Federal Government can assist in this effort by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well-qualified.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

Mrs. MURRAY. Mr. President, we have been debating education policy for several days and actually several times over the last several months here on the floor of the U.S. Senate. I am very excited about that, because one of the reasons I came here to the U.S. Senate was to make sure that we focus on real issues that affect everyday average families across our country. There is nothing more important to any parents than making sure, when they send their children off to school in the morning, that they get the kind of education that will mean they will be a success in this country.

I am disappointed, however, that the bill before us, the Coverdell IRA proposal, will not provide that kind of quality education that parents are demanding. I believe it is a flawed policy which really will not make any meaningful difference for either private or public school students and their families. It is not a real results-driven proposal.

Many of my colleagues have been out here on the floor over the last several days talking about what the IRA Coverdell proposal will do and that it will only mean $7 for a family in the future. Many of my colleagues have talked about how it will begin us on a road to publicly funding private schools, and the dangers of that.

We can debate that. But I am here today to bring forward an amendment that I believe will make a substantial difference in our children's education across the country, and that is regarding the issue of class size. Ask any parent who sends his or her child off to school what question they ask when their child comes home on the first day of school. It is, ''How many kids are in your class?'' They ask that because they know it will make a difference in whether or not their child gets the attention and the education he or she needs throughout that entire school year. If there are 40 kids in the classroom, or 35 kids in the classroom, your child will not get the kind of education and attention that he or she needs and deserves in this complex world that we live in today.

My amendment that is before the Senate is a sense of the Congress that we should support efforts to hire 100,000 new teachers so that we can reduce class sizes in first, second and third grades to an average of 18 students per class all across America.

This is simply a sense of the Congress saying this is the way we should move forward. We have been on the floor before to debate this issue, and this Congress has said no, they are not going to fund lower class sizes. I am back today because I believe this is the kind of difference that we can make, that we should make, and that we must make. Reducing class sizes will make a difference for children across the country.

Will 100,000 teachers be enough? No, but it will be an impetus. This amendment simply will send a message that we understand the issue and we are willing to take it under consideration and move it forward.

I know as a former educator what a difference it makes to have a smaller class size. I have taught 4-year-olds. I have had 18 children in my classroom. I have had 24 children in my classroom. It means the difference between having the time to work individually with students or simply having crowd control for the entire classroom.

Every teacher of early grades will tell you the more time they have with their students, the better chance they have to make sure that all students will have the chance to learn to read, to learn to write, to learn the basic skills that will mean that they are a success throughout their later years. It also means that those teachers will have the time to deal with the complex problems that come before them as a teacher in our classrooms.

I distinctly remember one time I had with a class when I had a young student come to class and we were in the process of talking about the alphabet. We were talking about one of the letters. I was talking with my young children about different words that begin with the letter A, and all of a sudden a young child in my classroom just simply blurted out to me, ''My dad didn't come home last night; he was arrested.'' My entire class stopped. How could I have talked about the alphabet? How could I have talked about the words that started with the letter A?

I had a devastated child in my classroom of 24. Yet, I could not take the time to sit with him and work with him because I had 23 other children in my classroom who needed attention and whose parents wanted them to learn about the alphabet.

That child probably went on to a very troubled adulthood. We could have made a difference simply by having fewer students in the classroom, by simply having the time to deal with these kind of problems. Don't just take it from me as a former educator, take it from the studies.

I have submitted a number of studies in the past as I have talked about this issue on this floor. A 1989 study of the Tennessee STAR Program which compared the performance of students in grades K through 3 in small and regular size classes found that students in small classes of 13 to 17 students significantly outperformed other students in math and reading every year at all grade levels across all geographic areas.

My sense of the Congress simply says we understand this is significant. It says we in the Senate want to make a difference in the learning of American children, and we want to move forward on the progress of reducing class size and take that on as an issue in this country.

I have talked about it as an educator. I have talked about the studies many times that prove what I say, but we should also be listening to other people. I know that when we were here a month ago and debating, I submitted a number of letters from different teachers from across my State and across this country, but I want to specifically have printed today a letter, and I ask unanimous consent that a letter to the editor by State Senator Al Bauer be printed in the RECORD.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

[From the Columbian, April 15, 1998]

MURRAY HAS THE RIGHT IDEA

The April 5 editorial, ''Patty Murray's teacher plan is costly mandate,'' criticized the plan by U.S. Sen. Patty Murray, D–Wash., for the federal government to hire 100,000 new teachers to reduce class sizes nationwide.

The editorial warned that ''unintended consequences can destroy any attempt at progress,'' noting that a school district in the Seattle area cut early childhood education for at-risk youngsters because of its decision to reduce class sizes.

The criticism makes the best case for Murray's proposal. If that school district had the additional federally funded teachers to reduce class sizes in all grades, it would not have to negatively impact Head Start and at-risk programs. Matter of fact, the district could also improve those programs by smaller class sizes.

As for the criticism that 100,000 new teachers would need that many more new classrooms, teachers are creative enough to develop curriculum around the needs of children without additional classrooms.

I visited several classrooms this year where two teachers shared 46 or more students. With Murray's proposal, a third teacher could be added to such a team, thereby reducing the student-teacher ratio from one teacher for 22 students to one for 15. We are not talking about added classrooms; we are talking about more teacher time for each student so that fewer students fall through the cracks.

As for how Murray should pay for the additional teachers, Congress should pay in the same way the members propose to pay for a highway budget that is billions of dollars higher than the balanced-budget agreement.

It sounds like what happened in the State Legislature this past session. The majority party refused the proposal by us Democrats to spend $50 million more for class size reductions, particularly in the early-grades. The majority also decided to propose to the voters in November to transfer currently used sources of revenue for education from the general fund to the highway fund.

The editorial correctly urges school districts to sue the Legislature for underfunding education from the State level. In 1977 the Legislature was sued, and the courts ruled that it was the paramount duty of the Legislature to fully fund kindergarten through grade-12 education. As a consequence, in the Vancouver School District school levies dropped. A person with a $50,000 home or property saved $254 a year.

It is time to get the Legislature to live up to the court's mandate. Where are our priorities? Children's education lasts forever; asphalt lasts a few years.

I am glad we have Murray in the U.S. Senate. By speaking out for our most valuable assets, our children, she is exerting the leadership on educational matters she demonstrated while serving in the State Senate.—State Sen. Al Bauer, Vancouver.

Mrs. MURRAY. Mr. President, Al Bauer is a former colleague of mine in the State Senate of Washington. He is also a former educator, and he speaks from his heart when he talks about education. He wrote in his letter that hiring more well-trained teachers will help school districts stave off cuts to other special programs for at-risk students. He argues that more teachers does not have to mean more classrooms. It is the number of well-trained adults in the room that is important, because students' access to time with the teacher is at the heart of learning. He argues that Congress can pay for class-size reductions if we can put billions of extra dollars into transportation.

State Senator Al Bauer is absolutely right. The arguments against this proposal are not valid. It doesn't mean that we need more class space. It doesn't mean that we will siphon money from other places.

It does mean that this Congress, this Senate, the people on this floor are listening to what parents and educators and people across this country are saying. When we send our children off to school, we want to know they are safe, we want to know they will learn, and we know they will be safe and they will learn and get the attention they need if we begin to focus on class size in this country.

Now, a person could spend a year or a lifetime searching, and they would not be able to find someone who understands education in Washington state more deeply than Senator Al Bauer. And he happens to be a former educator, and he happens to be a Democrat. But Senator Bauer and I stood together in the state Senate, and we worked with our Republican colleagues to do everything we could to improve public education.

He knows and I know that Republicans and Democrats in Washington state can work together. They have worked together to reduce class size, increase family involvement in school decisions, fund school construction, improve teacher quality, allow communities to set higher standards for students, publish school report cards, hold schools accountable for results, reward schools that do well and mediate schools that are failing, increase student's options about which school they attend.

All these things were bipartisan proposals, based on what local school communities told us would work to improve results for students. And the great news is that many of these proposals have actually improved things in Washington state schools.

And when I think about the partisan tone of this debate on education, and I look at the education IRA proposal which offers only a seven-dollar a year solution to only a few families—I think of all the things we could be doing that would really make a difference for all students. And class size improvement is near the top of that list.

I think it is important to listen to what educators say. I want to read to you what some of the educators have written to me as I have talked about this issue over the last several months.

Larry Swift, who is the executive director of the Washington State School Directors' Association, wrote to me, and I especially appreciate his words because I am a former school board member and Larry Swift represents the school board members across my State. He says:

As we pursue our state's goal of improving learning for all of our students, it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

Mr. President, Larry Swift is right. Representing the school boards across my country, he makes a very clear case that increasing the number of teachers and reducing the class size is critical because we are requiring our young students to know more today than we ever have before in the history of this country.

Let me also quote from Kenneth Winkes, who is the head of the Association of Washington State Principals. He represents all the principals in my State, and here is what they say:

It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

That is what principals say.

Mr. President, I ask unanimous consent that four short statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION,
Olympia, WA, March 20, 1998.

''As we pursue our state's goal of improving learning for all of our students,'' Larry Swift, executive director of the Washington State School Directors' Association, said, ''it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

''We acknowledge and commend Senator Murray for leading the way to assuring that our students have the learning environment and the human resources necessary for the kind of schools that will provide the opportunities and training they need to become successful,'' Swift said.

The Washington State School Directors' Association is a statewide organization representing all of the 1,482 locally-elected

school board members from the state's 296 school districts. WSSDA serves as an advocate for the state's public schools, provides training and technical assistance for school board members and is very active in the legislative process.

THE ASSOCIATION OF WASHINGTON SCHOOL PRINCIPALS,
Olympia, WA.

The Association of Washington School Principals (AWSP) is strongly committed to supporting legislation which reduces class size in our public school system. It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

Recent studies on reduced class size and their impact on student performance, undertaken in Tennessee (STAR study) and Wisconsin (SAGE study), speak to learner benefits in areas such as reading, language arts, and math. In our own state of Washington, reduction of class size and improved student performance are priorities for both legislators and educators.

AWSP is convinced that class size reduction is essential if our state's, and nation's, efforts towards school improvement are to be successful. We appreciate and support Senator Patty Murray's commitment to this end.

WASHINGTON EDUCATION ASSOCIATION,
Federal Way, WA, Friday, March 20, 1998.

WEA PRESIDENT APPLAUDS SEN. MURRAY'S WORK ON CLASS SIZE

STATEMENT OF LEE ANN PRIELIPP, PRESIDENT OF THE WASHINGTON EDUCATION ASSOCIATION, REGARDING SEN. PATTY MURRAY'S WORK TO LOWER CLASS SIZES IN WASHINGTON, MARCH 20, 1998

Every student deserves a safe and effective learning environment, and we commend Sen. Murray's devotion to this pressing issue. Washington currently has the fourth largest class sizes in the United States, a dubious distinction which we must work to change.

When educators have too many students in a class, it is hard for them to give each student the individual attention that students need. It is this individual attention that is at the heart of the learning process, and it is crucial in helping our students succeed.

The 65,000 members of WEA support Sen. Murray in her work to lower class size in Washington. This is an issue that is getting worse, and which we can no longer ignore. Thank you, Senator Murray, for working to give our students the education they need and deserve.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, March 20, 1998.

STATEMENT BY SANDRA FELDMAN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS ON REDUCING CLASS SIZES

Modern schools and more well-trained teachers are the right antidote for the overcrowding that plagues too many American schools. Research shows that youngsters, especially in the early grades, perform better in smaller classes that allow for greater one-on-one instruction. Smaller classes also help teachers maintain discipline. Parents and teachers understand this well, and that's why Senator Murray is absolutely correct in supporting the President's proposal to provide subsidies for school construction and to emphasize teacher recruitment.

Several new studies clearly demonstrate the link between reduced class sizes and improved academic achievement. A sampling:

STAR, the highly reputed Tennessee class-size study, analyzed the achievement levels of K–3 students randomly assigned to classes of 13 to 17. Those in small classes did much better than students in regular classes in math and reading, every year and in all grades. The small classes made the biggest difference in the scores of children in inner-city schools.

SAGE, a Wisconsin program begun in 1996–97, reduces class size for K–3 children in certain high-poverty schools. At the end of the first year, SAGE kids had made significantly greater improvements in reading, language arts, and math than children had in similar schools.

Mrs. MURRAY. Mr, President, I have numerous quotes from teachers, and I can tell you from personal anecdotes, as I have talked with teachers throughout my State, it makes a difference when you have time, it makes a difference when you have to turn away three or four students with a question because you simply don't have time. We demand higher learning skills. We have a responsibility to do something about it. We can't just say, ''Oh, it's a local school district problem.'' ''Oh, it's a State problem.'' ''Oh, it's somebody else's problem.''

We have a responsibility in the U.S. Senate as leaders in this country to send a message that we want to make a difference and we are listening to the people we represent that class size makes a difference.

Let me also tell you what some students say, because I have a group of students who are my advisors. They are called my student advisory youth involvement team or SAYIT. I go to them and ask them to tell me what they think of the issues we are debating.

On the issue of class size, this is what students say:

Brook Bodnar, who is age 16, recently moved from a school with larger classes to Olympia High School which has smaller classes. She says:

. . . with smaller classes I'm learning so much more. Class is going so much faster.

That is what a student says.

Jared Stueckle, age 16, a junior at Selah High School, believes education should be a higher priority in funding and that class size is a good investment. Jared says:

The classes in which the number (of students) is lower I generally do better, but in a crowded class, the teacher does not give us enough individual attention.

I have numbers of comments from young students. They are excellent. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLASS SIZE REDUCTION—WHAT STUDENTS SAY

Meghan Sullivan, age 15, a 10th grader at Tumwater High School, says: ''. . . reduction is needed especially at the K–5 grade levels. This is the beginning of their education and this is where they form study habits and learning skills, so it's more important to get some one-on-one contact with teachers.''

Antonella Novi, age 18, a senior at Anacortes High School, says: ''Smaller class sizes enrich the learning experience for the student and the teaching experience for the teacher.''

Jaime Oberlander, age 16, a junior at Tumwater High School, says: ''I know that I have learned more in smaller classes. I have a stronger relationship with the teacher. I am less intimidated to participate in class discussions or ask for help when I need it. I also receive more feedback from my teacher . . . my teacher can spend more time critiquing my work and helping me to learn.''

Mrs. MURRAY. Mr. President, if we listen to parents, if we listen to teachers, if we listen to principals, if we listen to school board members, and if we listen to our children, we will hear what the American public truly wants and knows is right. Parents say it, teachers say it, studies prove it: Smaller class sizes will make a difference in our children's ability to learn.

My amendment simply says that it is the sense of the Congress that we will move forward in any way we can to make sure that class sizes in this country are reduced to manageable levels.

I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, we certainly concur with the Senator from Washington that class size is a fundamental ingredient, a concern to everyone. I will simply say that perhaps there are two very meaningful issues that would affect that.

We have just spent over an hour discussing a real bullet that is not a sense of the Senate, it is a real bullet that would free up over $10 billion to local schools to take care of whatever issue they have. If it is like the Senator from Missouri said, they had to have new classrooms before they could hire new teachers. They could not use the teachers if they did not get the classrooms.

The Gorton amendment which has just been discussed would send over $10 billion to local schools to do just what the Senator from Washington wants to have done. They would be in a position and be freed to have resources to reduce their class size or to make more efficient the facilities for teaching in these local school districts.

In a moment we will hear from the Senator from Arkansas, who brings a very meaningful perspective to moving these resources directly to classrooms and not letting it get siphoned off en route.

So, Mr. President, with these two points—we have just spent an hour addressing the issue that the amendment of the Senator from Washington alludes to, and we have a real solution here that will be before us this afternoon that really gets to the problem—I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the last

minute of our time be reserved for Senator COVERDELL from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I thank the Senator for yielding.

While no one questions the sincerity of the desire of my colleague from Washington to lower the class size and the student-teacher ratio, I think it once again reveals the huge philosophic chasm that has been evident time and time again during this debate on education and the amendments that have been offered on the floor of the Senate, the difference between the approach and the philosophy that we can best do things controlled out of Washington, DC, that knowledge and wisdom flows from this city and this institution, and that we want to concentrate the power and the control over education in this country in Washington.

The effort here to support the President's plan for hiring 100,000 new teachers at the Federal level, I think, is once again evidence that those of us who believe that there needs to be flexibility with local control cannot accept this as moving in the right direction.

One size does not always fit all. While some schools may benefit from reduced class sizes, other schools may not benefit from reduced class sizes. In fact most teachers—most teachers —in this country are satisfied with current class sizes.

For example, according to a survey by the Department of Education, 79 percent of the teachers in my home State of Arkansas are satisfied with current class sizes—79 percent. My sister teaches in public school in Rogers, AR. There are many things that my sister is not satisfied with about education in Arkansas. I know that is true of public school teachers all across the State of Arkansas. There are many things they would like to change and improve. But 79 percent said that that is one area that they currently are satisfied with, that the student-teacher ratio is not the big problem in education in Arkansas.

Over three-quarters of the teachers in Connecticut, Kansas, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming are satisfied with the current class size ratio.

Nationally—I would call the attention of my colleagues—nationally 65 percent of teachers are satisfied with current class sizes. So I suggest if there is a crisis in class size, if there is one group in this country that would know, it would be the teachers of this country. And the teachers of this country are saying that is one area where there is not a crisis. Thus the Washington-knows-best proposal to hire 100,000 new teachers does not make any sense.

Class size does not always mean better education. Many schools with small class sizes have poor achievement results, and vice versa. For example, once again according to the Department of Education, Washington, DC, schools have one of the lowest average class sizes in the Nation but ranks near the bottom in academic achievement; while Utah ranks near the bottom in class size ratio but ranks very high in student achievement. There is not a direct and definite correlation.

I further point out that average class size has already dropped significantly over the past 40 years and we have not seen a corresponding improvement in student achievement. Average class size has dropped from 27 to 1 in 1955, to 21 in 1975, to 17.3 today. Isn't it interesting that over the last 40 years, while we have seen class sizes consistently drop from 27 to 21 to 17.3, that student achievement scores—student achievement—have been dropping during that same 40-year period?

Average elementary class size has dropped from 30.2 in 1955 to 18.5 today, a dramatic drop in class sizes on the elementary level, and once again we have student achievement scores falling at the same time. According to the Department of Education, most States already have average class sizes of 18 or less.

Although elementary classes are a little bit larger, the national average now is 17.3, with the lowest being in New Jersey and Vermont at 13.8, and the highest being in California at 24 and Utah at 23.8 and Washington State at 20.4.

The average elementary class size—18.5—due to demographics alone, is projected to fall over the next 10 years without any massive infusion of teachers from the Federal level. We will, because of demography, see the class sizes at the elementary level continue to drop. Many States, independent of the Federal Government, independently of anything we do, are already taking actions to reduce class size. My point being, we do not need a new Federal program to hire teachers when the States are already addressing this problem. We should not be imposing this from the Federal level.

Five States—California, Virginia, Massachusetts, Connecticut, and Wisconsin—have already taken dramatic steps to reduce class size by hiring thousands of new teachers in their States. These States are hiring teachers, and they are doing it with State dollars.

Senator MOSELEY-BRAUN yesterday shared convincing pictures that her State needs to use Federal money, if it gets it, for school construction and repair. I do not agree with a Federal program to do that. But Illinois has an average class size of 17. Their great need, according to Senator MOSELEY-BRAUN, is not for an infusion of teachers. Their great need is actually in school construction.

That is the beauty of the Gorton approach. That is the beauty of the dollars-to-the-classrooms approach. I have a bill we introduced that would ensure that the money actually reaches the local level and that the local decision-makers have the right to decide where the need is and how that money should be spent.

Washington, DC, needs funds for school repair, textbooks and other supplies in the District right here. The great need is not for more teachers in the Nation's Capital. The great need is school repair, textbooks, other supplies, perhaps computers. They already have an average class size of 15 in the District. And so what do we say? ''Well, let's hire 100,000 new teachers.'' That is not the great need here in our Nation's Capital. That is not the great need in the State of Arkansas.

There are many needs in education, some of them being resource oriented. But for us to have a one-size-fits-all solution from Washington is not the direction we need to be going.

A new Federal teacher program would further add to the paperwork burden that our teachers already complain about, thus increasing the true cost of this program and reducing its effectiveness. As we have heard so often in this debate, we provide 6, 7 percent of local school funding but we provide 50 to 60 percent of their regulations and their paperwork burden.

So what do we come up with? Another Federal solution with more paperwork and more regulations on that local level. New Federal programs require new Federal bureaucrats to administer the program. We have already placed an enormously heavy burden upon those local teachers, and we don't need to siphon off scarce Federal dollars going to the States currently to start a new program hiring large numbers of teachers with Federal dollars.

My sister, Gerri, teaches at the Reagan Elementary Public School in Rogers, AR. She reflects the attitude of 79 percent of the teachers in Arkansas that class size is not the big problem that she faces. Discipline, yes; many other needs, yes. Class size is not at the top of the list. Arkansas has made great strides. I think we rank 28th in student-teacher ratio nationally. Twenty-eighth is not great, but it is far better than we are in many other categories, including academic scores and the percentage going on to college and so forth. So while we have many challenges, we wouldn't put class size at the top of the list. We couldn't. I have never heard my sister complain once about the size of her class.

I believe the Gorton amendment that we will vote on later today—the dollars to the classroom bill, legislation that I have introduced, that would ensure that 95 cents out of every dollar, Federal dollar, would actually reach the classroom and local control—is a far better approach. Allow local school boards, allow classroom teachers, greater discretion, greater flexibility on how those dollars are used, greater flexibility with fewer Federal mandates. Perhaps they need to paint the classroom. Perhaps they need to buy a computer. Perhaps they need to hire a tutor. Perhaps they have another local need. But what we don't need to do is to start a new Federal program and to hire massive numbers of new teachers from the Federal level.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining, and the other side has 2 minutes 47 seconds.

Mrs. MURRAY. Thank you, Mr. President.

I listened with interest to my colleague from the other side of the aisle debate the issue of whether or not we as parents across this country believe that our class sizes should be reduced and that it will make a difference. I heard numbers that don't take into account what is really happening, because that is the number of adults in a school that my colleague from Arkansas referred to—the nurses, the counselors, librarians, social workers. What we are talking about here is the need to put new teachers across this country into classrooms so we can reduce class size.

I speak to all of the people who are listening to this debate today. When you hear somebody say your class sizes are the right size, think about how many kids are in the classroom in your local school; think of the amount of attention they are getting; think about whether or not they are getting the skills that you as a parent want them to get. If you agree with me that class size reduction will make a difference, call this Senate and let us know. Call this Senate and let us know. People across this country need to let us know that you recognize it is our responsibility as adults at every level to make sure that our children are getting a good education. Parents know it, teachers know it, and studies show it: Class size reduction makes a difference. We can't pass this off and say it is somebody else's responsibility; it is our responsibility.

I heard my colleague say there is a philosophical difference. You bet there is a philosophical difference. There is a philosophical difference between those who believe we should go down a path of block grants and cuts, meaning high-need students will get less. There is a proposal that we eliminate the Department of Education and no longer even say public education is in the domain of this country or that we care about it as a priority.

This current budget that was passed by the Republicans just a short time ago cut education by $2.2 billion. The IRA proposal in front of us that takes us down a road where somebody gets $7 in the year 2002 for education, it is a narrow road that says in the future only a few children will get a good education.

The philosophy I believe is that every child, no matter who they are, where they come from, or how much money they have in these United States of America, will be able to get a good public education. We can do that by reducing class size, by rebuilding our crumbling schools, by making an investment in our teachers and training them with the skills they need to teach our children. That is the philosophy that will make sure we have a strong democracy in the future.

I hope that parents across this country weigh in on this debate. It is a critical one for the future of all of us.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arkansas has 1 minute 47 seconds remaining.

Mr. HUTCHINSON. Let me respond to a couple of points. The Senator from Washington said the figures I used speak of a number of adults in the school system. That is not the fact. The Department of Education has provided these figures, and it speaks of class size. Average class size has dropped from 27 in 1955 to 17.3 today. That is class size. It has dropped dramatically. And while it has dropped dramatically, student achievement has decreased. Twenty-one countries tested in the 12th grade math and science competency; the United States ranked 19th. There is no disputing our schools have problems, but it is also very evident that simply reducing class size, as we have done over the last 40 years, will not be the magic bullet. It will not be the panacea that suddenly is going to give us great academic achievement.

What we do need is, in fact, greater local control, greater flexibility. The issue is not, as my colleague tried to make it, whether we will eliminate the Department of Education; that is a red herring, a straw man.

The issue and the debate is whether we are going to provide greater flexibility and greater control at the local level, or whether we continue down the path that Washington, DC, is the fount of all wisdom, have all our solutions float from the Nation's Capitol, and it is so evidently demonstrated we don't solve the problem, and in many cases we simply exacerbate them.

I suggest this is a sense-of-the-Senate resolution that is, while well motivated, ill conceived and takes us down the road of further federalizing education, placing greater mandates and greater burdens upon local teachers while not appreciably addressing the educational problems we face in this country.

I ask my colleagues to consider there is a better way.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

AMENDMENT NO. 2296 TO AMENDMENT NO. 2295

(Purpose: Expressing the sense of Congress that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms)

Mr. HUTCHINSON. I have a second-degree amendment that I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia has reserved 1 minute.

Does the Senator from Arkansas yield that back?

Mr. HUTCHINSON. I yield that back.

The PRESIDING OFFICER. All time is yielded back.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2296 to amendment numbered 2295.

Mr. HUTCHINSON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after ''**TITLE** ___'' and insert the following:

—SENSE OF CONGRESS

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.''.

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and

that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

The PRESIDING OFFICER. There is 30 minutes of debate equally divided on this amendment.

The Senator from Arkansas.

Mr. HUTCHINSON. There is no doubt we are facing a crisis in American education, a crisis that is putting us at risk economically. While it has been 15 years since the education alarm was sounded in this Nation with the report, ''A Nation at Risk,'' most indicators show that U.S. education is still desperately in need of repair.

As I have suggested, mandating the hiring of 100,000 new teachers at the Federal level is not the right answer. I further suggest there is a better way, and that is the dollars to the classroom. If we can take the limited Federal dollars—and I think that is about 67 percent of local funding of the schools right now—if we can take those dollars and assure they actually reach the classroom, we will be far better off. Keep the local control. It will mean more money at the local level.

So the sense-of-the-Senate resolution that I am offering as a perfecting second-degree amendment would simply say that we will make our efforts to ensure that 95 cents out of every dollar actually reaches the classroom. Right now, money does not reach the classroom. It is estimated between 15 percent and 35 percent of Federal funds spent on education never reaches the classroom. My colleagues, that is absolutely amazing. That is astounding, that 15 to 35 percent of Federal funds spent on education never reach the classroom. That is as much as $5.4 billion of taxpayer money targeted to education that will get lost in nothing but bureaucracy. School systems waste their own money on Federal paperwork. Federal paperwork burdens account for 50 percent of paperwork completed at the State education agencies, yet only 6 percent of their funds come from the Federal Government.

Federal money is wasted—wasted over and over again. If we can take a look at this chart, we have a little example of where some of those Federal dollars are wasted. There are 21,922 publications listed by the Department. What are some of those publications that our tax dollars are being spent on?

They include: 140 studies on checklists; 13 studies on welding; 260 studies on surveys; 100 studies on education researchers researching their research techniques; and 3 studies entitled ''Cement: The Concrete Experience.''

If there were any other evidence necessary to demonstrate that the solution doesn't come from Washington, DC, I don't know what it would be. This should be sufficient. Is it any wonder that only 65 cents out of every dollar actually reaches the classroom when we are spending Federal education dollars in these ways? Again, three studies were entitled, ''Cement: The Concrete Experience.''

We also spend Federal education dollars for closed captioning of programs like Baywatch, Jerry Springer, Jenny Jones, Hard Copy, and MTV's Real World. Those are some of the areas where I believe we are currently wasting valuable and precious tax dollars.

So we find that between 15 and 35 percent of these funds are consumed at the Federal bureaucracy. So $5.4 billion of taxpayer money targeted to education will get lost in the bureaucracy. Federal money is wasted time and time again. The fact is that a large portion of Federal education dollars support this huge and growing Federal and State education bureaucracy.

The question boils down to how we spend the money, not how much we spend. We throw money at problem after problem and find that the problems simply get worse. Even the President said this: ''We cannot ask the American people to spend more on education until we do a better job with the money we have got now.'' So I believe the solution—or at least a step in the right direction is the dollars-to-the-classroom proposal. The fact is that those closest to the students are the parents. That is the first and best ''department of education'' that has ever existed. And the teachers who spend every day in that classroom with those children and the school administrators know best the individual needs of the students. That is why I am offering this sense-of-the-Senate resolution.

Under the sense-of-the-Senate resolution, we urge that 95 percent of Federal funds should go to the classroom. If 95 percent went to the classroom, each class would have an additional $2,094 to spend on their particular needs.

I will show this chart to my colleagues. Under the dollars-to-the-classroom amendment, simply go through the figures. The number of students in K through 12 in the United States is 51.7 million. Elementary and secondary Department of Education outlays for fiscal year 1997, according to CBO, were $15.04 billion. The current estimate of above-mentioned dollars to the classrooms, the 65 percent that actually make it to the classroom under current policies, is $9.78 billion. The goal of the above-mentioned dollars to the classrooms, 95 percent, would be $14.29 billion that would get to the classroom. So the added dollars for use in the classroom are over $4.5 billion. That is without any new taxes. Without any new appropriations necessary, we would free up $4.5 billion for use in the classroom to be determined by the local school boards as to how that money could best be spent. That could be the hiring of additional teachers. It could be that in some school districts the great need is to lower classroom sizes. It could also be that they need to build a new school building or purchase some computers. It could be that they need to hire a tutor to help in a particular academic area. Additional dollars per student under this formula of 95 percent would be $89.23 per student. Average class size is 23.2 for teachers in departments, 25.2 for self-employed—approximately 24 children per class. If you multiply by 24, you come out with over $2,000 per classroom.

I suggest to my colleagues that that is a far wiser approach than starting a new Federal program. The classroom is where learning occurs. It is where knowledge grows. It is not in some stuffy office in Washington where 35 cents out of every dollar is currently being spent. Thus, we should get the money away from Washington and drive it to the classrooms through that block grant approach that has been so ridiculed. We would be able to accomplish that, where local school boards or the States would be able to make those decisions.

This resolution—it is only a sense of the Senate—lays the groundwork for getting education dollars to the schools, where local officials and parents and teachers can decide how best to spend the money. The question is, whom do we trust? Do we trust Washington, or local school boards, local schools, teachers and parents? A vote for this perfecting second-degree amendment is a vote for the classroom in your States and a vote against bureaucracy. That is the question. Do you want it down in the classroom or do you want to have another Federal bureaucracy hiring more teachers, another overlay, another step in federalizing education in this country?

I ask my colleagues to support this sense-of-the-Senate resolution on dollars to the classroom, where the money can best be used, where the decisions can best be made.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas has 7 minutes remaining.

Who yields time in opposition?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes. But I see the Senator from Washington on her feet at this time. Maybe she would like to address this and then I will make some brief comments about it.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have had a brief chance to take a look at this amendment. We have not seen it before 10 minutes ago. We are looking at the language now.

The Senator from Arkansas says that he wants 95 percent of the money to go

to classrooms. I don't think anybody disagrees with that. In fact, it is my understanding that much more than that—in fact, 98 percent of Federal funds actually go to school districts and classrooms. So what he is asking for currently is in place.

We go back to why I originally put this amendment before us, which is the fact that we have classrooms that are overcrowded, classrooms where children are not learning. We have classrooms where we as elected officials are demanding that our students learn math, reading, and language skills but simply do not have the ability to do it because of overcrowded classrooms.

Mr. President, we will continue to take a look at this language. I yield to my colleague from Massachusetts for a comment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the amendment of the Senator from Washington is really targeted on a key area of educational policy—that is, the reduced class size—for all the reasons she eloquently presented to the Senate just a few moments ago. It is a time-tested way of enhancing academic achievement and accomplishment for our public schools. The fact is that she has taken this proposal, offered it to the Senate so that we would have an opportunity to state whether we believe that smaller class size would be useful and helpful, particularly in the early grades. That is what this is really targeted on.

The Senator from Arkansas has come in and offered an amendment that effectively vitiates her amendment, by saying that we should be committed to at least 95 cents of the educational dollar going into the classroom. Well, we are in favor of that. This is a rather clever way, evidently, by our Republican friends of trying to obscure the issue of whether smaller class size is an important educational tool.

We agree that 95 percent of the funds ought to go to the classrooms. In many programs, it's more than 95 percent; 98 percent goes through to the classrooms. So why the Senator has made this proposal is to wipe out the MURRAY amendment. Let's not fool ourselves. We can stand up here all day long and say how we want to preserve taxpayer funding to targeted areas in educational programs. We are for it. We are all for it. It is not a new idea. It has already been accepted in the House of Representatives. We hope there will be a voice vote on it. But we ask the Senator, why attempt to vitiate the excellent program or deny the Senator the opportunity to get a vote on her program for smaller class size?

That is what you are basically about. Let's not kid ourselves. Let's not stand up here and take the time of the U.S. Senate and try to say we are all for trying to get the money into the classroom. We are all for that. The Senator has the legitimacy to take the time of the Senate to do so. We are for it. But what you should say is: By accepting my amendment, we effectively emasculate the Murray amendment, which has tried to put the Senate on record saying that smaller classrooms can be one of a number of tools to try to enhance academic achievement and accomplishment.

You are effectively trying to deny that. Let's call a spade a spade. That is why I certainly hope that we have every intention of getting a vote on the Murray concept. We will have that opportunity to do so at some time. I hope we will persevere.

I think the amendment of the Senator from Washington is a carefully crafted amendment and that we in this body understand the importance of moving towards smaller class size. I heard the Senator eloquently speak from her own personal experience. There isn't a Member in this body who can speak with the personal experience of the Senator from Washington. She has been in the classroom. She has been in large classes and in smaller classes and has been a school board member. There isn't a Member in the Senate who can claim those kinds of credentials. She knows about this as an important concept.

We are not going to be denied by any Senator in here from at least getting an opportunity to vote on that. You can try what you like, but you are not going to be successful. I hope we can get beyond the chaff that is out here and get to the real wheat, which is the Senator's amendment.

If the Senator wants to have a vote on his, good. I hope we would get on with it, if we are serious about having an education debate. But make no mistake about it. The thrust of the Senator's amendment is to effectively deny the Senate an opportunity to vote on the Murray amendment because we all virtually agree. I have not heard a voice out here that isn't going to support the Senator's amendment, which is about 95 cents out of every dollar going to the classroom. That is not what this is about. It is to deny the Senator from Washington of having a fair chance to have her amendment heard. We know our Republican friends are so tied up with this idea of using scarce resources for private schools, and we know the drive that has in terms of the whole Coverdell proposal. But they want to deny even the opportunity for the Senate to address in a short period of time a very important and significant educational policy issue. Even under these restrictive rules, which we had to agree to, they are not going to be able to prohibit the Senator from getting a vote on it.

I hope that we do that in a way that will be accommodated. We can do it nice or do it rough. But we are going to get a vote on it. The Senator can make up his mind which way he wants to play with it.

Mr. DORGAN. Mr. President, may I inquire? What time is available, without consuming time?

The PRESIDING OFFICER. The Senator from Washington controls 8 minutes; the Senator from Arkansas is in control of 7 minutes.

Mr. DORGAN. Mr. President, the Senator from Arkansas may want to respond. But let me make a point that his amendment essentially, as the Senator from Massachusetts says, wipes out the Murray amendment dealing with class size and 100,000 teachers and reducing the class size of first, second, and third grades to an average of 18 students.

The point I made the other day is that this debate is about the priorities of need in education. The Senator from Georgia brings a bill to the floor and says the priority of need is a provision for a tax credit, the bulk of which will go to wealthy folks who send kids to private schools. That is his priority of need. It is not me saying that; it is now the Department of Treasury saying that of the legislation.

The Senator from Washington says there is another need. We talked earlier about school construction. The President and the Senator from Washington has done a lot of work on this issue and talk about the need to reduce the class size of first, second, and third grades. We know that makes a difference in education. That is not rocket science. We know that works. That makes a difference in education.

The second-degree perfecting amendment that has been offered essentially obliterates this and takes it out. The Senator from Massachusetts just indicated—he is absolutely correct—that we are going to get a vote on the amendment offered by the Senator from Washington, Senator MURRAY. We have a right to get that vote. We will, because the Senator from Arkansas says he wants to obliterate that amendment. We will then come back and offer a second-degree at the end of his amendment, and we will get this vote later now rather than sooner. But we will get it.

So I don't have any objection to somebody coming to the floor saying let's have 99 percent of the money spent on education going into the classroom. I have no objection to that. I have no objection to his amendment at all. What I object to is he comes to the floor and says—by the way, the Senator from Washington worked on this for some while, and it was one called for in the President's State of the Union Address—we will just wipe that out. That is not part of the unanimous consent. She has a right to vote on it. What we will do at 11:30 in the morning is just wipe it out.

Finally, let me propound a parliamentary inquiry, if I might, to the Presiding Officer. Is it not the case that the Senator from Washington will be able to offer a second-degree amendment at the end of the perfecting amendment providing this perfecting amendment is approved by the Senate at some appropriate point in this process and get a vote on the second-degree amendment?

The PRESIDING OFFICER. Upon disposition or taking care of the Hutchinson second-degree, other second-degrees would be in order.

Mr. HUTCHINSON. How much time do I control?

The PRESIDING OFFICER. Seven minutes.

Mr. DORGAN. Mr. President, I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, as I began my remarks, I was not trying to play dirty pool, or something, as the Senator from Massachusetts has suggested. The rules are the rules. The rules allow me to offer a second-degree amendment. As I expressed at the very beginning, I think there is a big philosophic difference as to how we improve education in this country because I don't believe that a Federal program of 100,000 new teachers is the best way to do it. It doesn't mean that I somehow am playing dirty pool. We have a great difference of opinion as to what is the best approach.

Everybody stands up and says what we want in this case is to just lower the class size and we are going to have better schools. No one deals with the figures. No one deals with the facts that I have given. I wish somebody would. The Department of Education gives us figures saying from 1955, when the class size average was 27 in this country until the current time when the average size is 18.5 in elementary, 17.3 overall, that we have seen class size drop now by over 10 per class size. During the same 40-year period, we have seen academic achievement decrease.

Furthermore, I wish somebody would explain this to me. Here in Washington, DC, we have one of the lowest average class sizes in the Nation—13. Yet, our Nation's Capital ranks near the bottom in academic achievement. If this is the solution, why 100,000? Let's hire 200,000, if the solution to education in this country is getting class sizes down. Let's get it down to 10. But the fact is we have seen class sizes drop and drop and drop, and at the same time we have seen academic scores—nationalized achievement tests—drop and drop and drop. What do we do? Let's hire more teachers. That is bound to help. Yet, no one wants to deal with the issue. They just want to say this isn't right, that you should offer a second-degree amendment.

By the way, I am so glad about the endorsement of the 95 cents out of every dollar going to classrooms. There is legislation that would do that. I expect now—as Senator DORGAN says—I don't think they actually will but I hope that we get the dollars for the classrooms and allow us to get that money to the classrooms. It is a better approach.

In Utah, the State of Utah ranks near the bottom in class size. In fact, I think it was 48th in class size. Yet, they are at the top nationally in student achievement. But the way we are going to solve the school problems in this country is hire more teachers.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HUTCHINSON. No, I will not yield for questions at this time. I resent the implication that somehow I have violated the comity of the process by offering a second-degree amendment which sincerely reflects my desire to address the education problems in this Nation in what I believe is a better way and my sincere—my sincere—reluctance to further federalize education in this country by hiring 100,000 new teachers with Federal funds. I think it is the wrong direction.

I think it is the right of any Senator to come and propose a better way.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes 1 second remaining.

Mr. HUTCHINSON. I will yield for a question.

Mr. DORGAN. Mr. President, the Senator from Arkansas has offered an amendment that strikes the amendment offered by the Senator from Washington. We had a unanimous consent agreement in this Chamber on how we were going to handle amendments. It provided that she was going to have an opportunity to offer her amendment and get a vote on her amendment. I didn't use the words ''dirty pool.'' The Senator did. But my point is, if we had an agreement that she was going to be able to offer this amendment on the Senate floor and the Senator comes and strikes her amendment, it seems to me that is not what we agreed to some long while ago when we agreed to the rules of this debate.

The Senator is within his rights of offering the second degree. I don't disagree. But my point is the Senator comes to the floor, not just advancing his ideas, but essentially prevents her from getting a vote on her amendment because the Senator strikes the Murray amendment.

Mr. HUTCHINSON. I am not sure what the question is. I yielded for a question.

Mr. COVERDELL. Will the Senator yield?

Mr. DORGAN. Let me ask a question. And while you do this you make the point apparently larger class sizes are better. Do you believe that?

Mr. HUTCHINSON. I have not made that point, as we all well know. Let me say again, what I think I demonstrated very, very clearly is that there is no evidence that simply lowering class size is going to improve academic achievement. That's been the assertion from the other side.

I yield to the Senator from Georgia.

Mr. COVERDELL. I just wanted to clarify the unanimous consent agreement. I have been off the floor for a moment. But the unanimous consent agreed to 12 Democrat amendments, 5 Republican amendments and any second degrees, unlimited. So I don't think anything has happened here that was not appropriate under the unanimous consent agreement.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. COVERDELL. I yield.

Mr. HUTCHINSON. Is it your understanding that my offering of the second-degree amendment is any violation of comity as to the agreement that was entered into?

Mr. COVERDELL. No, there is not. That's the point.

Mr. HUTCHINSON. Any implication that somehow I have wronged the Senator from Washington in offering this would be inaccurate?

Mr. COVERDELL. That is inaccurate.

Mr. DORGAN addressed the Chair.

AMENDMENT NO. 2296, AS MODIFIED

Mr. HUTCHINSON. I believe I have control of the floor. I ask the Senator from Georgia if he would be agreeable to me offering this as a first-degree amendment with a recorded vote and removing this as a second-degree amendment, in my effort, in my desire to be as agreeable and cooperative as possible to the Senator from Washington?

Mr. COVERDELL. If I understand—I just heard this—what the Senator from Arkansas is saying, there is a suggestion that your second degree would be framed as a first degree?

Mr. HUTCHINSON. That is correct.

Mr. COVERDELL. On which there would be a vote, and then there would be a vote on the amendment of the Senator from Washington absent the second degree. So both proposals would be voted on. It is my understanding that was agreeable to the Senator from Washington. If it is agreeable to the Senator from Arkansas, I think that could be facilitated.

Mr. HUTCHINSON. It is agreeable to the Senator from Arkansas.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. If the Senator will yield, I will get a vote then on my amendment?

Mr. COVERDELL. That is correct.

The PRESIDING OFFICER. Does the Senator from Georgia want to propose that as a unanimous consent request?

The Senator from Georgia.

Mr. COVERDELL. Let me propose it as a unanimous consent request then.

Mr. DORGAN. Mr. President, reserving the right to object.

Mrs. MURRAY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I have not had a chance to respond. How much time do I have remaining on my side?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. COVERDELL. When I said no more time, I didn't mean to interrupt the time already allotted.

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is it the Senator's intention there be no second-degree intervening amendment before voting on the amendment of the Senator from Washington?

Mr. COVERDELL. Yes. We are agreeing to have a vote on the amendment of the Senator from Washington and the amendment of the Senator from Arkansas, and no other amendment.

Mr. DORGAN. Mr. President, again reserving, and I shall not object, this does correct exactly what we were complaining about. I appreciate very much the opportunity to do that because the unanimous consent agreement gave her the understanding that she was going to be able to offer an amendment, provide the debate and get a vote on her amendment. I do not represent that the intention here was to deliberately prevent that. But the effect——

Mr. HUTCHINSON. Such a suggestion was made.

Mr. DORGAN. But the effect of it is to prevent her from getting a vote on her amendment unless it is corrected. This does correct it, and I think it makes a great deal of sense.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The amendment (No. 2296), as modified, reads as follows:

At the end of the bill, add the following:

TITLE —SENSE OF CONGRESS

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.''.

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the Senator from Washington is on the floor. I will just take a moment or two to talk about support for smaller class sizes. The idea that we say this is going to be the answer in education, of course, no one has represented that.

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. KENNEDY. Two minutes. No one has represented that.

But what we have found, for example, as a result of very extensive hearings—I do not know which ones were cited—is that in Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have lead to a 44 percent increase in reading scores and an 18 percent increase in math scores. In Wisconsin, student achievement in grades K through 3 is also finding similar results. Project STAR in Tennessee, K through 3 in 80 different schools in Tennessee. And in California similar kinds of results. So the idea that this is not a worthwhile educational policy tied into other education policy as a way to help to assist local schools that make that judgment fails, I think, to be credible, and I think that is why we are all grateful we are going to be in a situation that we can have the vote on the amendment of the Senator from Washington and a vote on the amendment of the Senator from Arkansas. I hope this body will vote in favor of both.

I thank the Senator from Washington for bringing this very important measure to the Senate.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has 2½ minutes.

Mrs. MURRAY. I thank the Chair. I thank my colleagues from Massachusetts and North Dakota because they are stating the case quite correctly on class size. It absolutely makes a difference when you reduce class size particularly in lower grades.

The Senator from Massachusetts has cited what several empirical studies have shown. The Educational Testing Service says that empirical evidence is clear; smaller classes can make higher levels of student achievement, at least in the elementary school grades and particularly for disadvantaged students.

We have submitted these studies for the Record, and our colleagues are welcome to look at the Record. But I can tell you as an educator, clearly class size makes a difference. There is not a parent in this country who does not want to send their child off to school and know that they are learning how to read, that they are learning how to write, that they are learning math skills. When you have reduced class size, it makes a difference. Ask any parent. Ask any student. Ask any teacher. It will make a difference.

Every parent asks their child on the first day of school when they come home, ''Who is your teacher? How many kids in your classroom?'' They ask that because they know it makes a difference. Parents know it. Students know it. Teachers know it. And the studies show it. If you want to help IDEA kids, to which many of my colleagues have been alluding on the floor, I will tell you that class size matters. It matters more than anything else. I think it is absolutely imperative that this Senate go on record stating that we understand that. We are not going to ignore it. We are not going to come up with all kinds of arguments about paperwork and bureaucracy and federalism. We are going to say that as leaders in this country we understand that class size makes a difference. We want to make a difference for our children in our schools across this country, and we can by passing this amendment.

Mr. NICKLES. Will the Senator yield for a question?

Mrs. MURRAY. Yes. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 15 seconds.

Mr. NICKLES. The question to my colleague from Washington is: How much does your proposal cost, and are these going to be Federal teachers? Are they going to be paid for entirely by the Federal Government or partly by the State government? What is the cost allocation?

Mrs. MURRAY. In the President's State of the Union Address, he said he

wanted us, in our budget, to add 100,000 additional teachers in our classrooms just as we added 100,000 police officers. Within our budget, we will look at how we can do that. My sense of the Senate simply puts us on record, as leaders in this country, that we are going to move in this direction. We have numerous ways of looking at it.

If we can fund roads, if we can fund construction projects across this country, if we can fund numerous projects that we have in our budgets, we certainly can fund lower class sizes for our students across this country that will make a difference.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent that each side have an additional 2 minutes to discuss this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Will the Senator yield?

Mr. HUTCHINSON. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. I appreciate my colleague's response. I said, How much is it going to cost? She said it is in the President's budget. The President's budget says we will spend $7.3 billion to hire an additional 100,000 teachers. It doesn't really define in the budget how that is going to be done. My colleague from Washington said it is going to be done like we did community policing. He has a goal to hire 100,000 community police. When that started out, it was 100 percent or 75 percent Federal, and then 50 percent Federal, and then 25 percent Federal each succeeding year, and the individual communities had to pick up the greater costs.

I laugh at that. A lot of communities are saying, ''We like the program when the Federal Government is paying all of it. We don't like it when we have to pay all of it.''

Then I asked my communities in the State, I went around to several communities—I am sure several of my colleagues did—and said, ''Are you going to get one of these teachers? Is your school going to get a teacher? Is your school going to get a teacher? Who is going to be lucky enough to get the Federal teacher?'' I don't think it makes any sense.

Do I want smaller class size? I would say, in general, yes. Do I think the Federal Government should mandate it, should pay for it? The answer is no. I think the solution is, as our Senator from Washington said, let's give the money and power and control back to the States, and if they want smaller class size, they can make that decision. If they want new buildings, they can make that decision. If they want new computers, they can make that decision. We should not try to say, ''Oh, we think this classroom should have another teacher. We are going to have a Federal teacher here and have the Federal Government pay 75 percent of it or 50 percent of it for the first year.'' I just don't think it makes sense. I don't think it is affordable.

The $7.3 billion the President had in his budget was financed on the so-called tobacco deal, and we don't even know whether or not it is going to happen. So I urge my colleagues to support the amendment of my friend and colleague from Arkansas saying that 95 percent of this money should go directly to the classroom. I urge my colleagues not to say we should be dictating to the States how, and put Federal teachers or federally-paid-for teachers in the schools. I think it would be a serious mistake.

If we want to have a sense of the Senate, ''Hey, we urge you to have smaller class size,'' and leave it to the States, fine. But the implication of the amendment of the Senator from Washington is that we need to have the President's program, we need to have the Federal Government writing checks for teachers in individual school districts, and I think that is a mistake.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I have 2 minutes remaining?

The PRESIDING OFFICER. There are 2 minutes remaining under your control.

Mr. HUTCHINSON. I appreciate the Senator from Oklahoma and his clarification on the amendment, the sense-of-the-Senate resolution of the Senator from Washington, because it is not clear whether these are Federal teachers, federally funded or not. It is clear now that it is Senator MURRAY's intention that this fulfill the President's request in his budget; that is $7.3 billion.

We all want smaller class sizes. My point has been that we have been getting that. Mr. President, 27 was the average class size in 1955, 21 in 1975, 17.3 today. Class sizes are dropping. They will continue to. Demographically, we are told class sizes will continue to decrease.

Furthermore, we know as well that many States are already addressing this problem. California, Virginia, Massachusetts, Connecticut, and Wisconsin have taken dramatic steps to reduce class size on their own. Our whole point has been that 100,000 new teachers hired at the Federal level is not the best use of $7.3 billion. We would be far wiser in use of limited Federal resources to ensure that that money gets to the classroom, as opposed to starting another Federal initiative, another Federal effort.

We know that our schools have problems. Mr. President, 25 percent of 12th grade scores were below basic reading in the 1994 NAPE test. The literacy level of young adults, 15 to 21, dropped 11 points between 1984 and 1994. That has happened simultaneous with smaller class sizes. We all want smaller class sizes. I think that is wonderful. But is that the best use of scarce resources? The answer is no.

What is the correct answer is to provide maximum flexibility with the fewest possible mandates, ensuring that the highest percentage possible of those dollars gets to the classroom. That is what my amendment does. That is what the ''dollars to the classroom'' proposal is all about—more money to the classroom with fewer regulations and fewer controls from the bureaucrats in Washington, DC. I think most Americans agree with that, I think most schoolteachers agree with that, and I am sure most parents agree with that proposal.

So I ask my colleagues to vote for this sense-of-the-Senate resolution. It expresses their reluctance, skepticism about another Federal program hiring another 100,000 teachers for our local schools.

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I have listened carefully to the education debate because I care deeply about public education in this country. I believe that our democracy was founded on the principle that all children, no matter who they are or where they come from or how much money they have, should have the opportunity within our public education system in this country to get a good education. I have gone across my State and asked parents and teachers and principals and school board members, What will make a difference? And resoundingly they have said to me we need to focus attention on class size; the Senate needs to focus their attention on class size.

I am, frankly, really tired of the argument that our public education system has failed. Our public education system has not failed. We have failed our public education system. And we have failed it because we have not put in the adequate resources for what we are demanding, as leaders in this country—that our children learn how to read and write and get the skills they need to get jobs one day. These are skills we are demanding. Yet we turn our backs and say we are not going to fund it.

This is an issue of priorities. Are we going to fund public education in this country? Or are we going to do what my Republican colleagues did in this budget and cut $2.2 billion from education? Mr. President, we can go down a narrow road in this country, and we can pass vouchers, and we can say that we can block grant, and we can make sure that a few kids get a public education. But that is not the country I was born and raised in. That is not the philosophy I believe in. I believe we can do the right thing. I know, and I will tell all of you: Reducing class size makes a difference. Ask any parent. Ask any parent if they know that it makes a difference, and they will tell you yes, it does.

Mr. President, this is a simple amendment that we are offering. It

simply says this Congress understands that class size reduction is an issue that makes a difference and we are willing to look at how we can help make that happen across this country. I urge its adoption.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. HUTCHINSON. Mr. President, I ask for the yeas and nays on the Hutchinson amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2295

Mr. KENNEDY. The yeas and nays on the Murray amendment, Mr. President? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Murray amendment and the Hutchinson amendment are temporarily laid aside. The Senator from Indiana, Mr. COATS, is recognized to offer an amendment.

AMENDMENT NO. 2297

(Purpose: To amend the Internal Revenue Code of 1986 to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children, and for other purposes)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2297.

Mr. COATS. 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 end add the following:

TITLE ___—ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS

SEC. ___. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

''(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

''(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

''(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

''(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

''(i) an educational organization—

''(I) which is described in subsection (b)(1)(A)(ii), and

''(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

''(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. ___. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

''A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.''

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking ''and'' at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting '', and'', and by adding at the end the following new subparagraph:

''(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

''(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

''(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. ___. CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.

(a) CERTAIN RECEIVABLES NOT ELIGIBLE FOR MARK TO MARKET.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR CERTAIN RECEIVABLES.—

''(A) IN GENERAL.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is nonfinancial customer paper.

''(B) NONFINANCIAL CUSTOMER PAPER.—For purposes of subparagraph (A), the term 'nonfinancial customer paper' means any receivable—

''(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of nonfinancial goods and services, and

''(ii) held by such person or a related person at all times since issue.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

Mr. COATS. Mr. President, can I inquire of the time allotted to the Senator for this amendment? My understanding is it is 15 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Indiana has 30 minutes on this amendment, equally divided. So 15 minutes under the control of the Senator from Indiana.

Mr. COATS. Mr. President, first of all, I compliment the author of the underlying legislation. It has been an extraordinary effort. It is a bipartisan effort, we ought to stress, and it is one that clearly offers long-term improvement in education and opportunities in education for many Americans. I thank them for their work on this, and I intend to support them when it comes to a vote.

There has been a critique of the legislation in that most of the benefits will flow to middle-income Americans and above, and that we are not paying adequate attention to low-income Americans and particularly those who attend urban schools, so many of which are failing urban schools.

That critique is really misplaced because that is not the intent of the bill. There have been other opportunities offered on this floor, again, in a bipartisan fashion. Senator LIEBERMAN and I have joined forces on a number of occasions to try to address specifically the problems of low-income students, minority students, who are receiving inadequate educations, and each time those efforts have been met with a filibuster and defeated.

There have been other initiatives. I have offered some, and other Members have offered some. We are going to continue to do that. So the critique is really misplaced. But in an effort to strengthen the underlying bill which we are addressing, I am offering this amendment which I will explain in a moment.

It is clear that there will be Americans, a sizable number of Americans, who don't have the income to take advantage of the tax-free savings accounts that are created in this legislation. Under the best of circumstances,

it would take them years to accumulate the amount of money necessary to utilize those funds for alternative means of education. We cannot afford years. We are losing people to the system, and it is an inadequate system.

Let me take a moment to talk about that crisis that exists in urban education.

A recent study published by Education Week points out just how desperate the situation has become. In 1997, just 43 percent of grade-school-age children attending urban schools met the basic standard for reading skills, and that ''basic,'' just for my colleagues' understanding, is defined as being able to read a very simple child's book or children's literature. Among children attending urban schools in high-poverty areas, basic reading ability rates fall to just 23 percent of students. Think of it: Fewer than one in three children attending schools in poor neighborhoods can read a simple story; two-thirds of nonurban students meet the basic standard for mathematics.

Among urban students in high-poverty areas, this one-in-three statistic is truly disturbing. Looking at the area of science, while 65 percent of nonurban students are meeting the basic standard in science achievement, only 38 percent of urban students perform this, and in high-poverty schools, only 31 percent. So, again, fewer than one in three are meeting these standards.

A public school system in which over two-thirds of our children are functionally illiterate in reading, in science, in math is a system that cannot and must not be defended. Yet, those who are opposing any efforts to try to move this system to improve it or reform it, to provide alternatives for children trapped in the system, are met with disdain, are met with challenges.

The logic—actually, I should say the illogic—of the opponents of attempts at reform is difficult to understand, because it is literally condemning poor children to an inadequate education. The one chance they have to escape the plight that they live in is being denied them, because people want to maintain—some people want to maintain—the status quo, and the status quo is bankrupt.

Every year, we debate, as I said, different proposals to permit these low-income children to escape the plight in which they find themselves. Every year, we talk about the need for competition to force public schools to reform the way in which they teach their children. And every year, we are met on the Senate floor with a filibuster by those who say, ''No; let's maintain the status quo in the name of absolute equality.''

One of the analogies that is often used is that we are just simply trying to throw lifeboats out and scholarships are just lifeboats that are not available to all; and if they are not available to all, then they shouldn't be available to anybody.

A lot of us have seen the recent epic ''The Titanic.'' Fortunately, the opponents of the basis of the proposal that, if you can't help everybody, you shouldn't help anybody were not running the Titanic, because then everybody would have been denied an opportunity to escape on a lifeboat because there were not enough lifeboats for everybody.

If we cannot help everybody all at once, we are not going to help anybody. That is the logic of the opponents of any attempt, whether it is this bill, whether it is the voucher bill that this Senator, Senator LIEBERMAN, and others have been offering, or whether it is any other proposal that other Members have been offering. That is the logic of the opposition. It does not match up.

Recently—I think it was just yesterday or maybe a couple days ago—the President at a press conference with the Democratic leadership challenged the supporters of scholarships to make their case to the Nation, he said. The President said, ''You ought to do something rather than just talk about it.''

Mr. President, I don't know where you have been lately—well, maybe I do know, preoccupied with other matters—but if you will just look very closely, you will understand that things are being done by those who favor the proposal. We are doing something.

Currently, there are 32 privately funded scholarship programs operating across this country. In virtually every major urban area of this Nation—New York, Washington, Los Angeles, Seattle, Indianapolis, Albany, San Antonio, Atlanta, just to name a few—private citizens are joining forces to provide poor children a way out of collapsing public school systems. To date, these foundations have raised over $30 million and have provided assistance to over 13,000 children. Just this morning, we learned that a major private funder of private school choice announced a $50 million gift to San Antonio's program that will permit any low-income student in the San Antonio system to opt out of a public school if they are not getting an adequate education.

I say we are putting our money where our mouths are. Individuals are stepping forward, people are addressing it and are doing so out of a matter of desperation, desperation that children are being left behind and are not buying into this idea that if you cannot do it for everybody right now, don't do it for anybody.

The demand for this is rising. We are all familiar with the New York City Private Scholarship Foundation. When they announced they had 13 new scholarships for low-income children, they received 17,000 applications. Ten percent of the eligible population of New York said, ''Give us a chance. Give us something different.'' They were overwhelmed by the response.

Last year, the Washington Scholarship Fund here in the District of Columbia announced plans to offer 1,000 new scholarships and received 7,500 requests. That represents 15 percent of the eligible population in the D.C. public schools.

A recent poll of minority parents published last year found that two-thirds of them are crying out for some alternative for education. Low-income families in cities around the country are saying, ''We refuse to continue to allow our children to be condemned to schools which don't give them any chance to escape the poverty that they live in.''

My colleague, Senator LIEBERMAN, has appealed to his party to say: We are the party of equality. We are the party that reaches out to help those who need help, and yet we are turning our backs on the very people our party is supposed to defend. We are condemning them to an inadequate education and therefore condemning them to a life in which they will not be able to participate in the American dream.

The only way out of many of these areas in our urban cities is drugs, athletics, or education. One in 10,000 make it into college athletics. That is the statistics of all the kids playing basketball, baseball, and football: 1 in 10,000 gets a college scholarship. Out of that, the number is infinitesimal of those who can go on and actually earn a living playing professional sports. So while many dream of being the next Michael Jordan, the reality is that only 1 in about 100,000 or maybe a million is going to be that person or have that opportunity.

The next alternative is drugs and crime. And the statistics there are appalling. Children are dying on the streets, as we speak, at tender ages because they think the way out of their plight—the only way out of their plight—is to move drugs. And that is a prescription for death, that is a prescription for incarceration, that is a prescription for failure.

What do parents want? They understand those realities. They want their children to be educated, given the skills necessary to be able to enter today's workplace, given the education to be able to go on and further their education after high school. And they are not getting that in our urban schools.

How does my amendment try to address this? We try to provide a little piece of a solution to the puzzle we are trying to put together, a mosaic we are trying to put together to try to get us out of this conundrum that tweaks the Tax Code a little bit to give a little extra encouragement to people who donate money to those scholarship funds.

Under current law, a contribution to a 501(c)(3) organization that provides scholarships is deductible against income. My amendment would simply give them a 10 percent incentive to try to encourage more people to give more. We offset that so that it is paid for and revenue neutral. I offered an offset which I thought would be fairly attractive, but I could not get the votes to

support it. I did not want to see my amendment fail on that basis, so we worked with the majority leader, we worked with Members, to try to find something that had been vented by the Finance Committee, had been approved as a potential offset. And I do not believe there is any controversy. We have tried to run all the traps on that in terms of the offset.

I can describe the offset. It is two technical items that pay for the change which takes place in the Tax Code with this. What it means is that if a family wanted to donate $500 to a scholarship fund or an individual, they would get a $550 deduction for that. It is an extra incentive. It is just a small piece. I mean, people are going to come down and probably say, ''Well, this doesn't solve the problem.'' No, it does not solve the problem, but it is a step in the right correction. It is a tiny step. And I guess we are reaching out saying, at least can we take some tiny steps to help people who find themselves in an absolute lockbox of inadequate education with no way to escape?

This is my latest attempt. I keep trying to bring ideas down here to try to give poor kids, minority kids, kids condemned to failing urban schools, a chance to get out and get an education. I try to use it as a basis to spur some competition so those who run the public schools will get the idea they need to improve their schools.

We really care about these low-income children, which this bill does not address, but, again, that is not the intent of the bill. I think this strengthens the bill. Then we ought to look for ways in which we can encourage alternatives to education and encourage competition in the system that will force some change.

I will never forget the testimony of the former 25-year superintendent of the Milwaukee public schools, an educated man, an African American, who said: Senator, I've tried everything. You can't name a reform proposal within the system that has worked. The unions block it. The public teachers don't want it. We've tried everything. I defy you to name an approach within the current public education system that forces change. Only one thing has forced change in the Milwaukee public schools, and that is the competition from private schools, the vouchers and the scholarships that have been available so that parents can vote with their feet and their children may have a choice. All of a sudden that has wakened up the Milwaukee public schools which has said, ''We've got to change or we're going to lose these kids.''

So instead of trying to perpetuate a bureaucracy that protects their employment, and their tenure, they have said, ''Let's make the changes that will give students an opportunity to learn, to read, to meet the math and the science skills, to advance in their education.''

Who do we care more about? Protecting the system or helping the children? That is the only thing. And so this is an attempt to, one, provide some lifeboats for some kids who are trapped—no, we cannot provide enough for everybody. That really isn't even my intent. My intent is to reform the public school system, because we are going to have, and we need to have, a public school system, a viable public school system, but we can do it by providing competition. In the meantime, we can at least help some kids. This amendment will do that. I hope I have the support of my colleagues in doing so.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute 40 seconds remaining.

Mr. COATS. Mr. President, I reserve the remainder of my time.

Mr. ROTH. Mr. President, I rise in opposition to this amendment to increase the charitable deduction to 110 percent of any contribution made to an educational institution if the contribution is used to provide scholarships for low-income families.

Education is paramount to the future of our children and nation, and contributing toward the education of another is certainly one of the finest forms charitable giving can take.

Let me also say that I know the distinguished Senator from Indiana has the best intentions with this amendment. I generally believe that charitable giving serves disadvantaged people much better than government programs.

However, there are several concerns that I believe need to be fully examined and addressed before we consider moving down a road that provides a charitable tax deduction in excess of the amount donated. This is a serious departure from settled tax policy principles.

Once we begin to offer charitable tax deductions that are more than the amount donated for low-income scholarships, what comes next?

What other kinds of tax benefits will be proposed where the amount of the deduction exceeds the cost to the taxpayer?

Should these kinds of scholarships be the only charitable activities enjoying this benefit? And, if not, are we prepared to move forward with such a precedent?

There are other concerns I have about the Senator from Indiana's proposal. On what basis does one decide that the percentage should be 105, 120 percent, or a percentage lower than 100 percent? Should we be in the position of choosing among charities and assigning percentages?

Another concern I have is the proposal's attempt to single out one kind of charitable activity and offer it special tax advantages. Why is this kind of charitable activity better than other charitable activities? To do so is a step towards complexity in the tax code.

Mr. President, I believe charitable giving is an activity that we must continue to encourage with tax benefits. For instance, most taxpayers do not itemize, and therefore, cannot deduct their charitable contributions. This is a feature of our tax policy that concerns many members.

This issue, along with other proposals in the charitable giving area, such as the one from the Senator from Indiana, should be reviewed when the Finance Committee holds hearings on fundamental tax reform.

Mr. President, Senator COATS' amendment is well-intended, but raises too many questions to be hastily considered in a Senate floor vote. Let's pass the Coverdell bill, and deliver to taxpayers education tax incentives we have previously debated and approved.

I urge my colleagues to oppose this amendment.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we conferred with the other side and I am going to ask unanimous consent that the Coats amendment be set aside.

Mr. COATS. Reserving the right to object, I want to make sure that the time remaining is reserved under the amendment.

Mr. COVERDELL. Let me clarify the unanimous consent—that all time remaining be reserved and the amendment be brought back into the queue at the appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, as I understand it, the next amendment in order would be a Levin amendment. We are now notifying the Senator that he is next in the order.

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. MCCAIN. 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. MCCAIN. Mr. President, I will soon send an amendment to the desk.

The PRESIDING OFFICER. Under the previous order, the Coats amendment will be set aside.

Mr. LEVIN. Reserving the right to object, I wonder if I can ask the manager of the bill whether or not this amendment has been cleared on our side.

Mr. COVERDELL. It has been cleared on both sides.

Mr. LEVIN. 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. LEVIN. 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. LEVIN. Mr. President, I understand that regular order now would call for me to offer my amendment. I tell my friends, if they can work out the issues that they have, that I would be happy to stand aside in the middle of my presentation and turn the floor over to the Senator from Arizona.

AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2299.

Mr. LEVIN. 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:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

''(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

''(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

''(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

''(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

''(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent Senator BINGAMAN be added as a cosponsor.

Under current law, there is a learning credit in the Tax Code equal to 20 percent of a student's college education cost, up to $5,000. My amendment increases the percentage from 20 percent to 50 percent of those college costs for teachers who return to receive training in technology. We currently have this lifetime learning credit of 20 percent for college costs, up to $5,000.

Because of the critical importance of our teachers learning how to utilize technology in the classrooms, this amendment would increase that credit to 50 percent of that teacher's college costs in those courses where he or she received training in technology. The amendment does not affect most of the beneficial aspects of the bill before us. It only removes the most controversial part of that bill relative to the use of the IRA in the K through 12th grades—I will come to that in a moment—but it leaves in place the other parts of the education bill before us, including the extension of the tax exclusion for employer-provided education assistance, the provision of a tax exclusion for withdrawals from State tuition programs, the limited school construction provisions, and, again, the expansion of the education IRA as it relates to college and postsecondary education.

This amendment is necessary in our school districts all over our country because they are making investments in technology, hardware and software, wiring together schools so they can connect their computers, and inside of the school building connecting computers through what is called ''local area networks,'' connecting our K through 12 classrooms to colleges and universities for distance learning through fiber optics. Lots of new technologies are being provided in our schools at great cost to our taxpayers.

I have spent a lot of time traveling in my State. What I find is that no matter how advanced a school district is in the installation of these technologies, we do not have nearly enough of the professional development, the giving to our teachers those skills that are essential so that they can utilize these education technologies.

School districts vary as to how much technology they have, how much access to the Internet they have, how modern their computers are, how many computers they have for their students, and how well-connected they are to the higher institutions to which they connect. They vary in that regard a great deal. But all of the school districts tell me their teachers who are so experienced in teaching in the traditional ways have not been given the skills to utilize these new technologies. So we are making these huge investments in hardware and software and wiring without making anywhere close to full use of these investments.

A study that was conducted by the Education Testing Service at Princeton, NJ, shows that on the national average only 15 percent of our teachers at the time of the study had at least 9 hours of training in education technology in their lifetime. By the way, that training is mostly spent just teaching a teacher how to use a computer to, for instance, give their grades and keep track of attendance, to input. What we are talking about here is training teachers in the use of technology so that they can use that wealth of information that is now available, those thousands of libraries around the world, those hundreds of field trips that they can bring into their classroom through this technology. What our teachers need to do is have the opportunity to train themselves to use these technologies for those new, wonderful opportunities to bring exciting material into their curriculum, to integrate into their curriculum the material that is now available through these technologies. For instance, in my State, only 10 percent of the teachers had 9 hours of training in their lifetime in the use of education technology for any purpose. The national average is 15 percent. That meant that 85 percent of our teachers did not even have 9 hours of training in their lifetime in the use of education technology.

For the younger generation, it is easy to learn how to input, it is easy to learn how to access the Internet. For those of us who are older, it is not so easy. It takes training. My children teach me how to input, how to access the Internet. For them, it is like breathing. For me, it is work. It is concentration. It is repetition. It is having a mentor. That mentor might be 5 years old. But for me it is more difficult. For our experienced teachers, it takes training. In many cases it takes returning to school. This amendment provides the incentive to go back to school to learn how to use the education technologies which are now made available to our teachers.

This amendment pays for this by restricting the use of the expanded IRA that is in this bill to postsecondary education. This is a highly controversial part of the bill, as we all know. Senator GLENN offered an amendment to strike this provision just as it relates to K through 12. My amendment goes the same distance as Senator GLENN in trying to strike this provision for the reasons which he and so many others have spoken about on this floor. But it takes the funds that are freed up and invests them in this 50-percent lifetime learning credit for teachers who go back to learn how to utilize education technology.

The provision in the bill relative to the use of these funds in the lower grades, K through 12, is flawed for many reasons, I believe constitutionally flawed, but it also has a fundamental unfairness.

It is significantly tilted towards those families with children in private schools. This is according to the Joint Committee on Taxation. These numbers are not mine; these are the numbers of the Joint Committee on Taxation. There are 35.4 million families filing tax returns who have children in public schools. Those families get less than half of the dollars which are utilized in this part of the pending bill; 48 percent of the dollars go to 35 million taxpayers, the ones with children in public schools. More than half, 52 percent, of the dollars, according to the Joint Committee on Taxation, go to 2.9 million taxpayers with children in private schools.

Now, that is a significant inequity. Putting aside its constitutional question, that represents a significant tilt away from public schools. This amendment would strike that part of the expanded IRA. It leaves all the other provisions in the education bill before us that I have talked about. The extension of the tax exclusion for employer-provided education assistance is not touched. The tax exclusion it provides for withdrawals from State tuition programs is not touched by this amendment. The limited school construction language is not touched. The expansion of the education IRA for college and graduate cost is not touched.

What is eliminated is the use of the expanded IRA for kindergarten through the 12th grade, and it uses that money instead to give incentives to teachers to learn how to use the technologies which are being provided at such great cost by our taxpayers to our schools. There is no point in spending a fortune on computers and distance learning and software unless our teachers have the training to fully utilize those technologies, and this amendment addresses that issue.

Mr. BINGAMAN. Mr. President, most of the teachers in today's public schools became educators before the era of personal computers really began and was established. To address the skills of the next generation of teachers, 32 states require a course in education technology as part of the teacher preparation curriculum. 18 states have not yet incorporated such a requirement.

New Mexico teachers must have just one education technology course before they are certified, and some universities such as New Mexico State University and Eastern are taking the lead in integrating technology into their education school programs. Yet, the majority of New Mexico's current teachers received their training before the start of the computer era in the mid-1980's and the new regulations do not address their training needs.

Nationwide, although 98 percent of schools are equipped with computers to some degree, 90 percent of new teachers, even after a single course, do not feel prepared to use technology in the classroom. Clearly, more skill development needs to take place to increase the comfort teachers feel with technology.

Most of the roughly $6 million in New Mexico state and federal funding for education technology has been used to purchase and install equipment rather than to train teachers to use new technology. Tremendous resources have been invested in hardware and installing the mechanism for access to the Internet. Sixty five percent of schools nationwide have at least some connection to the Internet, yet only 13 percent of schools have Internet training for teachers, and only 20 percent of teachers say that they readily use the Internet to help with their instruction.

With a teaching load of 80 students and an average salary of $29,600, most New Mexican teachers cannot afford to pay for their own training or take the summer off to learn how to use computers.

Although we have seen significant progress over the last few years in Federal support for technology and the use of technology in education, the one great deficiency is the preparation teachers need to use technology effectively. This legislation will help to correct the problem by supporting educators' pursuit of training and expertise.

I thank Senator LEVIN for sponsoring this legislation as an amendment to the Coverdell bill, and I'm proud to serve as a cosponsor on it.

Mr. LEVIN. Mr. President, if I have time remaining, I would ask to reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 4 minutes 41 seconds remaining, and the time has been reserved.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. I rise in opposition because it takes away the ability of parents to use educational IRAs to pay for expenses relating to the schooling of their children between kindergarten and 12th grade. Allowing parents greater resources to meet the educational needs of their young people is a very important part of the Coverdell legislation. Senator LEVIN proposes to take those resources away and give them to teachers by expanding the lifetime learning credit for those who participate in technology training.

No one can argue that helping teachers become more proficient in technology is not a good thing. It is vitally

important. It will have a positive influence on their ability to teach our children. However, to increase the lifetime learning credit for teachers at the expense of expanding the IRAs for our children runs contrary to the needs and objectives of American families.

Mothers and fathers need increased wherewithal to support their children's educational goals. Mothers and fathers need stronger, more useful IRAs. They need the ability to use more of their own hard-earned money to take care of family priorities. The Senate recognized this last year when we gave parents with children in grades K–12 the ability to use educational IRAs.

Our objective was to strengthen mom and dad's ability to get the best education possible for their children. Our objective remains the same today. This is what the Coverdell legislation is all about, empowering families to make decisions that are in their best interests, allowing them to use their own resources for their own benefit.

Remember, Mr. President, the money in question here belongs to the taxpayers. They earned it. It is theirs. They will save it, and they should be able to choose how it will be spent. Let them use it where it serves them best—on their children.

Senator LEVIN's amendment is well intentioned. A lifetime learning credit is a provision that was included in the Taxpayer Relief Act of 1997. It allows everyone pursuing postsecondary education to take a tax credit each year equal to 20 percent of their qualified expenses. Those expenses are limited annually to $5,000 through the year 2002, and starting in the year 2003 they will be annually limited to a total of $10,000. The lifetime learning credit is available to any taxpayer who meets the income requirements. Full-time students can take the credit, as can any professional who wants to continue his or her education. And this includes teachers, engineers, or research scientists.

What Senator LEVIN proposes is to single out teachers and increase their lifetime learning credit to 50 percent for technology training. Not only would this come at the expense of students and their families but it would be inequitable among the professions. Remember, teachers can already receive a 20 percent credit for any additional education in which they engage. The fact is, Senator LEVIN's amendment goes too far too fast and it comes at the expense of the children.

This amendment takes the means to use expanded IRAs to educate children, and it creates a more complex and distorted learning credit. Not only will meeting the criteria to qualify for the credit create a bureaucracy to determine what conditions qualify, but it emphasizes one area of study over another. For example, why give a 50 percent credit for teachers to become more proficient in using and teaching technology but only give a 20 percent credit to those who take courses to become better reading instructors? Or we could ask the same question. What about the teacher who takes courses to enable them to better teach those who are disabled? All worthy goals. And the problem here is that we would single out one to benefit over the others, which only adds to the complexity of this matter.

This is not what we want to do. Ask the parents of America. Ask our families. Ask our students how they would choose to use the financial resources in question. I believe the vast majority would make it clear that they want the opportunity to use their money to give them greater flexibility and power to meet the educational objectives of the family.

Mr. President, I must oppose the Levin amendment. The educational IRA is the foundation of the Coverdell bill. This modification guts the bill at the expense of the children. For that reason I oppose this amendment and urge my colleagues to do the same.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 7 minutes 28 seconds, and the Senator from Michigan has 4 minutes 41 seconds.

Mr. COVERDELL. Mr. President, will the Chair notify me at the expiration of 2 minutes?

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. COVERDELL. Mr. President, I echo the remarks of the Senator from Delaware, the Finance Committee chairman. I rise in opposition to the amendment offered by the Senator from Michigan because its effect would make moot a core component of the legislation that came from the Finance Committee and to the Senate floor; i.e., the education savings account. If the Levin amendment were to succeed, it would have the effect of telling 14 million American families, ''No thanks. We don't want you to create these savings accounts and prepare for your children's specific educational needs.''

The number of children who would no longer have the opportunity to be beneficiaries of these savings accounts, guided to help them with their educational needs, would be over 20 million—14 million families, 20 million children. Public schools, private schools, home schools all across our Nation would be deprived of, over a 5-year period, $5 billion of volunteered money and resources that would be coming to the aid of America's children grades kindergarten through college. You would severely hamper the ability of families to prepare for the higher costs of higher education. Over a 10-year period, the effect of the amendment would be to eliminate over $10 billion of savings that would have been accrued.

Remember, these moneys are volunteered moneys. They are moneys coming from the individual families themselves and sponsors, and no school board, no school district had to raise a dime of taxes.

The PRESIDING OFFICER (Mr. GREGG). The Senator's 2 minutes is exhausted.

Mr. COVERDELL. I ask for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COVERDELL. No county school board had to raise taxes, no State had to raise income taxes, no Federal taxes were required to accomplish a $10 billion resource coming to the aid of children throughout all of our country. So this, among the other reasons listed by the Finance chairman, would be the reason I oppose the amendment.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that a number of letters from a number of groups supporting my amendment be printed in the RECORD at this time. Those groups are the National Association of State Boards of Education that support the amendment, the Association for Supervision and Curriculum Development, the American Association of University Professors and the American Association of Colleges for Teacher Education, as well as the American Vocational Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, April 17, 1998.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The National Association of State Boards of Education (NASBE) appreciates your intent to offer an amendment to the Coverdell Education IRA bill which will be considered by the Senate early next week.

The Coverdell bill, S. 1133/H.R. 2646, seeks to expand existing higher education savings accounts to include K–12 educational expenses, including private school tuition. These benefits will disproportionately accrue to wealthy families and even then will only amount to $37 in annual tax savings, according to the Joint Committee on Taxation.

Unlike the Coverdell bill, which does nothing to improve public education, your amendment to increase the lifetime learning education tax credit for teachers enrolled in technology training will directly improve the quality of instruction for America's students. As more advanced technologies are introduced into the classroom, teachers will need more training in both new methods of instruction and integrating this technology into the curriculum. The Levin amendment would help accomplish these goals.

NASBE supports your efforts to replace the Coverdell provision with your proposal to promote teacher training.

Sincerely,

DAVID GRIFFITH,
Director of Governmental Affairs.

FAX MEMO

From: Don Ernst, Director of Government Relations, Association for Supervision and Curriculum Development.

Subject: Support for Senator Levin's Amendment for improvement of teacher training in the use of technology.

Date: 20 April 1998.

ASCD endorses Senator Levin's proposal to provide tax credit support for K–12 teachers in the essential quest to improve the use of technology in classrooms and schools. Ultimately, such support for teachers will benefit students who must face the daily implications of technology.

Indeed, essential to the success of teachers in the future will be their ability to assist students with accessing the Internet, using new technologies to expand curricular offerings and enrich pedagogy, providing students with the skills and knowledge to critique the use of technology, and improving student learning with the power of accessible, relevant, and timely knowledge that educational technology has the potential to provide.

Good luck and we will send a formal letter in the next day or so!

AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS,
Washington, DC, April 20, 1998.

Re increased lifelong learning credit for technology education for teachers.

Senator CARL LEVIN,
U.S. Senate,
Washington DC.

DEAR SENATOR LEVIN: The American Association of University Professors supports your proposal to increase the Lifelong Learning Credit to support teachers' efforts to upgrade their knowledge and skills with regard to new technologies.

Teachers are being asked to incorporate into their teaching new ways of finding, sorting, evaluating, and understanding information using the new tools that electronic communication systems offer. In order to teach their students how learn in these media—in order to go beyond the merely technical skills involved in operating the machinery—teachers need some educational support.

Using the newly created Lifelong Learning Credit as a vehicle is an appropriate and efficient way to assist teachers in meeting this shared need. We appreciate your initiative in coming forward with this proposal.

Sincerely,

RUTH FLOWERS,
Director, AAUP Government Relations.

AMERICAN ASSOCIATION
OF COLLEGES FOR TEACHER EDUCATION,
Washington, DC, April 20, 1998.

Senator CARL LEVIN,
Russel Building,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Association of Colleges for Teacher Education, please accept our endorsement of your legislation to provide a tax credit for teachers who take coursework to improve their use of technology in the classroom.

We appreciate your leadership on this issue and your commitment to well prepared teachers. Please let me know if we may be of assistance to you.

Sincerely,

PENELOPE, M. EARLEY,
Senior Director.

AMERICAN VOCATIONAL ASSOCIATION,
Alexandria, VA, April 20, 1998.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Vocational Association (AVA), I am writing to commend you on your efforts to emphasize technology in teacher training. Your amendment to expand the Lifelong Learning Credit for teachers enrolled in technology programs is an important step in raising awareness of the need for teachers to better understand and more effectively use technology in the classroom.

AVA represents 38,000 secondary and postsecondary teachers, career guidance counselors, administrators, teacher educators and business leaders from across the country who are dedicated to improving vocational-technical education for our nation's students. Vocational-technical education prepares students with the critical combination of academic and technical skills that is needed to succeed in a technologically advanced workplace. Teachers must have high-level technology skills to prepare students effectively for the careers of the future. In addition, expanding the use of technology as a teaching tool will make teaching more effective and will give students a first-hand view of how technology applies to learning and work.

With these things in mind, AVA is advocating for a stronger focus on technology issues in the reauthorization of the Higher Education Act and the reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act. Federal leadership on this issue is necessary to promote innovation and improvement in teacher preparation. Your amendment helps to highlight this priority.

In addition to seeking federal leadership, AVA is working hand-in-hand with the business community to create new opportunities for teachers and students to improve their knowledge of technology. Our new partnership with Pulsar Data Systems and the Xerox Corporation will provide scholarships to teachers to learn how to use technology and to students who want to pursue education programs that will enable them to enter into information technology careers. We are excited about this project and will continue to seek additional ways to expand the technology focus in education.

Thank you for your leadership in seeking to improve teachers' knowledge of technology. We also greatly appreciate the work of Dan Guglielmo and Jackie Parker of your staff who have been most helpful to us in working on this important issue. Please feel free to contact Nancy O'Brien, AVA's assistant executive director for government relations, or me whenever we may be of assistance to you.

Sincerely,

BRET LOVEJOY,
Executive Director.

Mr. LEVIN. Mr. President, first on the question of why technology. In my earlier remarks I indicated why there was such a need for training in technology for our teachers. We make a number of special provisions in our law for technology. It's not unique. We make special provisions for lots of purposes, including language training. Why language training? Because there is a need that we have for language training. Why technology? Because obviously the incomes of our students are going to depend on how well they can use technologies and how well we utilize technologies in their training. For instance, we currently have a Technology Literacy Challenge Fund. That is part of our law; $425 million, I believe, in this year's fiscal budget. It is addressed towards technology because of the importance of technology. So there is nothing unusual about having special provisions for different parts of education and for training, and this amendment is focused on one of the very critical needs that we now have.

Let me briefly quote the acting director of technology from the Michigan Education Department. His name is Jamie Fitzpatrick. I have worked with him closely over the past 6 months as I have traveled over the State visiting with schools and school districts in this technology area. This is what Mr. Fitzpatrick says, as quoted in a press dispatch:

> For every dollar we spend on computer hardware and software in kindergarten through 12th grades, I think we would be lucky if we saw 5 cents on the dollar spent on training and support. If we continue with those kinds of ratios, we will never realize the gain in student achievement that we think technology has the potential to elicit. We obviously need to put money into training.

That is what this amendment is aimed at, giving an incentive to teachers, experienced teachers in their courses, to go back to get skills necessary to utilize these new technologies in their curricula. Otherwise we are not utilizing fully the potential of these technologies that come at such great cost to our parents.

I would wager on the answer, if we ask the American people whether or not they think it is right for 35.4 million families with students in public schools to get less of a benefit from the current provision in this bill that we would draft—less of a dollar benefit than the 2.9 million families with students in private schools who get the lion's share of that IRA money for grades K–12. That's not my numbers. That's the Joint Committee on Taxation's numbers. I wish we had a way of taking a survey of families in America, to ask whether or not they think this provision in the pending bill fairly treats the families of America. I don't think it does, and I think those families want us to have our teachers fully trained to utilize these new technologies. I think that is why the support for this amendment comes from the grassroots, as I know it does from my travels around my own State.

Mr. President if I have any time remaining, I reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 41 seconds. Who yields time? The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself 2 minutes. First of all, I want to point out again that we have no quarrel with respect to the importance of technology and technical training. We think that it is of key interest. But at the same time we think its critically important to recognize that other types of training for teachers are equally important. For example, taking programs to better learn how to teach the disabled is certainly a top goal and desire, or to teach math or English to our children. All of these are worthy goals, and our concern is that by singling out technology we

would be hurting others who have interests of similar importance.

I am also concerned about the complexity this proposal writes into the Tax Code. One of the constant complaints—and I think a justified complaint—is that we are always making the Federal code more difficult, more complex to administer.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator's 2 minutes have expired. The Senator has 3 minutes remaining.

Mr. ROTH. I yield myself 1 more minute.

So, I say that one of the problems with this proposal is that it adds an additional complexity that is going to be harder to administer and require the creation of a new bureaucracy. Let's keep and treat all people in this situation the same.

The other point I want to make is that the benefits of the Coverdell amendment do not go to the wealthy. I point out that 70 percent of the benefits of the Coverdell education IRA go to families making $75,000 or less. I point out that a blue-collar worker can easily be making $40,000 with overtime; his spouse or her spouse working as a teacher, or otherwise, can be within this range. I defy anyone to go out and ask any of these people whether they consider themselves to be wealthy. The answer will be no.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. ROTH. No; I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute 51 seconds remaining.

Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, the argument that alleges or suggests that someone making $75,000 is wealthy, we did not address that issue at all. What this chart shows, though, is that the 2.9 million families with children in private schools get more of the benefit than the 35.4 million families with children in public schools. That is the disproportion and inequity that I point out in this amendment.

We have almost 36 million families getting back less of a total benefit, 48 percent, than 2.9 million families with children in private schools. That is the argument.

I do not have any time to yield back, but I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time is remaining?

The PRESIDING OFFICER. One minute 50 seconds.

Mr. COVERDELL. Mr. President, I would like to address the chart. The chart, with all due respect to my good colleague, is very misleading. Seventy-five percent of the families who open savings accounts will be supporting children in public schools, and 30 percent will be supporting children in private schools. Clearly, those families, or what comes out of the accounts, the $5 billion saved, is directly proportional to what the families are willing to put into the account.

The families who have children in private schools understand they have a higher hurdle. They are paying public school taxes, and they have to pay the private school costs over and above that. What this reflects is they are going to put more money in their accounts because they have more costs to cover. Nevertheless, $2.5 billion of the $5 billion will go in support of children in public schools, and about $2.5 billion will go in support of children in private schools.

The chart is nothing more than a function of which families are saving what. The entire cost, to cause all these billions of dollars to be saved, is $500 million over the next 5 years. So the entire bill, in support of private education, is about 7.5 percent of all this investment to children in private schools and the balance to children in public schools.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. ASHCROFT addressed the Chair.

Mr. LEVIN. May I make a unanimous consent request?

Mr. ASHCROFT. I yield—well, reserving the right——

Mr. LEVIN. I ask the Senator from Missouri if he will yield for a unanimous consent request to have printed a document from the Joint Committee on Taxation that supports this chart.

There being no objection,the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
JOINT COMMITTEE ON TAXATION,
Washington, DC, March 2, 1998.

To: Maury Passman and Nick Giordano
From: Lindy L. Paull
Subject: Revenue Requests

The attached tables are in response to your request dated January 28, 1998, for revenue estimates of H.R. 2646 as passed by House of Representatives and as modified by Senator Lott's second degree amendment as well as the corresponding number of taxpayers estimated to benefit from H.R. 2646.

Additionally, you requested information regarding the utilization of educational savings accounts for public versus private education. We estimate that approximately 38.3 million returns would have dependents in schools at the primary or secondary level in 1999. We estimate that, of those eligible to contribute, approximately 2.9 million returns would have children in private schools, and that approximately 2.4 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs to include withdrawals to cover primary and secondary education expenses would extend approximately 52 percent of the tax benefit to taxpayers with children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately $37 in tax year 2002.

Conversely, we estimate that of the 38.3 million returns eligible, approximately 35.4 million returns would have dependents in public schools, and that approximately 10.8 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs would extend approximately 40 percent of the tax benefit to taxpayers with children in public schools, with an average per return tax benefit of approximately $7 in tax year 2002.

Mr. ASHCROFT. I have no objection.

Mr. LEVIN. I ask unanimous consent to have printed in the RECORD a letter from the Joint Committee on Taxation that explains this chart.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2300 TO AMENDMENT NO. 2299

(Purpose: To prohibit spending Federal education funds on national testing without explicit and specific legislation)

Mr. ASHCROFT. Mr. President, I offer a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2300 to amendment No. 2299.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator is recognized for 15 minutes in support of his amendment.

Mr. ASHCROFT. Mr. President, the Senator from Missouri thanks the Chair.

The first thing the second-degree amendment which I have offered will do is restore the Coverdell IRA language which has been stricken from the measure by the first-degree amendment offered by the Senator from Michigan.

I think that debate has been pretty clearly conducted. I believe it is clear that the Coverdell amendment is a virtuous amendment. The suggestion that individuals in public schools don't get as much benefit in terms of the tax break here, it seems to me, overlooks one thing: That virtually the entirety, of the public school cost is already tax underwritten and funded by the Government. Those who are in private schools are not only paying that rate, but as taxpayers they are also seeking to provide education for their children on a secondary and alternative track. To suggest that we should ignore the fact that the totality of the educational experience, virtually the totality of it, has already been paid for governmentally in the public school

system is, I think, failing to take into account a very important point.

In addition to restoring the Coverdell language, which would provide a basis for an IRA for individuals who would save for their children's education, my second-degree amendment adds a permanent ban on Federal funding for national testing of students in our schools unless there is explicit congressional authority for such funding.

Any movement toward the national control of education, I believe, savages educational principles that we as Americans hold dear. Parental authority and control, local control of schools, school board control, community control, teachers who are free to teach core subject matters, and school boards that are responsive to their communities, not held captive by distant bureaucrats, are a fundamental commitment of this Nation.

When President Clinton proposed national testing for our children, it was an example of a Federal power grab. The President wants to move power out of the hands of parents and out of the hands of school boards and away from communities and begin, through national testing, to direct the way the schools are operated all across the Nation. It doesn't take an educational expert to know that when you dictate the test, you describe the curriculum.

I visited lots of schools during my time as Governor, and I have since I have become a Senator. I asked a group of 5th graders not long ago when I was in their school, ''If I were to tell you that I was going to test you on the first 50 words in the dictionary this afternoon, what would you study this morning?'' It didn't take any of them any trouble to know that they would study the first 50 words in the dictionary. The test dictates the curriculum.

Last fall, 36 other Senators joined with me to threaten a filibuster of the Labor-HHS and Education appropriations bill unless there was a ban during the fiscal year on Federal funding for the President's national testing proposal. We won an important victory when Congress and the administration agreed to provisions banning deployment of any tests or field testing activities during the year in which we are now operating. However, that 1-year ban is not enough. Congress must permanently ban Federal funding for national testing in order to protect parental involvement and local control of education.

Why do I oppose national testing, this description of what has to be taught by what you are going to test? First of all, I think we should hold our children to the challenging academic standards that will lead them to greatness. However, any such standards should be set at State and local levels where parents, teachers and school boards are fundamental participants in making the critical decisions that will relate to the children's educational experience.

Federalized tests mandated from Washington will hurt education in the Nation. First, because the No. 1 indicator of student achievement is parental involvement. Whenever we say to parents, ''We're going to decide what is tested, therefore we will decide what is taught, you're not going to be relevant anymore,'' we dislocate parents from the process.

All the data indicate that the most important factor in student achievement is parental involvement. Study after study has proven this. I refer you to a 1980 study reported in Psychology in the Schools. It showed that family involvement improved Chicago elementary school children's performance in reading comprehension.

Here is the conclusion: 1 year after initiating a Chicago citywide program aimed at helping parents create academic support conditions, students in grades 1 through 6, intensively exposed to the program, improved a half to six-tenths of a grade equivalent more in their Iowa test of basic skills over students less intensively involved in the program.

Parental involvement boosts student achievement. We should not have a national program which disengages parents. We should not say to parents, ''parents need not apply.'' We should not be telling parents that we do not care what you think and that we in Washington know better what ought to be done.

Let me just indicate that there are a number of other similar studies. I ask unanimous consent to have material about them printed in the RECORD, including the California and Maryland elementary schools studies.

California and Maryland elementary schools achieved strong gains in student performance after implementing ''partnership'' programs, which emphasize parent involvement.

A 1993 study describes how two elementary schools implemented a ''partnership'' program which emphasized two-way communication and mutual support between parents and teachers, enhanced learning at both home and school, and joint decision making between parents and teachers.

Students at Columbia Park School in Prince George's County, Maryland, ''who once lagged far behind national averages, now perform above the 90th percentile in math, and above the 50th percentile in reading,'' after implementing the partnership program.

''In its fourth year of the [partnership] program, the Daniel Webster School in Redwood City, California, shows significant gains in student achievement compared to other schools in the district. Webster students have increased their average California Test of Basic Skills math scores by 19 percentile points, with all grades performing above grade level. In language, most classes improved at least 10 percentile points.''

Source: *Developing Home-School Partnerships: Form Concepts to Practice,* Susan McAllister Swap. New York: Teachers College Press, Columbia University, 1993.

Mr. ASHCROFT. These studies show the amazing impact that parental involvement has on children's educational performance.

I think there is a clear understanding that when parents are actively involved and engaged, students prosper. Why should we have a situation in which Washington begins to dictate what happens in our schools?

Former Governor George Allen of Virginia, a State that developed widely acclaimed standards of learning, indicates that the most impressive gains happen when we emphasize the grassroots. Governor Allen states:

If there is one important lesson we have learned during our efforts to set clear, rigorous and measurable academic expectations for children in Virginia's public school system, it is that effective education reform occurs at the grassroots, local and State levels, not at the Federal Government level.

This confirms the experience I had as Governor and, of course, as an individual who had an intimate responsibility for being helpful to local school districts. I learned firsthand that local control is needed to create educational programs that respond to the needs of local communities. A local community should be able to decide whether it is going to teach with phonics or whether it is going to use some other measure.

A local community should be able to decide that it wants to teach the new math or the whole math or any method it wants to use to teach basic, fundamental mathematics and arithmetic skills that focus on computation.

When our military, for example, responded to the Federal Government's demand that they initiate the new math—or what some people called ''MTV'' math or ''fuzzy'' math, as one Member of this Chamber on the other side of the aisle referred to it—we saw precipitous declines in student performance.

I believe when you start saying from the national level that you are going to provide tests that will dictate what is taught, and frequently how it is taught, there is a real threat to the ability of local schools, parents, community leaders and the culture to shape the educational experience that is so fundamental and important.

Perhaps that is why the Missouri State Teachers Association, which is comprised of 40,000 members—by far the largest teacher association in my State—warned: ''The mere presence of a Federal test would create a de facto Federal curriculum as teachers and schools adjust their curriculum to ensure that their students perform well on the tests.'' The mere presence of a Federal test begins to direct everything toward the Federal Government instead of toward what parents, teachers and community leaders want.

In fact, when Jimmy Carter was President of the United States and was considering a national test proposed in this Chamber, Joseph Califano, Carter's Secretary of Health, Education and Welfare, warned, ''Any set of test questions that the Federal Government prescribes should surely be suspect as a first step toward a national curriculum.'' He went on to say, ''In its most extreme form, national control of curriculum is a form of national control of ideas.''

I think it is time for us to make permanent the funding ban on national testing by the U.S. Government. There are plenty of other instruments that help us understand how our students are doing. It is important that we say that this Congress is on record as prohibiting the utilization of tax resources to undermine schools in determining what should be taught and how it is to be taught at the local level. We do this because, at bottom, students learn best when parents, local officials, school officials, and community leaders make decisions about the schools and participate in them so that student achievement is the No. 1 objective and goal.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Senator from Missouri yield for 1 minute?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ASHCROFT. I will be pleased to yield.

Mr. COVERDELL. If we are in a national debate about the condition of elementary and secondary education, would one be nervous, given the forces that want to protect the status quo, that testing could be designed to protect the condition we are in?

Mr. ASHCROFT. Certainly. And dumbing down the test would be an easy way to make it look like we were making great progress.

I will just state that a few years ago, when there was an effort to set national history standards, we watched the politically correct movement overtake school officials as they demanded that we delete people like Robert E. Lee, Thomas Edison and other notables from the history standards and, instead, insert people like Madonna. I think the last thing we need is dumbed-down national standards. We need real academics, not politically correct education. The threat of politically correct curriculum and politically correct tests is something America should not endure.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I will yield the remainder of time to the Senator from Massachusetts to control.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, on the amendment that I offered before, I just want to read very briefly from the memorandum from the Joint Committee on Taxation which supports the chart I have used. This memorandum, which is now part of the RECORD, says that they estimate that ''2.4 million of the returns [who have children in private school] would utilize education IRAs'' and that those returns would utilize ''52 percent of the tax benefit. . .''

On the other hand, this letter says that the ''35.4 million returns [with] dependents in public schools'' would utilize 48 percent of the tax benefit.

That is a direct quote from the Joint Committee on Taxation.

Relative to the amendment of the Senator from Missouri, I will just speak briefly because I will turn the remainder of the time over to the Senator from Massachusetts on this issue. But I will say this. I do not disagree with his point that local school districts, communities, and parents should control the curriculum. I happen to be a strong believer in local control.

Whether or not a school district wants to use new math or old math is something they ought to be able to decide. But one of the things they also should be able to decide is whether or not they want to utilize a national test which will give them some idea as to where their students stand relative to other students.

If they do not like that idea, they should not have to give that test. That should be a local option. It is a local option under the President's proposal. It is not a mandatory test. It is voluntary as he proposes it. School districts can use it or not use it. The question is whether or not, then, we should deny a school district the option, whether we should deny a local community an option to use a tool if they see fit to use it. That is the issue.

That tool may not be a useful tool. The Senator from Missouri may be correct. A school district may decide they do not want any part of it for the reasons that he gives. That should be the right and is the right of the local school district under the President's proposal.

But it should also be an obligation available to a local school district if they think there is a benefit from utilizing a national test. Why deny a community? Why deny a local government, a local school district, a tool which they believe is useful?

That is the issue. That is what would be denied under this second-degree amendment. I don't think we ought to deny that opportunity here for local school districts to make that choice.

Mr. President, I ask unanimous I be allowed to yield the remainder of my time to be under the control of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts has 11 minutes 48 seconds.

Mr. KENNEDY. I yield myself 8 minutes.

Mr. President, I strongly oppose the Ashcroft amendment to prohibit the administration from developing voluntary tests for academic achievement. Schools need clear-cut standards of achievement. Realistic tests to measure achievement are an essential part of good education. The same voluntary tests that received broad support in the Senate last year, the testing compromise, had a vote of 87–13.

Voluntary national tests based on widely recognized national standards makes sense. They give parents and communities and schools an effective way to improve education and to chart the progress they are making. The voluntary national tests will be designed to assess fourth grade reading and eighth grade math. They are basic subjects and basic stages in each students' academic development. The assessments are timely and worthwhile.

Every student, parent, and school will benefit from them. The Ashcroft amendment will keep them in the dark. Parents want to know how well their children are doing and how well their schools are doing compared to other students in other schools across the Nation. Today, too many schools in communities across the country are attempting to educate their students without the kind of assistance and guidance that ought to be available. They have no way to compare the performance of their students with students in other schools and other communities in other parts of the country.

We know by every current indicator the performance of American elementary and secondary school students falls far short of the performance of students in many other nations. We have to do better. Knowing where schools and students now stand is an essential part of helping them do better.

As the Senator from Michigan, Senator LEVIN, pointed out, the tests will be entirely voluntary. I repeat, entirely voluntary. States and local districts will have the opportunity to participate if they choose to. Nothing is mandated by the Federal Government. Nothing is mandated by the Federal Government. There is no Federal control of local education. What is being made available on a voluntary basis is a long overdue opportunity for schools across the country to have realistic guideposts to measure the academic progress of their students. The tests will be based on national and international standards that will show whether students are meeting widely accepted criteria for achievement in reading and math.

No current test is available to provide this essential information to students and parents and teachers and school administrators. Families have no way to measure the performance of students in their community on a comparative basis with students in other schools and other communities and other States.

Mr. President, 87 of us agreed last year that the National Assessment Governing Board, which is a bipartisan group, is well equipped to oversee the tests. It is a time-honored bipartisan group of skilled educators, made up of

different representatives of the educational community. Voluntary national tests do not undermine local efforts on school reform. They enhance them. We need to do what we can to support local efforts to improve teaching and learning, especially in such vital areas as reading and math. Voluntary tests are an important way to support local school reform. I urge my colleagues to oppose the Ashcroft amendment.

Finally, I think this is an empowerment issue for parents. Basically, we are permitting on a voluntary basis, the States and then again the local communities, to make a decision about whether they are going to have these tests in the various communities and then to permit, obviously, the parents to know how their children are doing. By knowing how they are doing, then the parents can make judgments and decisions about what additional steps ought to be taken to try to improve the academic achievement and accomplishment of their children.

These kinds of tests are in the interests of the parent, so they know how their children are doing in schools, it is in the interests of the school board member to know whether they are making the correct judgments in terms of allocating resources and priorities, and it is in the interests of the community so they will know how they are doing in comparison with other communities.

All of these issues were debated at very significant length in the last Congress, and steps were taken to make sure that the bipartisan or virtually the nonpartisan education group was going to be developing these tests. They are in the process of doing so at the present time. They are not going to go into implementation until the year 2002. We are in 1998 at the present time and they are going into effect in 2002. So we are approaching this issue very modestly. They are going to be tested before they will be accepted. We will have ample opportunity to review the results of both the tests, the testing results as they give application to the tests, long before they go into effect.

The question is whether we will take this step by step and make judgments that will ultimately enhance the power of parents in knowing how their children are doing. If the Ashcroft amendment goes into effect, we are terminating that and denying a very important ingredient to parents and local communities. Parents in local schools want to know how their children are doing. Too often they have been kept in the dark. If there is a local decision, a local judgment, a State judgment, to put these into effect, they ought to have that opportunity to do so. Under the Ashcroft amendment, they will be denied that opportunity to do so.

I think this is a very modest program that is being put into the process at the present time and we should not undermine it this early in the process.

I reserve the remainder of my time.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes 50 seconds remaining and the Senator from Massachusetts has 5 minutes 6 seconds remaining. If neither side yields, time will run equally.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. I yield 2 minutes to the Senator from Indiana.

Mr. COATS. I thank the Senator.

Mr. President, earlier in debate on this, I attempted to offer a compromise amendment partly because I believed, and still do, that the assessment of achieving reading and math standards is important information for parents, school boards, and others involved in education to make appropriate decisions about how changes should be accomplished so that we can achieve better results.

There was a lot of complication with that because of the concern about the influence of the Department of Education over the design of the tests, the fact that some of this information assessment might not be accurately assessed.

What I was attempting to accomplish was to give parents more knowledge so they could put more pressure on their local public schools to do a better job, to accept reforms. In many instances I was concerned because State departments of education are deceiving parents in an effort, from a political standpoint, to convince their constituents that their schools are doing just fine, that their students are doing as well as anyone. They are not administering tests, I think, or interpreting those tests in the way that gives parents adequate reflection of that.

If we could structure this in a way to get an independent, outside the Department of Education test, voluntary on a State basis, it could be helpful. Well, we weren't able to do that. I think it is now entirely appropriate that the Senator's amendment, which essentially says set this aside until we authorize it, debate this thing, work it through, is the way to go. So I am going to support his amendment. I thank the Senator for the time.

Mr. ASHCROFT. I thank the Senator from Indiana.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. KENNEDY. I yield myself 3 minutes. Before the Senator from Indiana leaves the floor, I was very persuaded by the logic and eloquence of the Senator on the reasons he supported the compromise last time. I was under the impression that we still had NAGB doing that test at the present time. The independent board has already taken, as I understand it, several steps to address the key concerns that were raised during the debate and discussion. I understand they are doing the test at the present time. Is the Senator's information different?

Mr. COATS. No. The Senator is correct. There seems, however, to be some considerable degree of confusion in the Congress about how that test is going to be structured and what the process is and an expression on the part of many Members that Congress ought to be involved in the process. So let's just temporarily put that on hold so that the Congress can engage in terms of a better understanding and defining how that ought to be put together. I have agreed that perhaps that is the best way to go, because unless we really have some better understanding and assessment of that, I am not exactly sure we are going to accomplish what we want. I think the basic principle that I tried to propose earlier, which the Senator supports, I still retain that. I am going to work toward that end.

Mr. KENNEDY. I thank the Senator. I wonder why we are going through this, because I am strongly committed to achieving the compromise that was worked out with the leadership. The Senator from Indiana and, I believe, Senator GREGG were interested in this. We had a great deal of debate and discussion. I thought that giving the assurances in terms of the integrity of the test should be the tough kind of criteria that the Senator from Indiana established in terms of the makeup of these tests. I understood this was in the process now. That is why I think it is premature to wipe all of that out. I hope that if there are differences, we can try to work those out in a way that is consistent with that agreement rather than just halting the whole process now. As the Senator knows well, we are not going to have this go into effect until 2002. We have a long way to go. Rather than stop it and start it, it might be wise if we can sort of measure it at the present time rather than end it.

Mr. COATS. In response to the Senator, I would not describe it as a stop; it is just a temporary pause while we better discuss the matter with our colleagues to make sure they understand exactly what we are trying to do. Apparently, I have been unsuccessful with that to this point. I am hoping to do better.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that his 3 minutes have expired. The Senator from Massachusetts has 1 minute 57 seconds. The Senator from Missouri has 1 minute 42 seconds.

Mr. KENNEDY. Mr. President, as we heard from the Senator from Indiana, the reasons for these kinds of reviews are basically that there is nothing wrong with setting high standards for the achievement for the Nation's children and giving parents the opportunity to know how their children are doing. I think that is the basic policy issue.

The Senator from Indiana and the Senator from New Hampshire insisted

that this is being done in a nonpartisan, bipartisan way, and I agree completely. I believe that is the way it is being done. It should be a national priority to do all we can to help the children meet these high standards.

Under the existing proposal, that would be done voluntarily. The States would make a judgment, local communities would make a judgment. I think we ought to retain the current system and try to adjust it if it needs to be adjusted rather than to effectively stop it in its tracks. Therefore, I oppose the Ashcroft amendment.

Mr. ASHCROFT. How much time do I have remaining?

The PRESIDING OFFICER (Mr. COATS). The Senator has 1 minute 46 seconds remaining.

Mr. ASHCROFT. I find it novel that individuals would allege that there are no tests to tell us how we are doing now, but then they can tell us how far behind we are. The truth of the matter is, there are lots of privately generated, academically appropriate tests. There are no politically proper tests that come from Government. The Iowa Test of Basic Skills and the Stanford Inventories are there. That is the reason we know where we are and parents can find that out.

The leadership is clear on this. I have talked to Senator LOTT and his staff. He is going to be strong for this. Representative GOODLING has led an overwhelming vote of 242–174 in this direction in the House of Representatives. Senator COVERDELL, who is leading this matter on this bill is a part of this effort. It is an important effort. There are lots of national tests. It is said that this would be a voluntary test. Here is what President Clinton said about the voluntary nature of the test: ''I want to create a climate in which no one can say no.''

So much for Federal voluntary programs. ''. . . a climate in which no one can say no.''

Incidentally, that was made in remarks to a joint session of the Michigan Legislature in Lansing, MI, on March 10, 1997. We don't need politically imposed, politically correct things in education. We need academically appropriate, strong things that local communities trust and can mandate and enforce. We don't need direction from Washington, DC. I think we have a clear opportunity here to reinforce local control of schools, parental involvement in the education of their students. I am delighted that the occupant of the Chair has said we should take additional time here to make sure we don't do something that is inappropriate.

I urge this body to vote in favor of this second-degree amendment.

The PRESIDING OFFICER. All time yielded to the proponents of the amendment has expired. The Senator from Massachusetts has 54 seconds remaining.

Mr. KENNEDY. Mr. President, there is no question that there are tests that are out there, but quite clearly the hearings demonstrated they would not provide the kind of information to the parents across this country that this kind of initiative would provide. It seems to me that we want to challenge the young people of this country, setting the high standards for the Nation's children and giving the parents the opportunity and responsibility to know how their children are doing and then taking action at the local level on how they are going to deal with it. That was the principle that was accepted by the Senate and the strong bipartisan vote last year. Let's continue with that and give that a try before effectively stopping it in its tracks.

I yield the remainder of the time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, just an update here. It appears that on our side we have one amendment that has been set aside for some resolution. On the other side, it appears that there are four amendments that are yet to be considered. We, of course, would encourage any Senator that has amendments to come forward. The aircraft that has taken a delegation to the funeral of a former Member of the Senate from North Carolina was scheduled to land, and voting was to begin at approximately 3 o'clock. It has been confirmed that the aircraft will probably be a little late. So this will alert the Members of the Senate that the stacked voting will probably more likely occur around 3:45 this afternoon.

Mr. KENNEDY. If the Senator will yield. I will be glad to inquire on our side of those who desire to speak or offer an amendment and request their presence so that we can move along and not in any way hold this process up.

I will do that. I see our friend, the good Senator from Wisconsin. Maybe he could be entitled to speak for some time. I will inquire from our colleagues on our side about Senators who still have amendments so that we can move this process along.

Mr. COVERDELL. I appreciate that consideration from the Senator from Massachusetts. We will do the same.

I ask the Senator from Wisconsin about how much time he will need.

Mr. FEINGOLD. I will ask for 15 minutes in morning business.

Mr. COVERDELL. On another subject?

Mr. FEINGOLD. On a different subject.

Mr. COVERDELL. I have no objection.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for fifteen minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1966 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FEINGOLD. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I ask unanimous consent to be allowed to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY 1998

Mr. GRAMS. Mr. President, today, across our country, Americans are commemorating Earth Day, a day that is vitally important to all who serve in this chamber.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was—and remains—to make people across the country and internationally reflect on the splendor of our world, an opportunity to get people to think about the earth's many gifts we often take for granted. Earth Day is a day for us to sit in the grass, take a walk, listen to the birds, and observe wildlife. Earth Day is a day for all of us to reflect on our dependence on our natural resources and recognize the care with which we must respect and use our natural resources, recycling and replenishing them where possible.

The New York Times, on the original Earth Day, ran a story which in part read,

> Conservatives were for it. Liberals were for it. Democrats, Republicans and independents were for it. So were the ins, the outs, the Executives and Legislative branches of government.

The goals of Earth Day 1970 were goals upon which all of us agree. They're goals still shared across our country, regardless of age, gender, race, economic status, or religious background.

They're shared by this Senator, as well. I consider myself a conservationist and an environmentalist. I think everyone who serves in the Senate does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same, or better, environmental opportunities their parents enjoy today.

Mr. President, I believe today, on Earth Day 1998, we must speak of our responsibilities—our responsibilities to the Earth, to one another, and to our nation. It is clearly our responsibility to protect our earth and ensure its health. Congress has a duty to see to it that we are cautious and conscientious stewards of our natural resources. Since the late 1960s, Congress has met this challenge by enacting what has amounted to a ''war on pollution.'' By

engaging in this battle, Congress and an increasingly large federal bureaucracy have been successful in centralizing power, expanding regulations, saddling taxpayers with more debt, and leaving states and localities without the power to meet local environmental challenges with local environmental solutions. Local governments have the best ability to improve the environment—and the most incentive to protect their people as well.

To be sure, this war on pollution has had its successes. The Clean Air Act and Clean Water Act have improved our environment in countless ways. This Congress, and many before it, have spent billions upon billions of dollars in environmental protection plans, conservation plans, superfund cleanups, endangered species act protections, wetlands protections, and wildlife refuges just to name a few. Our urban landscapes are no longer polluted by the thick, black smoke of industrial smokestacks. Our lakes and rivers are no longer the dumping ground for toxic sludge. We're recycling newspapers, glass, and plastics in record numbers—this, in fact, is a priority in many Senate offices, including my own. Through efforts such as the Conservation Reserve Program, Congress is working in partnership with the American people to ensure our generation leaves behind a cleaner Earth than the one we inherited.

Over the past few years, however, issues of environmental concern have moved away from the consensus required of prudent public policy making and increasingly toward the margins. Americans have enabled this shift because even though we've become more environmentally aware, in many cases we've failed to become more environmentally educated, resulting in extremes on both sides of many issues. This past year, a 14-year old student in Idaho used a simple experiment to prove this observation.

In a story reported across the country, young Nathan Zohner entered a project in a local science fair warning people of the dangers of dihydrogen monoxide, or DHMO. He described DHMO as a substance potent enough to prompt sweating and vomiting, cause severe burns in its gaseous state, or even kill if accidentally inhaled. Further, he claimed, DHMO contributes to erosion, decreases the effectiveness of automobile brakes, and can be found in acid rain and cancerous tumors.

Nathan then asked roughly 50 people to sign a petition demanding strict control or a complete banning of the chemical. Not surprisingly, 43 said yes, while five would not sign and two were neutral. What's surprising to many who hear of this story is that dihydrogen monoxide is merely water—a substance, Mr. President, we all know is completely safe when handled and consumed properly.

Sadly, it took the efforts of a 14-year-old boy to point out the drastic lengths to which our society has taken the rhetoric of environmental protection. Americans today fear everything from drinking water to beef—and are spurred on by leaders who are often masters of fiction, whipping up doomsday scenarios prompted by our supposedly careless treatment of Mother Earth.

Mr. President, Nathan Zohner's experiment only scratched the surface of the insanity of over-zealous regulation. Regulations today cost Americans over $700 billion each year. That amounts to almost $7,000 per household. Let me repeat that—regulations in our country cost every American household nearly $7,000 per year.

That is outrageous and it ultimately has nothing to do with protecting the earth or being good stewards. It is the result of a centralized federal bureaucracy which must not only justify its existence, but expand its purpose and scope in order to feed its insatiable appetite for power.

Let's review the process. Congress enacts legislation and the President signs it into law. Simple enough, but what happens next?

Well, Executive Agencies such as the Environmental Protection Agency interpret what Congress meant and go on a rampage of issuing and enforcing regulations that often fly in the face of Congressional intent. In Congress, we protest that we didn't mean for that to happen, but rarely, if ever, are we able to reverse the process or rescind the regulation. We fail in our most basic role of oversight. And far too many times Congressional intent is thrown aside by these growing federal bureauracies and their own desires are then enforced.

American businesses, workers, farmers, states, and localities are then forced to comply with the goals of the EPA's regulations and ordered to achieve those goals at the direction of the EPA as well. Too often, those being regulated aren't allowed to find unique and innovative means of compliance.

They aren't allowed to tap into the same American ingenuity which, for the span of our nation's history, has provided workable solutions to achievable goals.

They are approached by the federal government as adversaries, not as partners—and are therefore given a one-size-fits-all dictate by a government that most often either doesn't care or doesn't know any better. And millions of dollars are spent to do $10 worth of good.

We all come to the floor and regularly recite polls and studies and intricate, numerical details. We often forget that real people and real jobs and real families mean a whole lot more than just the numbers behind the latest study. But one thing is certain: Americans do not expect that they should have to chose between environmental protections and their jobs or standard of living. When we do both, we can ensure a healthy environment and a strong economy and strong economic growth.

According to a Wirthlin Worldwide Study conducted last August, only 11% of Americans consider themselves active environmentalists while 57% are sympathetic to environmental concerns. The same study found that 70% of Americans believe they should not have to choose between environmental quality and economic growth.

Clearly, Americans want their leaders to work pro-actively towards a clean and healthy environment, but not to the extreme and certainly not at the cost of their safety, their jobs, or their individual freedoms.

Mr. President, I suggest that on Earth Day we pledge to come together to improve our environment and strengthen our natural resources. I also suggest that we recognize both our failures and successes of the past.

We must recognize that today, compliance with regulations is the rule—and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our nation's commitment to pragmatism.

Government, on all levels, must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance.

At the same time, we must promote ideas that create public/private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we'll be able to approach environmental issues in a way that fosters compromises and ensures public policy is pursued in the best interests of all.

It is time, Mr. President, that we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean-up, not to lawyers. We must actually restore endangered species and remove them from protections, rather than cordon off large areas of our Nation with little or no results. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive ''command and control'' approach that has infected so many Federal programs. And finally, the Federal Government needs to promote a better partnership between all levels of government, job-providers, environmental interest groups, and the taxpayers.

With this in mind I believe that on this Earth Day we must collect the extremist rhetoric found on both sides of the environmental debate and flush it down the toilet—remember to flush twice, though, if it's a new, EPA-mandated low-flow toilet, or it might not be gone for good.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, I ask unanimous consent that no votes occur prior to 3:45 today; and, further, the time until 3 o'clock be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have essentially accomplished this so far: The Senator from Wisconsin, the Senator from Minnesota. I understand the Senator from Vermont has a subject he needs to cover at this time. We encourage Senators with amendments to come forward. When we finish, Senator LANDRIEU will perhaps be here around 3 o'clock and we will facilitate that. We will try to give any amendment priority over any other business during this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to take about 10 minutes, but I am wondering whether it may be appropriate to ask that my time not be charged to either side. It is not going to be on the bill itself.

Mr. COVERDELL. What we are basically trying to do—I don't think it is necessary—is to divide this period of time between them, and it would be appropriate for your side to have time at this point.

Mr. LEAHY. Mr. President, then I will take the floor, if I might. I assure my distinguished colleagues from Georgia and from Massachusetts, I will not be long.

Mr. KENNEDY. Will the Senator yield for a question? As I understand from the Senator from Georgia, then, at 3:45 we intend to start voting on the subject matters which we have debated earlier, and dispose of those, and then, according to the leadership, try to continue to dispose of other amendments subsequent. Am I correct in that?

Mr. COVERDELL. You are absolutely correct. It is a little unclear what will occur following the vote. We will potentially have up to five votes. Again, we are not absolutely certain when those coming from the funeral will arrive. It is a little unclear, but that is generally the plan.

Mr. KENNEDY. I ask to be able to follow the Senator from Vermont for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

MERCURY POLLUTION: UNFINISHED BUSINESS

Mr. LEAHY. Mr. President, as I have said many times on the floor of the Senate, I am blessed to come from and in fact represent a State in which people share a deep and abiding concern for the environment. In many ways, Vermont is an example to the Nation in its environmental ethics and its environmental action.

We Vermonters are especially proud that much of the environmental progress the Nation has achieved in the last 3 decades is also part of the legacy of Vermont's own Robert Stafford. Senator Stafford's leadership in this body helped shape national environmental policy from the time the environmental movement was in its infancy, and then continued well into its maturity. In his role as chairman of the Committee on Environment and Public Works—a post that Senator Stafford assumed in 1981—Bob Stafford courageously and successfully stood up to the powerful interests who tried to roll back our environmental standards. Today, as we celebrate the 28th anniversary of Earth Day, I would like to take a moment to reflect on the progress we have made to protect our environment. But I also want to talk about the job that remains to be done.

In the past few weeks, one of Vermont's great treasures, Lake Champlain, has received a great deal of attention. This has also offered an opportunity to explain one of the threats to Lake Champlain from toxic pollutants that are drifting into our State. One of these pollutants, mercury, should be of particular concern. Like lakes and waterways in most States, Lake Champlain now has fish advisories for walleye and lake trout and bass. All that is due to mercury.

When I was growing up and I could spend parts of my summers on Lake Champlain, I never had to worry about eating the fish that I caught. Actually, I only had to worry about being good enough to catch them in the first place. But someday, when I take my grandson out fishing, I don't want to explain to him why he can't eat a fish he catches there. What I tell my grandson is largely a function of what direction we decide to take in Congress to protect the environment. Depending upon what we do here, that will determine whether I can tell him to eat the fish or not. Are we going to rest on our laurels, or are we going to build on the courageous steps that Bob Stafford and others took to protect our environment for future generations?

We should be proud of the great strides we have made to reduce the level of many air and water pollutants, to rebuild populations of endangered species, and to clean up abandoned hazardous waste sites. And we are proud of that. But now we have to continue to address the environmental threats that do not have any easy solutions. One of these threats is the mercury that seeps into our air and water every day from coal-fired power plants and waste combustors and utility boilers. It is one of the last remaining toxins for which there is no control strategy.

When we originally wrote the Clean Air Act, we didn't understand the dangers posed by mercury, but we have seen the dangers in our own State. Two high schools in my own State had to be closed for a week because there were small amounts of mercury found in the classrooms. But these were instances where you could actually see the mercury. The more elusive problems are the ones where the mercury goes through the air and water and we don't see it. With the release of the Environmental Protection Agency's Mercury Study Protection Report to Congress, we have the information to solve the problem of mercury pollution. We have the information to solve the problem. The question we have to ask is: Do we have the will to solve it?

The report shows some very troubling levels of mercury in fish, and also estimates in the United States there are more than 1½ million pregnant women and their fetuses, women of childbearing age, and children who are at risk of brain and nerve development damage from mercury pollution.

There are new facts of mercury pollution, too. Look at this chart. In 1993, there were 27 States with fish advisories for mercury contamination. These are the States in red. There are 899 lakes, river segments and streams identified as yielding mercury-contaminated fish. That was just 5 years ago.

Now let's see what has happened as we go to 1997. Look at how the red is filling up the country. You can see that 39 States have issued mercury fish advisories for 1,675 water bodies. This is where we are with mercury-contaminated fish; almost every State in the country, 1,675 advisories.

In only 5 years, it is an increase of 86 percent. We are going in the wrong direction. We are soon going to see the map totally red.

What we should be doing, Mr. President, is trying to reverse course, getting rid of this mercury pollution and going back to where we can have a country without them.

We pump 150 tons of mercury into the atmosphere every year—every year, year after year after year. It doesn't go away. It becomes more potent. We put a lot of love and time and energy and fiscal resources into our children, but we are not protecting them from the possibility of being poisoned by a potent neurotoxin.

The critics of inaction are right. We can't tell to what degree people with learning disorders, coordination problems, hearing, sight or speech problems have been harmed by mercury pollution. We don't know how many little Sarahs or Johnnys would have been gifted physicians, poets or teachers but who now have no chance of reaching their full potential because they are exposed to mercury in the womb or during early childhood.

Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. It is insidious.

Because we can't measure how much potential has been lost, some special interests say we should continue to do nothing.

Our late colleague, Senator Edmund Muskie of Maine, put it well when he

said, ''[t]he first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires''—requires—''to protect the health of persons.''

We have enough information to act. We don't have to wait until we have a body count. We have the information, now we need the will, and we should have the will to act.

I propose we put a stop to this poisoning of America. Mercury can be removed from products. It has been done. Mercury can be removed from coal-fired powerplants, and it should be done. We should limit the mercury that enters our environment from coal-fired powerplants, waste incinerators, and large industrial boilers and other known sources.

Americans have a right to know what is being spewed out of these facilities and into their backyards and into the food of their children. We in Congress have the responsibility to give them the knowledge and the tools to protect their children.

The PRESIDING OFFICER (Mr. FRIST). The Chair notifies the Senator from Vermont that initially there were 23 minutes to each side. Senator KENNEDY, by unanimous consent, claimed 15 minutes of the 23 minutes. Therefore, we are now into Senator KENNEDY's time.

Mr. LEAHY. Mr. President, that wasn't precisely the way that I recall the intent of the unanimous consent agreement, but let me just say this. The EPA report estimates the cost nationally of controlling mercury from powerplants at $5 billion per year, and this is an industry that generates more than $200 billion a year in revenue. That is less than 2.5 percent. It strikes me as being the equivalent of a fly on an elephant's back. We can do a lot better.

The residents of Colchester, VT have been fighting for 7 years to clean up a waste incinerator in their backyard that they were originally told was clean enough to toast marshmallows in. Well, now we know better and we need to require this and other facilities to eliminate mercury emissions.

One of the largest sources of mercury is coal-fired power plants. With States deregulating their utility industries, Congress today has a unique opportunity to make sure these powerplants begin to internalize the cost of their pollution.

Many of the problems the Clean Air Act of 1970 was drafted to solve are being addressed. But one thing has not worked out the way Congress originally envisioned. It seemed back then that old, dirty, inefficient power plants would eventually be retired and replaced by a new generation of clean and efficient plants. The concept worked with tailpipe controls on cars. Eventually the fleet turns over and the dirty ones are out of circulation.

But, 28 years later, many utilities continue to operate dirty, inefficient plants that were built in the 1950s or before. These plants are subject to much less stringent pollution controls than are new facilities, and what we now have is a big loophole, and these plants are pouring pollution through it.

If we don't level the pollution playing field now, in a deregulated industry the financial incentive will be to pump even more power and pollution out of these plants for as long as they will last. As long as the rules of the game allow this, these utility companies are acting in a manner that suits solely their economic self interest. As a nation, we cannot afford to subsidize their inefficiency, but our inaction does just that.

We will hear a lot of rhetoric about how much implementing this bill will cost. I want to address those complaints up front. The cost argument does not hold water. I say it again, the EPA report estimates the cost nationally of controlling mercury from power plants at $5 billion per year, and this industry generates more than $200 billion a year in revenue. That is less that two and a half percent, and that strikes me as being the equivalent of a fly on an elephant's back.

Mercury pollution is a key piece of unfinished business in cleaning up our environment. The poisoning of America's lakes, rivers, lands, and citizens with mercury pollution can be stopped. It is unnecessary, and continuing to ignore it mortgages the health of our children and grandchildren.

I yield to the Senator from Massachusetts.

Mr. BOND addressed the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the Senator from Missouri has a statement. I will be glad to follow him.

Mr. BOND. Mr. President, I express my appreciation to my good friend and colleague from Massachusetts. I ask for 5 minutes to be yielded from the majority side.

Mr. COVERDELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the distinguished manager.

Mr. President, I rise in support of the Coverdell measure and in support of the Gorton-Frist amendment and in support of the Ashcroft amendment. We have an opportunity as a body to make some very clear statements about education that the people in our States are asking us to make.

I firmly believe that education is a national priority but a local responsibility. This leads to a fundamental difference between this side and what might be referred to as a Washington establishment on education.

I believe that those who know the names of the students personally are better at making decisions than those who don't know them. Unfortunately, Federal involvement in education over the years has started off with a great idea of providing resources in support for what we believe for our children is the highest priority, and that is getting them a good education, but it has mushroomed into burdensome regulations, judicial intrusion, unfunded mandates and unwanted meddling.

The results have been that local school officials who are accountable to parents and communities have increasingly less and less control over what goes on in their classrooms. In some cases, parents really feel that they have lost control of their child's education. They have told me horror stories about how their children are not getting an education because of requirements that the Federal Government has put on the schools.

I believe that parents and local school boards are and must be the key to true educational reform, not big Government. We should be empowering parents and teachers and school districts and States to develop challenging academic standards, programs and priorities, not making their jobs of educating children of America more difficult.

As my colleague from Missouri, Senator ASHCROFT, said, we already have standards, we already have tests. As a result of those tests, we know where the problems are in education, and we need to do something about it. Yes, nationally we ought to focus on the problem, but we ought not to try to solve with a ''Washington, DC, solution'' the problems we face in every community and every city throughout Missouri and throughout America.

I have had a very interesting and informative experience over the last year and a half talking to school board members, talking to teachers, talking to principals and talking to parents across my State of Missouri. It is from these discussions that I come back here with a renewed commitment to keep local control over education.

We have school districts in Missouri hiring hordes of consultants and grant writers instead of teachers because they know they have to play ''Mother May I?'' with Washington, DC. We have some schools, the smaller schools, that say they don't even bother to apply for the Federal funds because they don't have the time and the resources to prepare the application.

Leaders in school districts have told me of the unforeseen consequences of getting a grant. They get a grant development program and the grant expires and the school district has to determine whether to take local money from existing resources to continue the program or to eliminate it.

One of my colleagues on the other side of the aisle said very, very convincingly today, and I love these words, ''The Federal Government doesn't run schools, and the Federal Government doesn't fund schools.'' I

agree with those principles. I just wish that he were correct in the facts.

The Federal Government should not be micromanaging school districts. In Missouri, 67 percent of the funds that go to the school districts come from the Federal Government. These are general funds for K through 12. They tell me, depending upon the school district, that anywhere from 40 to 85 percent of the red tape and the hassle and the regulations come from Washington.

I don't think that is right. Last year, when we adopted the Gorton amendment to send money directly to the schools, some of my colleagues very eloquently said, ''We don't want to have Federal dollars going directly to school districts because the school districts will waste the money; they might build athletic facilities; or they will waste it in some other way.''

Mr. President, I have spent my adult career working with parents and teachers and school boards in Missouri. I have watched them work. I have watched their education decisions. I have spent about the last 11 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs. And when it comes to who wastes money, Mr. President, it is not even close. It is not a contest. The Washington way wastes more money by far. The locally controlled schools are far better at applying those dollars to the needs of the children in their schools.

There is no disagreement that in some cases a local school district may need money to build some more schools or it may need money to hire more teachers. For some schools, new textbooks should be the top priority. For others, additional computers might be needed or a school safety program might need to be implemented.

Who knows best? Those at the local level, held accountable by those they serve, or the bureaucrats in Washington? A one-size-fits-all approach does not and will not work in education. Let us give our schools, our teachers, and our parents the resources and flexibility they need to educate our children for a lifetime of achievement and accomplishment. I urge my colleagues to support the amendments and to support the bill, and I urge that they give a sound, strong endorsement to local control over education.

I reserve the remainder of the time on this side and yield the floor. Again, I extend my sincere thanks to my distinguished colleague from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we all know what our priorities are in education. We need to do all we can to support and improve our public schools. That means additional assistance to every State to repair crumbling schools and to build new facilities. It means recruiting more teachers to meet the existing demand and to deal with the crisis of rising enrollments, especially in priority disciplines, in math and science. It means reducing class sizes. It means more support for afterschool programs to keep kids off the streets, away from drugs, and out of trouble. It means a major effort to teach young children how to read because we know that literacy is the foundation of every other aspect of learning. It means setting higher standards for schools to meet in educating their students. We know these ideas will work. But schools across the country are in desperate need of funds to make them work.

Our goal is to improve public schools, not abandon them. It makes no sense to call for greater priority for education and then earmark aid for private schools instead of public schools. Public schools are instituting these ideas and getting results. We should make sure that every school and community has the resources to put in practice what works so that no child is left out or left behind.

Mr. President, this chart here shows what is happening to the schools in this country. And this is according to the General Accounting Office: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of all American children study in classrooms without enough panel outlets and the electrical wiring to accommodate computers and multimedia equipment.

This is a tragedy, a national tragedy. It is not only a physical tragedy in terms of the facilities are getting more and more antiquated every single year, but it is also a tragedy in the kind of subliminal message—and it isn't so subliminal a message—that it sends to children and their parents. Because as grownups and as political leaders are talking about the importance of children in our country and in our society, and that the children are our future, on the other hand, we are sending our children into these kinds of conditions every single day. We are sending the message that we do not really care about the kind of facilities where you are trying to learn, and we do not really care very much about education. That is the message that is being hammered home every single day to these millions of children who are going to school in these kinds of conditions. That is wrong. We are trying to address that. And that is a principal policy difference between the Republicans and the Democrats on the education issue.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repairs or should be replaced. Seventy-five percent report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor. It is difficult enough to teach or learn in modern classrooms, and it makes no sense to compound the difficulty by subjecting teachers and students to dilapidated facilities. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Mr. President, in far too many communities across the country, children are also learning in overcrowded classrooms. This year, K–12 enrollment reached an all-time high, and will continue to rise over the next 7 years, and will increase by about 4 million children in K–12 over the period of the next 4 years.

That is why it is so important that we are going to have a major effort in terms of increasing the teaching profession and giving them the skills to be able to teach these children to ever higher standards and to take into consideration the utilizations of the new electronics and to tie those into curriculum, all of that so that our children are going to have a world-class education. That is a new phenomenon. That is a national phenomenon—the expansion and growth of our children in our schools. We know this is happening.

And now we need 6,000 new public schools built and needed by the year 2006 just to maintain the current class sizes. We know this is happening. We have been given that information by the Department of Education and by everyone that has studied this situation.

Due to the overcrowded schools, they are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. And overcrowded classrooms undermine the discipline and decrease student morale.

We have had the testimony during the earlier debates—I have given examples of these kinds of conditions—and for the first time heard from an outstanding president of a very important school in neighboring Virginia the fact that because of these overcrowded conditions, a new phenomenon is developing in their school, and it is called hall rage—hall rage. I never heard those words used before.

What he was pointing out was, with the increasing number of students in these confined areas, that from the brushing against one another and the kinds of violence that is taking place in the classroom, you see the explosion in the number of fights, misunderstandings, and a deterioration in both morale and discipline because of hall rage—too many students trying to get to too many different places, and often in these trailers for classrooms and in closets and other situations. That is what is happening in the United States of America. That is what is happening.

We ought to give a helping hand to the local communities. We are not interested in superimposing some Federal solution, some ''new bureaucracy,'' those old cliches. I have listened to the same cliches for 30-odd years. You would think they would have new ones, talking about the ''new bureaucracy,'' ''one size fits all,'' ''Washington

doesn't know everything.'' You hear those every single day for 30 years, and you would think they would find some new ones.

What we are finding out with overcrowded classrooms is, we have the demand for additional teachers and we have the demand for additional kinds of support for students as well in other areas.

Mr. President, class sizes are too large. Students in small classes in the early grades make much more rapid progress than students in larger classes. In the exchange earlier today, I pointed out what some of the States are doing, and the findings in Wisconsin, the findings in California, Flint, MI, very important findings in terms of increasing literacy and academic achievement with these smaller classes. It is not the answer to everything, but it is a pretty clear and compelling case to be made. And it was made so clearly by the Senator from Washington, Senator MURRAY, on the importance of getting into smaller classes. As a former teacher and school board member, she is talking about what is happening out on Main Street. This is a message that should have been listened to. And we will have an opportunity to vote on her excellent amendment in just a little while.

The benefits are greatest for low-achieving minority and low-income children with smaller classes. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education at later grades.

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 on 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 ranked among the lowest of 22 nations participating in the international survey on math and science. Here we have prospectively, in the year 2000, on a voluntary basis, on the States and local community tests, so that we can raise the standards of American children in areas of math and science—we have an amendment to strike that, strike that proposal—tests that will be developed in a bipartisan way so parents have greater information to make decisions locally to enhance academic achievement and accomplishment, a compromise that was agreed to by 87 Members of this body, a bipartisan compromise, and now we have an amendment to strike that at a time when we are having these results and effectively denying the parents the opportunity to have knowledge and understanding about where their children are, in their school, in their community, in their State, relevant to other communities across the country, if they want to, if they believe that is important. I think that makes no sense whatever, and I hope the Ashcroft amendment will be defeated.

Teacher shortages forced many school districts to hire uncertified teachers or to ask certified teachers to teach outside their area of expertise. That is what is happening in every area of the country. Each year, over 50,000 underprepared teachers enter the classroom. One in four does not fully meet State certification requirements. Twelve percent of new teachers have no training teacher at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. Listen to that: only a 50 percent chance of being taught by a qualified science or math teacher.

Instead of putting the $1.6 billion in tax advantage for individuals who will send their kids to private schools, let's do something about those school-teachers who are not certified in the areas of math and science, and upgrade their skills. They will go back to the public schools and be able to enhance the quality of education for those kids. This is a basic difference between our Republican friends and those on this side on the issue of teachers and the importance of having high standards on which to measure our children.

Another high priority is to meet the need for more afterschool activities. Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks between the hours of 3 and 8. Children left unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior. It isn't just that there are greater opportunities for them to get in trouble, it is that there are advantages of having those children in circumstances where they are able to go into local community-based systems where they may get some help and assistance with their homework over the afternoon or maybe participate in some sports events that are supervised, so when the parents get home after a long, hard day, the children can have some quality time instead of having parents too often come home, know the kids have been watching television, or not knowing where their kids are, and sending them to their room to do the homework, and the parent lacks that opportunity to spend quality time. No one denies if the parents want to work with the child, well and good, but for the parents hard-pressed and working from early morning to late in the evening, and who have the responsibility in terms of the family that value the afternoon kind of program, they ought to be at least available.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, how much time remains?

The PRESIDING OFFICER. The time has expired on the minority side; the majority side has 16 minutes.

Mr. COVERDELL. The Senator would be using our side's time. I want to afford the Senator an opportunity to complete his remarks. May I yield another 2½ minutes of my time to the Senator?

Mr. KENNEDY. Well, we had set for 3 o'clock—as the Senator knows, I have been trying to get people over here. I will yield as soon as anybody comes over. I have about 5 more minutes. I would like to be able to continue for 5 more minutes.

Mr. COVERDELL. It was my intention to try to respond to the time that the Senator is using. I am trying to split the difference.

I yield 3 minutes of my time to the Senator from Massachusetts.

Mr. KENNEDY. I have how much time?

The PRESIDING OFFICER. All time has expired on the Democratic side.

Mr. KENNEDY. Mr. President, literacy is another very high priority, to date. Too many children are reading at unacceptable levels—40 percent of the fourth graders fail to attain the basic level of reading.

Incredibly, Mr. President, the tax proposal that is the Coverdell proposal ignores each and every one of these pressing needs. The regressive Republican tax bill does nothing to improve public schools, nothing to address the need for public schools to build new facilities, nothing to reduce class size in school, nothing to provide qualified teachers, nothing to provide after-school activities to keep children away from drugs, nothing to help all children learn to read, and nothing to help reach higher academic standards. It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools is not the answer to the serious problems facing the Nation's public schools.

There are serious problems in the Nation's public schools. We can do much more to turn troubled schools around and undertake a wide-range of proven reforms to create and sustain safe and high-performing schools. There are no magic remedies to improve schools and improve student learning. We need to use our limited resources wisely to get the most benefits for our tax dollars.

The Republican approach would divert urgently needed funds away from public schools into private schools. That is wrong for education, wrong for America, and wrong for the Nation's future.

Mr. COVERDELL. Mr. President, the Senator from Massachusetts has characterized the differences here today as Republican and Democrat, and they are not. The dispute we are having here today is between a community that is defending the status quo and rejecting change and a group of Senators who

are committed to reform and change. And they are not Republicans and Democrats, as the Senator from Massachusetts has suggested.

The measure that is before the Senate is cosponsored by Senator TORRICELLI from New Jersey, a Democrat. The school construction proposal that is before the Senate was authored by Senator GRAHAM of Florida, a Democrat. The assistance to these States to students that have prepaid State tuition assistance is authored by Senator MOYNIHAN of New York, a Democrat. And aiding employees by facilitating an employers' ability to help continuing education is the suggestion of Senator BREAUX from Louisiana, a Democrat. So this is a bipartisan proposal that is here. It is not a Republican proposal. There are many Democrats who are at the forefront of what is being discussed and debated here today.

The Senator from Massachusetts also characterizes this as an education savings account as if there were nothing else in the proposal. As I have just said, yes, there is an education savings account in our proposal that is directed to helping parents, parents who have children in public schools, in private schools, and at-home schools. But there are also provisions in the proposal that aid the 21 States in the Union that have prepaid tuition plans.

This proposal that is before the Senate, and I predict will pass the Senate, makes sure that when those funds come to the students, when they actually need them to go to college, those funds are not going to get taxed at that time. The full benefit of those State-prepaid tuition programs will be there for 1 million college students.

There are already 1 million students in the queue in 21 States, and 17 more States are about to adopt such provisions. The plan before the Senate will aid employers in funding continuing education for 1 million employees in America—1 million. What it does is it enables them to spend up to $5,250 annually to help with the continuing education program. And that is not going to be treated as income to the employee, is not going to be taxed, a disincentive to offering the program.

The plan deals with school construction, but it leaves the decision about what should be constructed to local communities. Senator GRAHAM's proposal expands financing tools for local communities and high-growth communities to deal with school construction.

So the proposal before the Senate is wide-ranging, from education savings accounts that help parents and students—14 million of them to be exact, and 20 million students to be exact—who will save in the first 5 years upwards of $5 billion, and over 10 years $10 billion. The suggestion is that all these resources go to private schools. It is simply not true. Seventy percent of the families that use these savings accounts, their children are in public schools. Public schools are a big winner. The division of where the money goes is about 50/50 because folks who have children in private schools save more. They know they have to have more. But it's their money; it's not public money.

So all of these issues that the Senator has alluded to are embraced—maybe not exactly the way he would like them—in the proposal before the Senate: education savings accounts for parents, tax incentives for employers to help employees, the protection of prepaid State tuition plans, and school construction.

Now, on top of that, we are going to have a chance to vote on an amendment offered on this bill by Senator GORTON. Senator GORTON takes a portion of the Federal assistance and removes all the regulations, like it has to happen on a ''blue'' day and a ''green'' Tuesday, or whatever. All the morass that the Senator from Tennessee, now in the Chair, talked about earlier today—strip those away from about $10 billion-plus that goes to the local States and they can do exactly what the Senator from Massachusetts wants to see done. They can build schools, they can hire teachers, they can reduce class size, they can develop after-school programs, they can build parks, they can do whatever they think, and that is $10 billion on top of which we have created a new pool of $10 billion.

The other side wants to look away from that voluntary money in those savings accounts. This is money being brought forward by parents and friends of parents of children. There is no new tax that has to be raised. No school district has to raise their taxes to get the $10 billion. No State has to increase income taxes. The Federal Government doesn't have to spend more money. By this simple, small incentive, we are causing American families to come forward with billions of new dollars to help public, private, and home schools. They will hire tutors. I think they are smarter dollars than a lot of dollars we talk about here. Why? Because they are guided by the family to the specific problem the child has. If a child has a math deficiency in a public school, private, or home school, then the family can hire a tutor with that savings account they generate. If they don't have a home computer—and I might point out that only 15 percent of the students in inner city schools have home computers—well, they could buy one with these savings accounts. If they have a learning disability—dyslexia or something like that—then the family has a tool they can use to fix that specific problem. Public dollars have a hard time doing that.

The Senator from Massachusetts, on several occasions, has referred to this tax incentive that will go to create these savings accounts. It is true that about $500 million is used as the tax incentive—just over $500 million. That is a newer figure. The figure the Senator used is a little larger than that, but that was the figure I had at the same time. It is about $520 million in the first 5 years of tax relief to anybody that would open the account, by not taxing the interest buildup. That modest incentive, that modest amount of tax relief is what generates $5 billion in savings.

The proposal that the Senator was talking about in terms of school construction is a $9 billion tax relief proposal. Who does that go to? That goes to banks and insurance companies and Wall Street brokers. They will get the tax breaks on the school bonds under the proposal to build schools. On the one hand, we have $500 million of tax relief over 5 years to generate $5 billion of new savings. On the other hand, we have $9 billion of tax relief going to the holders of the bonds on the school proposal.

Mr. KENNEDY. Will the Senator yield a minute on that issue?

Mr. COVERDELL. Yes.

Mr. KENNEDY. I don't know which particular amendment the Senator is talking on. On the school construction amendment by Senator MOSELEY-BRAUN, there is $3.3 billion to create $22 billion in school construction. I don't know which one the Senator is referring to.

Mr. COVERDELL. I am using the 10-year figure. The figure you used is correct for the first 5 years.

Mr. KENNEDY. You are using a 10-year figure for her and a 5-year figure for yourself.

Mr. COVERDELL. My 10-year figure would be about $1.1 billion. Let's take the 5 years. In 5 years, it is $500 million in tax relief for 14 million middle-income families on the education savings account and over 5 years, over $3 billion of tax relief for the people that buy those big bonds. That is a very select community that can play that game. Then in 10 years mine becomes $1.1 billion for the 14 million families, and they save because of that, $10 billion. No one saves a dime on the savings proposed for the school bonds. That doesn't generate anything, except school construction. But the beneficiaries of the tax relief are a very select group of Americans. They fit in a very small percentage group.

The point I am making—that amendment obviated tax relief for the middle-class Americans, the 14 million families; it took it out and replaced it with $9 billion in tax relief for, as I said, large financial institutions.

I know my time is about to expire. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 55 seconds.

Mr. COVERDELL. I want to make the point that all the subjects—school construction, smaller class size, reinforcing communities and parents—we are talking about the same subjects. We may differ on our approach, and this doesn't cut down party lines; this cuts down status quo or reform, doing things differently, with more authority at the local level, more decisionmaking at the local level, more decisionmaking for families. That is where the cut is. It

is not Democrat or Republican. My chief cosponsor is a prominent member of the Democratic side of the aisle.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. COVERDELL. I want to reiterate that what we are talking about helps 14 million families who are the carekeepers of over 20 million schoolchildren. And every school environment is helped—public, private, and home. Our proposal will aid 1 million college students, 250,000 graduate students, 1 million employees, 500 new schools, $10 million in new savings. The Federal Government doesn't have this. This is coming from families, $10 million, a huge influx of new resources.

If the Gorton amendment passes, there will be over 10 additional billions—not new expenditures, just freed up expenditures—for smaller classrooms, for new schools, or for whatever those States and local communities feel are necessary to get at the crisis and challenge that we all know and have both cited time and time again are occurring, particularly in kindergarten through high school.

Mr. President, I believe the hour of 3 o'clock has arrived. It is my understanding that Senator LANDRIEU is scheduled to begin her amendment at this hour.

Mr. KENNEDY. If the Senator will yield, she was going to make a best effort. She was over here at 1 o'clock and was over here this morning. So we will inquire and try to determine her location, and then I will report back to the Senator.

Mr. COVERDELL. Very good.

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.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 2301

(Purpose: To strike section 101, and to provide funding for Blue Ribbon Schools)

Ms. LANDRIEU. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 2301.

Ms. LANDRIEU. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. BLUE RIBBON SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) RECOGNITION.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) DESIGNATION.—Each school recognized under paragraph (1) shall be designated as a ''Blue Ribbon School'' for a period of 3 years.

(b) AWARDS.—

(1) AMOUNT.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of $100,000.

(2) SPECIAL RULE.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) PRIVATE SCHOOLS.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) LIMITATION.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) WAIT-OUT PERIOD.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.—

(1) APPLICATIONS.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) TECHNICAL ASSISTANCE GRANTS.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) $25,000,000 for each of the fiscal years 1999 through 2003.

(2) TECHNICAL ASSISTANCE GRANTS.—There is authorized to be appropriated to carry out subsection (c)(2) $2,000,000 for each of the fiscal years 1999 through 2003.

Ms. LANDRIEU. Madam President, I send this amendment to the desk to offer an alternative to my distinguished colleague from Georgia, an alternative in the way we would spend this $1.6 billion that we have been debating and have been debating for some time now.

Let me thank my colleague from Georgia for at least getting the Senate to begin a significant debate about the ways in which we can improve the status of education in our Nation. I, frankly, am one Senator who believes that there is nothing really more important that we can spend our time on now than talking about this important issue. I think the debate has been very lively. It has come with controversy. But I thank my colleague from Georgia for at least offering this idea, so that we can have a debate about the best way to spend our money when it comes to trying to improve our schools, which, in my opinion, is the number one priority of all Americans, regardless of whether they have children in school or not. We all know as a nation the value of our education system, both public as well as private.

I was very open to this idea initially as it was presented. I have, I think, demonstrated in the year I have been here an ability to be open to new ideas about how to solve this problem. I don't think the old ways work. I don't believe the American public wants us to just throw more money at a problem. I think they are looking at innovation and creativity in improving our schools. I think the American people, particularly people in Louisiana, have witnessed many schools that are working, many pilot programs and initiatives, whether it is charter schools and more accountability, teacher training, teacher testing, or higher student achievement and things that are working.

So I looked, with hope perhaps, at this bill, now called the Coverdell-Torricelli proposal, but after looking at the studies that have come in about who would really benefit from this initiative to spend $1.5 billion, it is clear to me from the GAO report and other economists reporting that the major benefit of this $1.5 billion to be spent over 5 years would go to a very small segment of parents and families who have their children in private or nonpublic schools.

I want to be part of a team of Senators and leaders who support efforts that help all schools as fairly as they can. There are some in this body and in Congress who do not want to do very much at all to help parochial or private schools. I am not in that group. I believe our Government within the framework of our Constitution should try to help all of our schools and all of our students. But this is not the best way we can go about this, and that is why I am not going to be able to support the bill and would offer this amendment as a substitute, if you will.

Mr. COVERDELL. Madam President, I wonder if the Senator will yield one moment so we can clarify an administrative detail.

Ms. LANDRIEU. Yes.

Mr. COVERDELL. It won't take a minute.

Madam President, I ask unanimous consent that at the hour of 3:45 today the Senate proceed to a series of votes on or in relation to the following amendments: Gorton No. 2293, Hutchinson No. 2296, Murray No. 2295, Ashcroft No. 2300, Levin No. 2299. I further ask unanimous consent that if amendment No. 2300 is agreed to, the Levin amendment No. 2299 be open to further amendment under the same time limitations under the original order. I further ask unanimous consent that there be 2 minutes of debate equally divided between each of the votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Madam President, if I can continue, my amendment is called the blue ribbon schools amendment. It is quite simple. It would take the money we would otherwise be setting aside for these very small savings accounts that would reach only a small group of beneficiaries and spread it over all 50 States, to many schools in those States that have been designated basically by their peers to be blue ribbon schools and schools of excellence. It is time that we in this country stop at the Federal level—and I hope we can encourage States and local governments to stop—funding failure and start rewarding results and success.

That is what this amendment does. This amendment will take the money otherwise spent by the distinguished Senator from Georgia and give $100,000 grants to all of the schools designated, and there are 250 so designated each year, as the most excellent schools in America. They are public; they are parochial; they are private. There have been 3,000 schools that have achieved this designation since this program started 10 years ago.

It is currently operating this way. The schools are rigorously evaluated and 250 are chosen. They are invited to come to Washington. They are given a plaque and a pat on the back and they are basically sent home. I think we need to do more than give them a pat on the back and a plaque to hang on their school wall, as proud as they are to display this plaque, and begin to reward success and say, congratulations, a job well done and here is $100,000 to help you continue that good job.

Many of these schools are succeeding despite the odds because they have bitten the bullet; they have made tough choices; they are making good decisions at the local level. I think the most important thing we in the Federal Government can do is to begin acknowledging success and rewarding success.

That is what this amendment does. It also provides a small amount of money to help the States administer this very cost-effective program because it is a locally based initiative. It is a panel of their peers who makes these choices. It would be a great way to spend this $1 billion to reward these schools.

Madam President, that is simply what this amendment does. It is a blue ribbon school amendment. I think it will go a long way to encouraging schools that are beating the odds to continue to do so, and we will reward them with something significant. So they can take that $100,000 and apply it to technology, teacher training, and other opportunities for students. And this is available, I want to stress, for parochial and private schools, as well as public, within the constitutional framework so that we are better reaching across all of the Nation to many of the schools and doing it in a fair way. That is what my amendment does, and I offer it as a substitute.

In closing, let me say this is only 1 of 10 or 15 ways on which I personally think it is better to spend this $1.5 billion, that will have a longer and a greater impact on improving education than establishing these savings accounts.

I did not get to speak on Senator GLENN's amendment, but I will just say another way to spend this $1 billion would be to expand the IRA from $500 to $2,000, which he so eloquently talked about yesterday. It would be another good way to have a positive effect in encouraging people to save early for their children's college education, which is so expensive.

So with all due respect to my colleague from Georgia for all of the good remarks he has made, there are just better ways to spend the money. This blue ribbon school amendment is only one, but I commend it and recommend it to this body to consider.

Mr. KENNEDY. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. KENNEDY. We have now an opportunity to make a choice as we are going to vote on this measure, the Coverdell bill, which has been estimated to be $1.6 billion over the period of the next 10 years. We will have a choice either this evening or tomorrow as to how we are going to expend those funds, whether they will be used primarily, as the Tax Committee says, for private schools or, as I understand the Senator's amendment, to recognize excellence in schools all across this country as a result of local decisions that are being made by parents, local community decisions, and to give a financial reward. $100,000 is a considerable reward, but I imagine, since these schools are dedicating themselves to improving and strengthening their academic achievements and accomplishments, those resources are going to be used to further student advancement, thereby giving some real meaning to the local initiatives to put excellence first in terms of public education.

So on the one hand we are going to have a choice for recognizing excellence at the local level selected by peer review or the funds will be primarily used in terms of private education. Do I understand it correctly?

Ms. LANDRIEU. Yes, the Senator from Massachusetts understands this correctly and has articulated it very accurately. The reason that I am unable to support Senator COVERDELL's proposal is because it is clear from the studies that the vast majority of the benefit would go to just a small portion of those in parochial or private schools.

I believe that we need to be more balanced in our approach to help all of our schools and all of our families, as balanced as we can be, and not try to put one above the other.

So, this amendment gives funding to parochial schools, to private schools, and to public schools, based on their efforts to be excellent. And, as the Senator knows, sometimes against great odds, in very poor districts, these schools—many parochial schools—are doing a great job. I believe they should be rewarded within the framework of the Constitution, which is clearly appropriate with this program.

So it is my hope that the Senate and the Congress will strongly consider this approach, because this is exactly what we need to be doing, rewarding and encouraging success.

Mr. KENNEDY. If the Senator will yield further, I imagine, then, after they are selected, hopefully these will be models within the local community? People will say, ''These schools have been selected because of their enhanced academic achievement and excellence. I wonder what they did right.'' Parents in neighboring communities will understand it, others will understand it, and hopefully, as a result of these kinds of awards, it will be an incentive for replicating the kinds of decisions at the local level that have resulted in excellence. Is that the objective as well?

Ms. LANDRIEU. That is the objective. If I could read into the RECORD the way the schools are chosen now, it is if they are student focused and have great student support, if their standards are challenging and their curricula challenging, if they are teaching active learning, if they have developed partnerships with their communities, and if they have strong leadership. Those are just some of the measures that are used.

So, yes, the Senator is correct. As they receive their blue ribbons and their plaques, they are being honored now in our Nation and they are held up to high esteem. The problem is, they basically leave here emptyhanded, because we send them back with a plaque and a ribbon. I think we need send them home with some money and some real help, to put our money where our mouth is and say, ''Good job; here's some money to help you continue to do that good job. You make us proud. You have done it against the odds.''

We want to be a more reliable partner. That is what I think the greatness is with this amendment. There are other approaches we could use, but this is, I think, getting us on the right track.

I thank the Senator, and I yield back whatever time I have remaining.

Mr. KENNEDY. Will the Senator withhold the time, perhaps, just in case we need respond?

Ms. LANDRIEU. Yes. I reserve the time in the event we need to respond, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Tennessee.

Mr. FRIST. Madam President, I rise in opposition to the amendment proposed by the Senator from Louisiana. Both she and I agree on many different issues. I will come to why I oppose the amendment itself. But let me say that I do agree with her in her statement that it is important to reward excellence, and to reward it appropriately,

in terms of our Nation's schools. It is especially important when, clearly, what we are doing today is not accomplishing it in the aggregate. We do need to identify particular schools, reward them, change what they are doing, so we will improve the overall standards of all schools.

In Tennessee, there have been many schools that have received and earned the Blue Ribbon Schools Excellence in Education awards. I am proud of them, to go by and see them. They are given a Presidential Citation, a flag of excellence signifying that school's exemplary status.

I understand the Senator from Louisiana wants to expand on this notion of honoring success, but to do so by having the schools receive national financial rewards of $100,000.

We agree on many points, in terms of encouraging success, but we differ on one key element. The one key element, all of our colleagues must be aware of, because it is key in this amendment, and that is that this amendment has been offered as a result of the Senator's opposition to the Coverdell Savings Account A+ Act. As a result of this opposition, the proposed amendment would strike section 101 of the Coverdell bill. In effect, it is a poison pill to the Coverdell savings account initiative.

As chairman of the Senate Budget Committee Task Force on Education, I have had the opportunity over the last 6 months to conduct hearings and to hear from people who are at schools, who run schools in the local communities. I have heard again and again how important it is—repeatedly—that we must look for creative solutions, for innovation, to the problems that plague our Nation's schools. Senator COVERDELL's plans for savings accounts is a good, positive first step. The proposed amendment would gut that totally. I do not believe it is the final solution, but the proposal does take us in that very important direction of empowering that parent-child team.

I would like to just take a moment to highlight the provisions of the Coverdell bill which I believe make it an effective tool, a positive tool, in helping students and families across the country which, if this amendment were to pass, the Coverdell advantages would go away. What does the Coverdell A+ Accounts do? We expand the education savings accounts in the Taxpayer Relief Act of 1997 by increasing the annual contribution limit for education IRAs from $500 to $2,000. The bill, very importantly, expands the definition of what is qualified education expenses. They are currently limited to higher education. The Coverdell bill expands it to K–12—K–12 expenses, the sort of expenses we have already talked about.

It could be anything from equipment to computers to books to supplies, or if you are an individual with a disability, to give you the tools that you might not otherwise have so you can learn, homeschooling expenses, uniforms, transportation costs—all of these would be encompassed by the Coverdell bill. If the amendment by the Senator from Louisiana is agreed to instead of the Coverdell bill, they will all go away. We all know that it is the parents, the parents who want the very best for their children. I believe it is important—which the Coverdell bill does—to encourage parents to invest in their children's education, to give them that opportunity, to lower the barriers to do so, to give them the incentives to invest in their children.

The President signed into law on August 5, 1997, the Taxpayer Relief Act, which authorized new education IRAs. But that was just for higher education, not K–12. I am fully supportive of every measure we can put on the table helping families plan for higher education expenses. I also believe this effort should be expanded to provide tax allowances for what families spend on elementary and secondary education. That is not allowed today but will be allowed under the Coverdell proposal.

While our colleges and universities are the very best in the world—and this was put before our task force committee again and again—the foundation on which those colleges and universities rest is not sturdy; it is weak. In fact, our elementary and secondary schools are not the envy of the world, unlike our colleges and universities.

In a recent TIMMS, the third, math and science study, scores show just how poorly our student are measuring up to their international counterparts. I referred to this earlier. This is the 12th grade mathematics general knowledge achievement compared to 21 other countries. You don't need to read the chart, but these are countries that do better than us, such countries as Austria, Slovenia does better than us, Germany, Denmark, Switzerland. Only 2 nations—these are the nations we do equal to—only 2 nations out of 21 do worse than the United States in the 12th grade mathematics. The same can be said of science. So we are not doing, in K–12, anywhere near what we should be doing.

Even our colleges and universities have to take on that additional burden by reteaching students that they receive. Approximately 30 percent of freshmen in college today require remedial course work. We need to direct our attention to this K–12 foundation, which the Coverdell bill does.

Under current law, we assist parents, students, and families with numerous tax allowances for higher education. We have HOPE and Lifetime Learning Savings. We have the education IRAs for higher education. We have the State prepaid tuition programs. We have U.S. savings bonds. In terms of loans for students, we provide deductions for interest payments—all for higher education. We are the best in the world. Now is the time to look at K–12 education.

I would like to talk just very briefly about why I think a new approach is needed. By agreeing to the amendment that is proposed by the Senator from Louisiana, again, we are gutting the Coverdell bill. In essence, we are saying let's not change the system at all, that we are doing OK. That is in essence what this amendment is doing. Are we doing OK? This chart basically shows, in science, trends in average science scale scores over the last 20 years, going from 1970 on your left to 1996 on the right. This is age 17, the purple line. The green line is age 13. The orange line is age 7. And the whole point is that, over the last 20 years, we are not improving at all.

I just compared globally; we are doing worse. Out of 21 nations, in the 12th grade, only 2 nations did worse than us. So, in spite of all 500 programs that we have today, in spite of spending about $74 billion at the Federal level, we are doing no better.

Beneath the surface of this whole disappointment of stagnant student performance and despite a commitment of increased resources—and let me show very briefly on this chart what we have been doing as a nation.

This is 1971 to 1997, about a 27-year period. This is how much we spend per pupil in adjusted dollars today. That is what the red line is, constant 1996–1997 dollars. What it shows is that in 1970 we were spending, in today's dollars, about $4,000. Today, we are spending about 50 percent more, about $6,000. We have had a stagnant performance at the same time we have had increased expenditures.

A vote for the amendment by the Senator from Louisiana says, let's not change the system, let's keep doing exactly what we are doing today—something with which I heartily disagree.

Beneath the surface of this whole disappointment that we see in terms of stagnant student performance, there is an acute crisis in our urban schools. One out of every four public school students are enrolled in an urban school district.

A recent report examining our urban schools noted:

> It is hard to exaggerate the education crisis in America's cities. Words like scandal, failure, corruption and despair echo in the pages of the Nation's newspapers.

Another area of concern is the Federal component in the landscape of American education. I show this chart again not so much to show the details, but this is a chart that was generated by the General Accounting Office. As the task force chairman, I basically found it can be depicted by a chart like this, that we have today at the Federal level a sprawling and unfocused effort which suffers from a programmatic reluctance to ask itself what works and what doesn't work.

Over the last couple of days, we have said that we have heard again and again maybe one more program will help out. This basically shows, among three target groups—this happens to be teachers, and the various departments and various Federal programs are around the border—how they influence

teachers. Just walk away from it, and you see that this is a spider web almost of unrelated programs all targeted at the individuals. There are over 500 such programs right now.

What we need to do, if anything, is to consolidate and to improve. We do need to change. We do need to allow that creativity, to allow that innovation. A vote for the amendment of the Senator from Louisiana guts the Coverdell bill. It says, let's not change, let's not structurally improve the system.

In the last few minutes, I talked about the disparity between the assistance we provide for higher education and elementary and secondary education. I have shown the data which show our children are not at the level we need for them to be if we are to remain competitive in the global marketplace.

I talked a little bit about the need for creative solutions in our K–12 system, the sort of solutions that are offered in the Coverdell bill. I mentioned provisions in the bill of the Senator from Georgia which will enable the parent-child team—and that is what we need to stay focused on—to make important education decisions in the early years.

Coming back to the amendment of the Senator from Louisiana, awarding schools is on the right track. It is a good approach. We need to recognize success. I might add, we need to replicate that success as well. I will say, as an alternative to the Coverdell bill, it is totally unacceptable. Savings accounts are too important for families in Tennessee and all across this Nation. We simply cannot afford to desert this effort, despite the merits of these other proposals. Savings accounts, bonds for school construction, State prepaid tuition, the underlying Coverdell bill provides all of this. To replace that bill with a program that does recognize merit but does nothing more is simply unsatisfactory.

I urge my colleagues to defeat the amendment of the Senator from Louisiana and support the underlying bill. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Just for clarification, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 50 seconds; the opposing side has 2 minutes 33 seconds remaining.

Ms. LANDRIEU. Madam President, I will use the remainder of my time to thank my distinguished colleague from Tennessee for agreeing that this amendment is, in fact, on the right track and for saying that it is about time we begin rewarding success and innovation, it is about time we become a reliable partner with our local schools that are achieving, despite sometimes great difficulty, and to begin rewarding them. I thank him for his comments.

I do not disagree with him as he laid out all of the problems associated currently with our public and general education system in the United States. No one in this Chamber disagrees with the sad statistics about lack of achievement, lack of discipline, et cetera, although I want to say for the RECORD that there are many, many, many good public schools, private and parochial schools in this Nation, of which we should be proud. The fact is that we need to have every one to be excellent, but we are falling from the mark.

Let me, if I can, Madam President, in the 1 minute I have left, call to your attention one of the real failings of the Coverdell proposal.

In order to save money, obviously, you have to save it for a long period of time for it to generate any benefit to the saver. One of the problems with setting aside $500 to begin using in kindergarten is that you don't have the money set aside long enough for there to be a benefit to a family. So what we are saying is a $30 benefit is not really that great a benefit. There are so many better ways we can spend this money to really improve education.

If we want to have a savings plan, which I would support, and prepaid college tuition, which is certainly one I support, then let's do some real saving in this country. Let's really save $500 or $2,000, which is part of the Coverdell proposal that I do agree with. Let's set aside money, increase it—which is what Senator GLENN tried to do—from $500 to $2,000 a year to enable families, from when their child is 1, if they save until 17 at a 6 percent yield, to save $60,000. If they received a 12 percent return, they could save over $110,000 approximately. Then you are talking about real money, and you are talking about real benefit, and you are talking about real savings, and you are talking about a Tax Code that really might work and do something good. If we had adopted JOHN GLENN's amendment, this is what people in America would be doing, and I would be proud to sign my name to it.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. Madam President, I offer this for the RECORD and thank you for letting me offer the blue ribbon school amendment and the long-term savings amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I want to make it very clear that the education savings accounts would inure to the benefit of 14 million American families. The initial amount of money saved would be $5 billion.

The example that the Senator from Louisiana offers doesn't really paint the picture. The $30 she talks about is, of course, averaging everybody out, and that is the interest only. She has forgotten that it is the interest on a lot of principal.

We have said from the outset, one of the surprises about this education savings account is the tax relief involved over 5 years is only a little over $500 million. But that little amount makes Americans do big things. Because of that simple, small incentive, they go out and save $5 billion to put behind education.

This blue-ribbon proposal would end up helping maybe 400 schools in America. They would be schools that have been generally better off. What we are talking about is helping 14 million families deal with the situation in all the schools that 20 million children attend. That might be a school that would in no way be able to compete for one of these excellence awards. Very few of your inner city schools could meet these standards.

So what do you want, 400 schools that get $300,000 a year for the building, or 14 million families and 20 million kids having an ability to buy a home computer or a tutor? To me, there is no decision to make here. Do you want lots and lots of Americans opening up savings accounts trying to help their children with whatever the specific needs are, or do you want a specialized program that rewards the students in 400 schools? That is fine, but as a substitute for what we are talking about, there is no comparison.

Madam President, I yield back my remaining time.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Thank you very much, Madam President.

AMENDMENT NO. 2302 TO AMENDMENT NO. 2301

(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Mr. KEMPTHORNE. I rise to offer a second-degree amendment to the Landrieu amendment, and I send it to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2302 to amendment No. 2301.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Madam President, the current discussion on education in the United States has been widespread. Both sides of the debate, I believe, truly have the best interests of our Nation's young people at heart. It

has been a good discussion, and I commend the Senator from Georgia, Senator COVERDELL, for his leadership on this issue.

We often differ on issues of school choice, Federal involvement in the classroom, and State flexibility. The amendment that I offer today addresses one of this Nation's educational needs while doing so in a manner which should not be controversial. This is the student improvement incentive grant program.

The amendment I am offering today is quite simple in its nature. Under the Elementary and Secondary Education Act, States are given a level of flexibility with how to use some of those funds. My amendment provides yet another option for States.

Under my amendment, States would be allowed to use some of their Federal education funds to provide awards to public high schools based on the schools' performances on statewide assessment tests, the content and substance of which would be entirely up to the State.

There are several important elements to this proposal. First, this is not a new program but merely a new option from which States may choose. Second, the assessments would be based entirely on State priorities and desires. Third, no new funds are required. Thus, my proposal gives States a new way to create a healthy competition amongst public high schools without imposing new Federal requirements, additional Federal oversight, or increasing Federal spending.

As my colleagues are well aware, approximately 2 months ago it was widely reported in the media that high school students in the United States scored well below their peers in an international exam in math and science. In fact, of the 21 nations involved, U.S. students ranked 19th. In comparison, however, U.S. fourth graders performed strongly against their international peers on similar exams. Somewhere along the way we are failing our students by not encouraging them to maintain the high standards that they have demonstrated early in their academic careers.

My amendment will help change this trend by creating financial incentives to encourage greater academic performance in our secondary schools. At the same time, it achieves this goal while leaving the control over education where it belongs, in the State and local communities.

I urge my colleagues to support the student improvement incentive grant amendment.

I yield the floor, Madam President.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Just a point of clarification. The hour of 3:45 has arrived. I believe under a previous unanimous consent agreement, the Senate is about to proceed to a series of votes on amendments, beginning with Senator GORTON's, and that there would be 2 minutes for each amendment equally divided.

The PRESIDING OFFICER. Consideration of the pending amendment is temporarily suspended.

The pending question will occur on the Gorton amendment No. 2293, as amended. The Senator is correct that there will be 2 minutes of debate equally divided.

Mr. COVERDELL. Madam President, then the remaining time on the amendment offered by Senator KEMPTHORNE would occur immediately following the last vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2293, AS AMENDED

Mr. GORTON. Madam President, the Gorton-Frist amendment is based on two philosophical principles. The first of those principles is that the present system under which 7 percent of the dollars going into education come from the Federal Government, together with 50 percent of all of the rules and regulations under which that education is provided, is not necessarily either in theory or in practice the best way to set policies for our public schools or to fund those public schools.

It is based also on the philosophy that parents and teachers and principals and superintendents and elected school board members all across the United States not only care more about the children in their trust but are better able to set the educational policies for their children in their schools than are bureaucrats in Washington, DC, or even Senators in the U.S. Senate.

The Gorton-Frist amendment, however, forces these two philosophical distinctions or principles on no one. Under this amendment, any State that likes the present system of Federal control is authorized to retain it. Any State that believes educational policy should be set at the State capital through a State school board or Governor or State superintendent of public instruction is free to adopt such a system. And any State that believes, as we do, that local control and local spending policies are best, is free to adopt that policy.

We also guarantee that no State will lose money under this amendment. I commend it to the President and to the Members of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I agree with the Senator from Washington that if the State wants to tax its own people and do whatever it wants to, it should have the ability to do it. If the local community wants to tax its people, they ought to be able to do whatever they want. But what Senator GORTON is saying is, we are going to use Federal taxpayers' money, the money that is directed by the Congress.

We have designated three very important areas that are eliminated by the amendment of the Senator from Washington.

First, drug-free schools. I do not find any parents from Massachusetts saying, ''Abolish drug-free schools.'' The Gorton amendment will abolish it.

Secondly, for the training of teachers in math and science, I do not find parents saying, ''We ought to abolish that program.'' The Gorton amendment does it.

And third, in terms of raising high academic standards, the programs that help and assist local schools to be able to do it, I do not find parents in my State saying, ''Abolish that program.'' It will be abolished by the Gorton amendment.

It makes no sense, Madam President. And there is no accountability under the Gorton amendment how these funds are being spent and what the effect of it is in improving academic achievement and accomplishment. To do it after 30 minutes of debate makes no sense whatsoever. I hope that the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question now occurs on agreeing to the Gorton amendment No. 2293, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—50

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—49

Akaka	Cleland	Graham
Baucus	Conrad	Harkin
Biden	Daschle	Hollings
Bingaman	Dodd	Inouye
Boxer	Dorgan	Jeffords
Breaux	Durbin	Johnson
Bryan	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Byrd	Ford	Kerry
Chafee	Glenn	Kohl

Landrieu	Moynihan	Snowe
Lautenberg	Murray	Specter
Leahy	Reed	Torricelli
Levin	Reid	Wellstone
Lieberman	Robb	Wyden
Mikulski	Rockefeller	
Moseley-Braun	Sarbanes	

NOT VOTING—1

Helms

The amendment (No. 2293), as amended, was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2296

The PRESIDING OFFICER. The question now occurs on the Hutchinson amendment No. 2296. Under the previous order, there are 2 minutes of debate equally divided prior to the vote.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series of four be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. HUTCHINSON. Thank you, Mr. President.

Mr. President, this is a dollars-for-the-classroom amendment that expresses the sense of the Senate that we will do our best to ensure that 95 cents out of every dollar actually gets to the classroom where the needs are the greatest. Unfortunately, studies indicate that right now as little as 65 cents of every Federal education dollar actually gets down to the classroom. Where does it go? Much of it goes to bureaucracies, Federal and State. We have 307 Federal education programs.

This simply says let's give 95 cents out of every dollar to the classroom. That will be $2,000 per classroom for every classroom in America—additional money that the teachers and the local school boards can determine how it should be spent. It maximizes local control. States' needs are different. To say 100,000 teachers or to say let's spend Federal dollars for construction isn't the wisest approach. It is better to let those decisions be made locally where the needs differ across the country.

The question on this sense-of-the-Senate amendment is, Are you for bureaucrats, or are you for books? I think we want it to go to the classroom. Let's support this sense of the Senate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, those who support the education programs, title I and other programs that will be affected, want the greatest amount of money to go to the local classrooms. So we support this measure. We have no problem whatsoever in supporting this measure. It is supported by the administration and by the Department of Education. We want to make sure that as much of the funds as possible go right into the classroom. We are absolutely in support of it. We hope the amendment will pass overwhelmingly.

When the Senator initially offered his amendment, it provided not only for this measure but to eliminate the amendment of the Senator from Washington. Now the Senator from Washington will have a chance to have her amendment voted on.

I hope all of our Members will support this measure. It makes good sense. We all want the resources to go into the classroom for the benefit of the children.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. 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 North Carolina (Mr. HELMS) is necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chanber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

NOT VOTING—1

Helms

The amendment (No. 2296) was agreed to.

AMENDMENT NO. 2295

The PRESIDING OFFICER. The question now occurs on agreeing to Murray amendment No. 2295. Under the previous order, there are 2 minutes of debate equally divided before the vote.

Who seeks recognition?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The amendment before us is very simple. It merely asks us to go on record as to whether or not we Members of the Senate believe we should support efforts to decrease class size in the early grades.

As a parent of a child in public education, two children who have gone through our public schools, as a former school board member, as a member of the PTA, as a former educator myself who has been in the classroom, who knows the difference between having 18 young 4-year-olds or 24 4-year-olds, who knows the difference between teaching and crowd control, I will tell the Members of this Senate that decreasing class size is one of the most important things we can do to increase the education for our young children. Every Member here has talked about the need for increased math skills, the need for our young children to be able to read and write and have the skills they need. If we decrease class size, every parent in this country will tell you that it will make a difference. Studies show it. Parents know it. Teachers know it. It is time for this Senate to recognize that and move, on our part, with our responsibility, to decrease class size. I urge the adoption of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, this amendment calls for 100,000 new teachers paid for at the Federal level. It is an endorsement of the President's proposal. I reluctantly oppose it. Mr. President, 79 percent of the teachers in Arkansas are satisfied with class size, 65 percent of the teachers nationwide are satisfied with their class sizes. It is wrong to have a one-size-fits-all approach on the Federal level. We may need more teachers in some States, but we may not need them in others. So I believe this is an area States are already addressing,

California and many other States have adopted programs to reduce class size. It is not something the Federal Government needs to get involved in. It has a $7 billion price tag. Those funds can be better used, and more wisely used, in other areas. So I ask my colleagues to oppose this sense-of-the-Senate resolution endorsing the 100,000 teacher, $7 billion expansion of the Federal role in public school education.

The PRESIDING OFFICER. All time has expired. The question occurs on the Murray amendment, No. 2295. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—49

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Campbell	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Specter
D'Amato	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NAYS—50

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McCain	

NOT VOTING—1

Helms

The amendment (No. 2295) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2300

The PRESIDING OFFICER. The question now occurs on the Ashcroft amendment No. 2300, which is a second-degree amendment to the Levin amendment No. 2299.

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote.

Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, this amendment prohibits Federal funding for national testing in our schools unless there is explicit congressional authority for such funding, so that no funding of the Federal Government could be used to supply or provide for national tests unless the Congress specifically authorized it.

I ask unanimous consent that Senator HAGEL of Nebraska be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I believe the fundamental opportunity in education and the opportunity for achievement by children relates to the involvement of parents in education. Whenever we begin to dictate curriculum from Washington, with a national test which will ultimately define curriculum, we will have lost the genius of America's education system, which is local involvement in schools, parental involvement.

For that reason, I believe this amendment should be adopted. I am pleased that Senator LOTT has been in support of this amendment. I am pleased that a number of other individuals are supporting it strongly and am glad to have the cosponsorship of Senator HAGEL. I urge its adoption.

I ask unanimous consent that Senator NICKLES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's time has expired.

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. BINGAMAN. Mr. President, last November, 5 months ago, we worked out a bipartisan compromise. It received 87 votes here. It called for the National Academy of Sciences to do a study about the possibility of linking various State tests and commercial tests and called on this National Assessment Governing Board, an independent board, to go ahead and develop some test questions. And essentially it set up a procedure we could look at. It also prohibited the use of any funds for field testing or pilot testing, anything in this fiscal year.

This amendment would gut all of that, would say the National Academy needs to stop in its tracks, it cannot complete its work. It would say that the National Assessment Board has to stop what it is doing and breach its contract.

Later this year, in the appropriations cycle, we should revisit this issue and decide at that point whether to allow field testing. But we should not be prohibiting continued study of the issue and development of questions by the National Board at this point. So I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

The question now occurs on agreeing to the Ashcroft amendment No. 2300. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—52

Abraham	Collins	Grams
Allard	Coverdell	Grassley
Ashcroft	Craig	Gregg
Bennett	DeWine	Hagel
Bond	Domenici	Hatch
Brownback	Enzi	Hutchinson
Burns	Faircloth	Hutchison
Campbell	Feingold	Inhofe
Chafee	Frist	Kempthorne
Coats	Gorton	Kyl
Cochran	Gramm	Lott
Lugar	Roth	Stevens
Mack	Santorum	Thomas
McCain	Sessions	Thompson
McConnell	Shelby	Thurmond
Murkowski	Smith (NH)	Warner
Nickles	Smith (OR)	
Roberts	Snowe	

NAYS—47

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Helms

The amendment (No. 2300) was agreed to.

Mr. CRAIG. I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the Levin amendment, as amended.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, as I understand the regular order now, it would be for me to now resubmit the amendment that I offered earlier today, which was recently defeated, in effect, through the adoption of the Ashcroft second-degree amendment. Under the regular order, I am allowed to resubmit this amendment so that we can have a vote on it, or it can be second degreed again.

AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2303.

Mr. LEVIN. 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 end of the amendment add the following:

Section 101 is null and void.

SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is

amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

''(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

''(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

''(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

''(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

''(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. COVERDELL. Mr. President, I ask that the new Levin amendment be laid aside to recur following the stacked votes tomorrow morning. It would be the first amendment to be debated after 3 votes tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. What about debate on that amendment, Mr. President?

Mr. COVERDELL. There will be 30 minutes equally divided.

The PRESIDING OFFICER. The Senate will come to order.

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will now conclude debate on the following pending amendments: Coats, Kempthorne, and Landrieu.

Following those concluding remarks, if any other Senator wishes to debate their amendment, the manager will remain in the Chamber for additional debate. The three amendments concluded this evening will be stacked to occur beginning at 9:30 a.m. on Thursday. Having entered into this arrangement with all Senators, there will be no further votes this evening. The voting sequence tomorrow will begin at 9:30 a.m.

Just for everybody's information, it is my understanding that the remaining amendments on the other side—Dodd, Bingaman, and Boxer—have all indicated they want to do that tomorrow, which will occur following the 30 minutes of debate on the Levin amendment. At this point we will finish Coats, Kempthorne and Landrieu, and there will be no further votes this evening.

I ask unanimous consent that this be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. 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. ABRAHAM. 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 remarks of Mr. ABRAHAM pertaining to the introduction of S. 1970 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, this is a very important education bill before us today. It builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K–12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be sent on a computer, software, lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from $500 to $2,000 per year, and allows accounts to be used for K–12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at $95,000

for individuals and $150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit 1 million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes its pre-paid tuition plan future students would be able to benefit. Pre-paid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to $5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers, including 250,000 graduate students, would benefit from a tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes $3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I am pleased that the bill includes the amendment to provide new grants to states that (1) test K–12 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding those teachers who excel at their profession and motivating those who may need to improve their performance.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

The MERIT amendment would use the Eisenhower Professional Development Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of Federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved $28.3 million, $10 million more than in 1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested $50 million for the Eisenhower program in 1999, an increase of $26.7 million above the $28.3 million provided in 1998. New Mexico received $2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received $350 million in 1998.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I announce that the order of business is to complete the Coats amendment. The author, Senator COATS, is here. I talked to the other side. We have some Senators who want to offer some proposals of their own not related to this legislation. But if we could—everybody is in agreement—we can proceed with the Coats amendment.

Mr. COATS addressed the Chair.

Mr. FORD. Will the Senator from Indiana withhold for just a moment?

We have now allowed several minutes to introduce a bill. Then we are going back to an amendment that should be on this bill. Then we have others here who would like to speak for up to 30 or 35 minutes. I think we are going to have to have some sort of an agreement on how it is going to work. Is this the only debate for amendments?

Mr. COVERDELL. There are two others.

Mr. FORD. Are they here?

Mr. COVERDELL. They are not here. If we could facilitate Senator COATS, we can go to Senator FEINGOLD.

Mr. FORD. With the understanding that it is approximately 35 minutes.

Mr. COVERDELL. I understand.

Mr. FORD. Just so there is no misunderstanding, we are all on the same wavelength.

Mr. COVERDELL. We are on the same wavelength.

Mr. FORD. I thank the chairman and the Chair.

The PRESIDING OFFICER. Under the previous order, Senator COATS is recognized to speak for 2 minutes.

AMENDMENT NO. 2297

Mr. COATS. Mr. President, what is the time situation on this particular amendment? We were in the midst of offering it. We set it aside. There is some time remaining. I would like to know what time is remaining under the original amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). When the bill was set aside, the Senator from Indiana had 2 minutes remaining on the time, and the opposition had 15 minutes remaining.

Mr. COATS. Mr. President, I reserve that 2 minutes. There is someone on the opposing side who wants to begin using their 15 minutes. This is obviously the time. Perhaps if there is no opposition——

Mr. FORD. I am certain there will be opposition. Mr. President, I am here to try to help facilitate this. I don't know who will be here. I am under the impression we will have somebody who will oppose it. But as of now it is like on the other side. The other two Members are not here to oppose it either, I don't imagine. We have 30 minutes to work it out.

I suggest that since the Senator from Indiana only has 2 minutes left, we will wait to see if we can find somebody to use up our 15, and the Senator could have 2 minutes tomorrow.

Mr. COATS. I think it was well-understood by everybody involved in this amendment that I would offer it immediately after the stacked votes. I am here prepared to finish up my time. I would like to get it done, because my schedule is not going to allow me to wait for 35 minutes while someone does morning business.

Mr. FORD. The Senator may proceed. If there is no one here, I will yield back our time and then the Senator can have it voted on within the stacked votes in the morning.

Mr. COATS. I will be happy to do that. Mr. President, I will use up the last 2 minutes.

Very briefly, I do not think this amendment is all that controversial. It simply provides an extra incentive for individuals or organizations that want to make charitable contributions to scholarship funds which would provide scholarships for low-income children for educational purposes. As such, we are just simply offering an additional deduction of 10 percent for that specific purpose. I outlined earlier the basis for that and the reasons why we need to do that. I believe it complements the bill we are dealing with. The current bill addresses essentially middle income and above taxpayers. This goes to low-income taxpayers, and it gives them an opportunity to provide the kind of education they think is appropriate for their children.

I hope my colleagues will accept it. The cost is offset by changes in the Tax Code which have been approved by the Finance Committee. There is no controversy there. I urge my colleagues to vote in support of the amendment when the vote occurs tomorrow morning.

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. COATS. I yield the remainder of my time.

Mr. FORD. Mr. President, I suggest the absence of a quorum on the 15 minutes on this side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, I yield the balance of time in opposition to the Coats amendment. I understand the change is offset. Most people are happy with it. Therefore, there is no opposition at the moment. I am sure some will vote against it, but I yield whatever time this side might have. It is my understanding that we now go to Senator FEINGOLD for a statement as if in morning business.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized under the previous order.

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, in late February the Senate considered campaign finance reform on the floor of the Senate for the second time in this Congress. Once again, we did not resolve the issue. Although a clear majority of this body now supports the McCain-Feingold bill, a determined minority once again prevented it from being adopted.

Mr. President, I would like to take a few minutes today to try to put our debate in some perspective. This is a particularly good time to revisit the issue because of what has been happening just in the past few days in the other body, in the House of Representatives. In fact, the latest development on the other side of the Capitol has made it very clear that the defenders of the current system are on the run, and campaign finance reform is very much alive.

Last fall, the Speaker of the House promised an open debate on campaign finance reform by the end of March. The other body, of course, is supposed to be the place where the majority can work its will. There is no filibuster rule in the House of Representatives—in effect, no requirement that you have to get a three-fifths majority to pass legislation, as has long been the case in the Senate.

At the end of March, when a bipartisan majority began to clearly coalesce behind the McCain-Feingold bill, or the Shays-Meehan bill as it is called in the other body, the House leadership and other opponents of reform began looking for a way out. The House leadership decided to bring up campaign finance reform under suspension of the rules. That is a procedure that is usually used to allow noncontroversial bills to pass quickly. It was used here for a very different purpose. It allows very limited debate and no amendments, and it requires a two-thirds vote for passage.

So the leadership of the other body brought up its own campaign finance bill under the suspension procedure that would guarantee, in effect, the defeat of its own bill. In the end, this bill of the leadership of the House got only 74 votes, and 337 Members of the House voted no.

Let's think about that. The major campaign finance bill offered by the chairman of the committee of jurisdiction received only 74 votes in the House of Representatives. The Democrats in the House were not even allowed to offer a substitute, which is customary in the other body. And here is the kicker. The main bipartisan reform bill which, by all accounts, actually had majority support in the House, did not even get a vote. The leadership of the House did everything in its power to make sure that the McCain-Feingold bill would not pass, and they succeeded, but only temporarily.

Supporters of reform in the House were understandably outraged. Just as the opponents of reform in this body relied on a filibuster and on parliamentary tactics such as filling the amendment tree to prevent a bipartisan majority from passing McCain-Feingold, opponents of reform in the House, the body that is supposed to reflect the will of majority, in effect rigged the procedure to make sure that reformers did not even get a vote on their bill.

Tactics of this kind can work for a while, but they cannot work forever. The American people are tired of tricks and tactics. They are tired of a partisan minority stopping the bipartisan majority from enacting reform. And now there are clear signs that public outrage over these kinds of tactics is having an effect. In the other body, reformers gathered 205 signatures on a discharge petition that would require the other body to consider campaign finance reform under a fair and open procedure. They needed just 13 more Members of the House to sign the discharge petition to force the issue to the House floor despite the opposition of the leadership. This would have been almost unprecedented.

It is clear that Members of the Congress are feeling the heat. Five Members agreed to sign the petition over the recess after they heard from their constituents how important it is to have a real vote on reform in the House this year, and four more announced in the last 2 days they will sign the petition.

Mr. President, what we found out today is that the leadership in the House reconsidered its hard line position because a meltdown was occurring. I was informed just a little bit earlier that there has been an announcement that the leadership of the other body will now bring campaign finance reform back to the House floor by May 15, and this time there at least supposedly is going to be an open rule and a bipartisan bill will get a vote.

This is very good news, and I congratulate the bipartisan reformers in the House for their persistence and effectiveness. They have shown that the will of the people can prevail if only we in the Congress have the courage to fight for it. If the House passes a bipartisan bill in the next few weeks, fortunately, the spotlight will come back here again.

The distinguished majority leader of our body was asked on Monday, what will he do if the House passes McCain-Feingold? His answer? ''Nothing.'' And everyone laughed. I don't think they are laughing today, because the reformers in the House have succeeded in their effort to force a fair vote. We will see if the American people will stand for this kind of obstructionism if a bill comes back from the House. I do not think they will. I think the Senate will have to deal with this issue again this year and soon.

So I can say to the American people today as I have before, this fight is not over. The opponents of reform may be winning these parliamentary battles, but they are losing the legislative war. The American people know that our current system must be changed. A majority of this Senate, and now of the House, knows that our current system must be changed. Sooner or later, we will prevail. I am absolutely certain of that.

I have spent a great deal of time reviewing the debate on campaign finance reform from both this past February and last fall. As most people who watched the debate know, there was a lot of argument on this floor about whether the first amendment to the Constitution would be violated by the provisions of our bill in the Snowe-Jeffords amendment dealing with so-called issue advocacy by outside groups. I think these arguments based on the Constitution were grossly exaggerated and they will be shown to be inaccurate over time in the context of the actual state of constitutional law.

But there were a lot of other things said about our bill, a lot of other justifications offered for killing reform, and today I want to concentrate on what I call the three worst excuses for voting against the bipartisan McCain-Feingold bill. These arguments simply do not hold water. And since we will be back sooner or later—and I suspect sooner—to discuss these matters, let me say a bit about them today.

Here is the first poor excuse for voting against our bill. We heard time and time again, both last fall and last February, that we do not need changes in the law, we just have to enforce the current law. Now, that gave the opponents the opportunity to excoriate the Clinton administration for its fundraising excesses in 1996 and to try to dodge

responsibility as Senators to try to clean up the system.

But I have a number of responses. First, we have to remember that the McCain-Feingold bill actually had a whole lot of provisions that were designed to specifically deal with the alleged lawbreaking of the last election. Our bill makes it perfectly clear that fundraising for Federal campaigns cannot take place on Federal property. In other words, no more ''no controlling legal authority,'' no more debate about whether dialing for dollars from your office is OK if you are asking for soft money rather than hard money. Under our bill, you cannot use your office, which is paid for by the taxpayers to raise money. Period.

In the McCain-Feingold bill, we also ban all foreign money from U.S. elections first by banning all soft money contributions to political parties. The legislation would prohibit any source, foreign or domestic, from contributing these unlimited and unregulated amounts of money to the national political party. But our bill also makes clear that foreign nationals are prohibited from making any sort of campaign expenditure—coordinated with a candidate or party or an independent expenditure—in connection with any Federal, State, or local election.

So while we will not put people in jail with this legislation or force prosecution of lawbreakers, we can make absolutely sure that the loopholes, or alleged loopholes, in the law that those accused of wrongdoing have fallen back on will, in fact, be permanently closed.

But beyond that, we reject the notion that the scandals we saw in 1996 were just due to lawbreaking. They were due to problems with the law itself. The biggest scandal stems not from what is illegal today but from what is perfectly legal—soft money.

Let me put it this way. Why was the White House charging $100,000 a night for a night in the Lincoln bedroom? Why did coffee with the President or dinners with key leaders of the Congress cost people some $50,000? Because it is legal to contribute $50,000 or $100,000 or even more to a political party in this country. Unless we change that law, the ever-increasing demand for money will lead our party leaders to stretch the bounds of propriety. We have to take responsibility. We have to do our part as lawmakers.

What about the huge amounts of money spent by groups on so-called issue ads that looked just like campaign ads but fell just outside the boundaries of the Federal election law? That is not a problem with illegal activities. It is a problem with the law, and we need to address it.

Mr. President, poor excuse No. 2 for opposing bipartisan reform. I heard a lot of people who oppose McCain-Feingold say that what we really need to do to solve the campaign finance issue is to have full and instantaneous disclosure of contributions and spending. My first response to that argument is that McCain-Feingold includes the most extensive disclosure provisions of any campaign finance legislation introduced in the Senate in this Congress. But not a single Senator who argued against this bill and said that disclosure is what we really need would even acknowledge the important disclosure provisions in our bill.

What does it do? We require all candidates to file their disclosure reports electronically and require the FEC to post this information on the Internet within 24 hours of its receipt.

We prohibit campaigns from depositing campaign contributions of over $200 into their treasuries until all required disclosure information has been collected. We step up the reporting of independent expenditures in the closing days of the campaign. We even lower the reporting threshold for campaign contributions from $200 to $50, and we require political advertisements to carry a tag line identifying who is responsible for the content of the advertising.

These provisions are very important and they are helpful and they do a great job, but they are not enough in themselves to restore the public's faith in our system and in us. We already know that $262 million in soft money was contributed to the national political parties in 1996. We already know that Philip Morris gave over $3 million in soft money in the 1996 cycle, and that RJR Nabisco, Joseph Seagram & Sons, Atlantic Richfield, and AT&T all gave over $1 million. Federal Express gave almost a million.

It is still a scandal that the tobacco companies did contribute millions of dollars to our political parties while the Congress is considering extraordinarily important legislation that will decide the fate of that industry and of the children that its product kills, even if those contributions are disclosed. It is interesting that some of the same Senators who proclaim the miracle benefits of disclosure are unwilling to bring under the Federal election laws the activities of secretive groups funded by wealthy donors that run ads attacking candidates in the last weeks of the campaign.

So disclosure is not the answer. It is an answer, but it is not the answer.

How can we really expect a lot of hard-working Americans, many of whom do not even have a computer, to spend their free time examining FEC reports to make sure that we are not under the influence of special interest contributions? Who are we kidding with this idea that full disclosure alone will solve all our problems? Most people do not know who the richest people in America are and who they work for. Most people do not know what legislative agenda is pursued by the PACs that fund our campaigns. Most people will not be able to recognize a potentially corrupting contribution from just some name on a report.

So we still need reasonable limits on contributions. We still need a ban on soft money. We still need to outlaw fundraising on Federal property. We still need to address the phony issue ads of unknown origin that attack candidates in the last day of a campaign and simply avoid the Federal election laws. Disclosure is a great thing and I am proud that our bill includes some tough new provisions, but disclosure alone is not the answer.

One very interesting thing about our debate last fall was that very few of the opponents of our bill ever wanted to discuss the central feature of our bill—a ban on soft money. I do not blame the opponents of our bill for not wanting to discuss it. Soft money is an embarrassment to the American political system. It should shame the defenders of the status quo. Soft money was at the very heart of the scandals of 1996. But a few hearty souls have ventured out onto the floor to defend soft money. I want to take my remaining time to address their arguments. They have given the absolute worst excuse for opposing our bill—that the soft money ban is either unconstitutional or a bad idea.

Soft money is the mother of all loopholes. It is the most ingenious money laundering scheme in American history. Corporations and labor unions are prohibited from giving money directly to candidates. It has been that way for most of the century. Instead, what they do is they give the money to the candidate's party. That means, instead of having to use a PAC, the corporation can reach into its shareholders' moneys and a union can reach into its members' dues.

The sky is truly the limit for these contributions. You can give $5,000, you can give $50,000, you can give $500,000. There is no reason under this loophole why you could not give the party $5 million by yourself. There are no limits on soft money—none at all.

This laundering scheme allows the parties to dump tens of millions of unregulated dollars into congressional elections and into Presidential elections. Just last fall the Republican Party ran an unprecedented issue ad campaign in the special congressional election for the seat vacated by former Representative Susan Molinari of New York. The party reportedly spent $800,000 on ads attacking the Democratic candidate for that office. Much of that money was soft money, money that is supposed to be illegal in Federal elections.

In the 1996 cycle, the two political parties raised and spent over $262 million in soft money. That is $262 million that was raised and spent completely outside of the scope of Federal election law.

The trend with respect to soft money is frightening. In 1992, the two parties raised and spent a combined $86 million in soft money. In just 4 years, that has gone from $86 million to $262 million. It tripled in just 4 years. And this year, even with the scandals and the very sharp attention to the issue, the money

machine just keeps churning away. The FEC just announced that the parties raised $74 million in 1997, the most money ever raised in an off-election year, and more than twice as much as they raised in 1993, the year after the 1992 Presidential election.

Those are just the overall amounts of soft money, and the numbers are truly staggering. But what is most troubling about the soft money system is the shameless solicitation of these multi-hundred-thousand dollar contributions from corporations, labor unions, and wealthy individuals.

Both political parties are offering big contributors special access to high-ranking Government officials in exchange for a $100,000, $250,000, or a $500,000 contribution. Maybe you get to sit at the head table with the President. Maybe you get to have a special meeting with a congressional committee chairman. Maybe you get to participate in a trade mission to a foreign land.

But let's not pretend that someone is making a $500,000 contribution purely in the interest of good government and good democracy. Just this past year Philip Morris, facing the growing challenge of lawsuits around the country and possible congressional action on tobacco legislation, gave another $450,000 to the Republican Party and $60,000 to the Democrats. What is that all about? I think we know what it is all about.

Remember Roger Tamraz, one of the most colorful characters to appear before Senator THOMPSON's investigation last year? When asked if he felt he got his money's worth for his $300,000 contribution, Tamraz told the Government Affairs Committee that next time he would give $600,000. When asked if one of the reasons he made the contribution was to get special access, Tamraz responded by saying it wasn't one of the reasons, it was the only reason.

Mr. President, there is massive public support for a ban on soft money. Three former Presidents, over 200 former Members of Congress, countless editorial boards across the country, and even many people in the business community want to end this disgrace. Therefore, I am not surprised that virtually no one who is opposed to our legislation has stepped forward to offer a defense of this shameful system.

How can anyone defend a system that rewards the Roger Tamraz's of the world? How can anyone defend the $500,000 contributions flowing into Federal elections and the auctioning off of special access to high-ranking Government officials?

What do the few supporters of this corrupt and corrupting system say? Well, a number of Senators complained that banning soft money would ''federalize all elections.'' One even argued that the Supreme Court in Buckley had actually permitted the use of soft money by the political parties, and somehow enhanced its legitimacy in the Colorado case.

Actually, the Colorado case concerned hard money expenditures made by the parties, supposedly independent of its candidates. The Court did mention soft money, but assumed that it may not be used to influence Federal elections. The whole reason we need to ban soft money is that it is abundantly clear that it is being used to influence Federal elections. That is why 126 legal scholars wrote us to say that it would clearly be constitutional to ban soft money.

As for federalizing all elections, that argument is like the one made by a Senator who is worried that banning soft money will hurt State parties. He complained that State parties will have to use hard money for voter registration and things like bumper stickers and buttons. The soft money provision in McCain-Feingold does allow the State parties to continue to raise money from corporations and unions if their States allow it, but not for Federal election activities. They can use soft money for voter registration up to 4 months before a Federal election.

They can use soft money, non-Federal money to support State candidates. They just can't use it to run these ads that mention Federal candidates.

That is not ''federalizing all elections.'' That is just making sure that money that would be illegal, if given to candidates, cannot be used to benefit their elections by doing an end run around the Federal election laws. What use is prohibiting the national parties from raising and spending this illegal money if it can simply be diverted to State parties to turn around and do exactly the same thing with it?

Mr. President, there were a few opponents of McCain-Feingold who had the candor last fall to admit that, of course, Congress can constitutionally ban soft money. The Senator from Washington, Senator GORTON, and the Senator from New Mexico, Senator DOMENICI, both fine lawyers, indicated that that was their position. But they argued that we shouldn't do it because it would hurt the political parties and create an ''imbalance'' in the system. They fear that without soft money, parties would be ineffective, and the most irresponsible ads, the ones run by independent groups, would be encouraged.

That is a pretty interesting argument. These Senators appear unwilling to address the evasion of the election laws by outside organizations, unwilling even to try to craft a provision dealing with the phony issue ads and let the Supreme Court finally address the issue advocacy versus express advocacy problem by letting the Court know what the Congress thinks the law should be and then, because they don't like these unaccountable ads, which they themselves refuse to do anything about, they want to leave open the biggest and most objectionable loophole of all in our Federal election law today—soft money.

Our great political parties and, indeed, our political system are soiled by this soft money system. We ought to be racing to get rid of it. We ought to be trying to clean up our reputation. We ought to try to redeem ourselves in the eyes of the American people.

Are we really going to take the position, as we head into the 1998 elections, that our political parties, with their rich and important histories in this country, cannot thrive, cannot survive, without soft money? Are the parties so divorced from what real people want that they have to rely for their financial support on huge contributions from corporations and wealthy individuals who seek special access to pursue their own special interests?

I, Mr. President, am one who believes that the parties can survive without soft money. They did it up until the late 1980s. Remember, the law permits the parties to raise up to $20,000 per year in hard money from each contributor. But the parties have gotten lazy. They don't like having to raise money piece by piece, $20,000 by $20,000, voter by voter. They would rather hold dinners at big Washington hotels, send out invitations to lobbyists promising special access and then just sit back and collect a few big soft money checks. They are addicted to these huge sums of money and the nasty attack ads they can buy if the party lawyers are clever enough in how they spend the money.

That is right, Mr. President, I don't think our political parties are worth supporting anymore if they don't have anything to offer except fancy fundraisers for corporate lobbyists. If they can no longer appeal to the people of this country to fund their legitimate activity, maybe their time has come and gone. That is why protecting the political parties' ability to raise soft money is the very worst excuse for opposing the McCain-Feingold bill. It simply admits that our political system has utterly failed; that our parties are bankrupt morally and intellectually, even if they have full bank accounts; that our representative democracy has become a corporation democracy, where the amount of power you have depends on how much money you have.

I refuse to accept the judgment that we are doomed to have this kind of campaign finance system in America, the greatest democracy on Earth. That is why I am still fighting for campaign finance reform in this Congress. If the opportunity presents itself, if it looks like more of my colleagues are ready to reject the excuses—and I suspect there will be more—I will be ready to bring the McCain-Feingold bill, or any portion of it, before this Senate again.

I think the American people should know where this Senate stands on the issue of soft money. I think the people who sent us here deserve to know whether we think it is right that our

elections are dominated by this unlimited, unregulated money or not. Because we know that they don't think it is right, the time has come to act.

Most of the pundits say we lost in February, but I think we won a battle. We won because we showed that a bipartisan majority of the Senate wants reform, and a bipartisan majority of the Senate will stick together and fight for reform. The battle for reform on both sides of Capitol Hill is proceeding, and it will go forward until the American people win the war and get their Government back.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Georgia.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2302, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Kempthorne amendment No. 2302 be modified with the text which is now at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the amendment (No. 2302), as modified, will be printed in a future edition of the RECORD.

Mr. COVERDELL. Mr. President, I now yield back all time remaining with respect to amendments Nos. 2297, 2302 and 2301.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. 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. Without objection, it is so ordered.

TRIBUTE TO DR. RICHARD E. GREENLEAF

Mr. DOMENICI. Mr. President, I rise to pay tribute to a distinguished scholar and son of New Mexico. This year, Dr. Richard Greenleaf, Professor of Latin American History and Director of the Center for Latin American Studies at Tulane University, ends a remarkable career of more than a half century of research and teaching. Dr. Greenleaf has now returned to new Mexico to enjoy his retirement.

A few weeks ago, Dr. Greenleaf's students and colleagues gathered at Tulane University to honor their mentor and friend. One of Dr. Greenleaf's former students, Dr. Stanley Hordes of the Latin American Institute of the University of New Mexico, wrote an essay to commemorate that event. The essay recounts Dr. Greenleaf's extraordinary career and warmly expresses the deep affection his students hold for him.

For all his accomplishments, I salute Dr. Greenleaf. I welcome him home to New Mexico, and I join all those who are indebted to him for his lifetime commitment to scholarship and teaching.

Mr. President, I ask unanimous consent that Dr. Hordes' tribute to Dr. Greenleaf be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

DEDICATION OF THE RICHARD E. GREENLEAF CONFERENCE ROOM, APRIL 3, 1998

Dr. Richard Edward Greenleaf, France Vinton Scholes Professor of Colonial Latin American History, and Director of the Center for Latin American Studies at Tulane University was born in Hot Springs, Arkansas on May 6, 1930. He grew up in Albuquerque, New Mexico, and took his Bachelor's, Master's and Doctoral degrees at the University of New Mexico, where he studied under the dean of inquisition scholars, Professor France V. Scholes. Dr. Greenleaf's doctoral dissertation, ''Zumárraga and the Mexican Inquisition 1536–1543,'' served as the basis for his many excellent publications on the history of the Holy Office in Latin America.

Dr. Greenleaf authored eleven major scholarly books, served as co-author of, or contributor to seventeen others, and published almost four dozen articles in the field of Latin American and Borderlands history. He has served on the editorial boards of several major publications, including the Handbook of Latin American Studies, The Americas and the Hispanic American Historical Review, and was the recipient of many distinguished awards, among them Silver Medal, Sahagún Prize: Mexican National History Award, and the Serra Award of the Academy of American Franciscan History for Distinguished Scholarship in Colonial Latin American History.

Richard Greenleaf began his teaching career at the University of Albuquerque in 1953. Shortly thereafter, he moved to Mexico City, where he taught at the University of the Americas, later serving as Chair of the Department of History and International Relations, Academic Vice-President and Dean of the Graduate School. In 1969, he accepted a faculty position at Tulane, assuming the directorship of the Center for Latin American Studies the following year, and the chairmanship of the History Department in 1978. In 1982, he was installed in the France Vinton Scholes Chair in Colonial Latin American History. In his long and distinguished teaching career, Dr. Greenleaf has served as mentor to numerous doctoral students, and countless master's and undergraduate students, all of whom are greatly indebted to him for his inspiration and guidance.

RECOGNITION OF YVONNE ULLAS, WASHINGTON STATE TEACHER OF THE YEAR

Mr. GORTON. Mr. President, today, as we debate the most important issue we will discuss all year on the Senate floor—our children's education—I would like to take a moment to recognize Washington State's Teacher of the Year, Ms. Yvonne Ullas. A first grade teacher at Naches Primary School in Yakima, Washington, Ms. Ullas is being honored in Washington, DC to recognize her dedication to her profession and innovation in the classroom. We think we have a challenging job in the Senate, but every day Ms. Ullas is charged with stimulating the minds of 24 active first graders.

The Naches primary school has prepared this book with their advice for President Clinton and have asked that I send it over to the White House. Many of the children commented that if they were President they would make sure our kids have the best education. I will make sure the words of advice reach the President. I know Ms. Ullas serves as an example of excellence in education and of the dedication of many people in our local communities to ensuring a bright future for our children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration; to the Committee on Commerce, Science, and Transportation.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

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–4649. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on April 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4650. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on enlistment waiver trends for fiscal years 1991 through 1997; to the Committee on Armed Services.

EC–4651. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Empowerment Zones: Rule for Second Round Designations'' received on April 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4652. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–4653. A communication from the Assistant Attorney General, transmitting, pursuant to law, the annual report of the Bureau of Justice Assistance for fiscal year 1996; to the Committee on the Judiciary.

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–384. A resolution adopted by the Senate of the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

Whereas, Congress, through the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), mandated that the secretary of agriculture consolidate the then existing thirty-two federal milk marketing orders into no fewer than ten nor more than fourteen orders by no later than April 4, 1999; and

Whereas, the FAIR Act also authorized the secretary of agriculture to review and reform the pricing and other provisions of the consolidated orders; and

Whereas, on January 23, 1998, the secretary of agriculture issued the proposed rules for federal milk order consolidations and reforms; and

Whereas, these proposed rules included two options for pricing milk used in Class I (fluid milk products), which are noted and referred to as Option 1A and Option 1B; and

Whereas, Option 1A is similar to the present geographic price structures; however, Option 1B would reduce the minimum federal order prices in Louisiana more than $1.00 per hundred weight; and

Whereas, while demand has been rising due to increasing population, milk production in Louisiana and the entire Southeast has declined during each of the past seven years; as a result, larger quantities of milk are imported from other regions at higher cost than local milk; and

Whereas, implementation of Option 1B, even with the highest transition option, would aggravate the loss of dairy farms and local milk production; and

Whereas, such loss will be devastating to the dairy farmer, the rural communities, and the consumers: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support, and urges and requests the secretary of agriculture to incorporate, Option 1A as the pricing procedure in all federal milk marketing orders in his final decision on consolidation and reform of these orders. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana congressional delegation, and the secretary of the United States Department of Agriculture.

POM–385. A resolution adopted by the Council of the City of Wilkes-Barre, Pennsylvania relative to Federal credit unions; to the Committee on Banking, Housing, and Urban Affairs.

POM–386. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Banking, Housing, and Urban Affairs.

JOINT RESOLUTION MEMORALIZING THE CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT FAIR HOUSING ACT

Whereas, 10 years ago the Fair Housing Amendments Act of 1988 amended Title VIII of the Civil Rights Act of 1968, to extend the principle of equal housing opportunity to people with disabilities and to families with children; and

Whereas, on February 12, 1998, the Fair Housing Amendments Act of 1998 was introduced for the purpose of repealing the federal protections for people with mental retardation and other disabilities; and

Whereas, the accomplishments that have been made during the last 30 years to protect people with disabilities and families with children should be celebrated and improved upon, not weakened; Now, Therefore, be it *Resolved,* That the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; and be it further

Resolved, That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to Charles Canady, Chair of the House Judiciary Subcommittee on the Constitution, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

POM–387. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 388

Whereas, This Commonwealth has used four telephone area codes since the 1940s; and

Whereas, A shortage of available telephone numbers in two area codes in this Commonwealth has prompted the Pennsylvania Public Utility Commission to create two new area codes since 1995, increasing the total number of area codes to six; and

Whereas, Anticipated shortages in the 717, 215 and 610 area codes prompted the Pennsylvania Public Utility Commission to institute practices that would conserve telephone numbers in these area codes and so mitigated the need to create additional area codes; and

Whereas, Beginning in July 1997, the Pennsylvania Public Utility Commission adopted orders authorizing several methods of conserving telephone numbers in the 717, 215 and 610 area codes; and

Whereas, These methods to reduce the amount of telephone numbers provided to telephone service providers in any given local exchange, to develop a transparent area code and to ration available numbers were challenged at the Federal Communications Commission; and

Whereas, The delays and denials from the Federal Communications Commission prevented the Pennsylvania Public Utility Commission from implementing its conservation methods and so forced the Pennsylvania Public Utility Commission to act to create new area codes; and

Whereas, Due to these delays and denials, this Commonwealth faces a crisis in available telephone numbers in the 717, 215 and 610 area codes, which has forced the Pennsylvania Public Utility Commission to tentatively create two new area codes; and

Whereas, The creation of new area codes prior to the full implementation of conservation methods results in unnecessary inconvenience, confusion and expense to citizens in the affected areas; and

Whereas, The creation of these proposed new area codes could have been prevented or significantly delayed had the Federal Communications Commission acted expeditiously on the Pennsylvania Public Utility Commission's conservation proposals: Therefore, be it *Resolved,* That the House of Representatives memorialize the Congress of the United States and the Federal Communications Commission to allow state regulatory agencies the flexibility they need to conserve available telephone numbers and so extend the useful lives of existing area codes; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the chairman of the Federal Communications Commission, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–388. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 220

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has also benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter than now enjoy convenient access to Northern Virginia by air; and

Whereas, this perimeter rule was enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the United States Congress that would provide for exemptions from the perimeter rule; and

Whereas, any change in the current perimeter rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports; and

Whereas, maintaining the perimeter rule is critical to the continued effectiveness of the balanced regional air transportation plan: Now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly oppose any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM–389. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL 4032

Whereas, The people of the State of Washington are facing the impacts of the listing and proposed listings of salmon and steelhead stocks under the federal Endangered Species Act; and

Whereas, These listings represent a serious threat to the continued economic well-being of the people of the State of Washington; and

Whereas, The people of the State of Washington will fully comply with the requirements of the federal Endangered Species Act within its borders and territorial waters; and

Whereas, The salmon and steelhead that spawn in the State of Washington spend most of their life cycle outside of waters controlled by the state; and

Whereas, Considerable threats to the salmon and steelhead of the State of Washington can only be addressed by the intervention of the United States Government; and

Whereas, The success of any conservation plan implemented under the federal Endangered Species Act for listed salmon and steelhead runs in the State of Washington is in doubt without immediate action by the federal government;

Now, therefore, Your Memorialists respectfully pray that the United States Government immediately resolve the United States-Canada fishing dispute, enforce the two hundred-mile limit and the ban on high seas drift net fishing, and provide funding for salmon recovery efforts which mitigate the loss of habitat caused by the construction of hydroelectric dams on the Columbia River.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–390. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, Television has become a medium of great importance as a source of information and entertainment to the citizens of West Virginia and the United States; and

Whereas, Cable television sometimes provides the only access to quality television signals in many areas of West Virginia; and

Whereas, Cable television services in West Virginia are not subject to effective competition; and

Whereas, Over the last ten years, despite the efforts of the Congress of the United States and the Legislature of West Virginia, the prices that consumers pay for cable television services have escalated at alarming rates, for out pacing the increase in the costs of other goods or services; and

Whereas, The enormous increases in the costs for subscribers of cable television services is a result of the absence of competition in the industry coupled with inadequate regulation; and

Whereas, It is the duty of government to intervene to protect its citizens from the pricing practices of monopolies: Therefore, be it

Resolved by the Legislature of West Virginia, That this legislature respectfully urges the Congress of the United States to address this important issue by enacting comprehensive legislation to create widespread competition within the cable television industry and until such time as competition exists, that the Congress of the United States will pass comprehensive legislation allowing the several states and local franchising authorities to have complete and unfettered power and authority to regulate the rates that cable television companies may charge to the subscribers of cable television service, including charges for any and all tiers of programming; and, be it further

Resolved, This Legislature respectfully urges the Congress of the United States to enact laws requiring cable television companies to permit consumers to select and decline individual channels that they desire to have or not to have, so that consumers are not forced to buy programming that they do not want simply to be able to have the programming that they do want; and, be it further

Resolved, That the Clerk of the House of Delegates be hereby directed to transmit appropriate copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the West Virginia Delegation of the Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 2676. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes (Rept. No. 105–174).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Togo Dennis West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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 Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. FORD (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. HOLLINGS, and Mr. HARKIN):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself and Mr. DASCHLE):

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. ASHCROFT, Mr. INHOFE, Mr. BROWNBACK, and Mr. FEINGOLD):

S. Res. 212. A resolution expressing the sense of the Senate that at the upcoming United States-China summit the President should demand the release of all persons remaining imprisoned in China and Tibet for political or religious reasons, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT (for Mr. HELMS (for himself, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. WARNER, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Mr. MCCAIN, Mr. ROBB, Mr. LEVIN, Mr. HUTCHINSON, Ms. SNOWE, Mr. ASHCROFT, Mr. KENNEDY, Mr. ROBERTS, Mr. CLELAND, Mr. DASCHLE, Mr. HAGEL, Mr. COATS, Mr. BINGAMAN, Mr. BENNETT, Mr. NICKLES, Mr. BYRD, Mr. LIEBERMAN, Mr. LOTT, Mr. GLENN, Mr. INHOFE, Mr. KOHL, and Mr. STEVENS)):

S. Res. 213. A resolution congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of Strom Thurmond, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years; considered and agreed to.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. COVERDELL, Mr. HAGEL, and Mr. MOYNIHAN):

S. Res. 214. A resolution commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

THE INTERNET PREDATOR PREVENTION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to introduce the Internet Predator Prevention Act of 1998. This legislation will give much needed protection to the millions of American families with children.

In the past two decades, the Internet has grown dramatically. In 1981, there were only 213 computers hooked into the Internet. In January of last year, it was estimated that 17,753,266 computers were wired into the Internet. And the number of web sites has also increased significantly in just the last several years: In June of 1993, there were only 130 reported web sites. By January 1996, that number had grown to more than 100,000. The Congressional Research Service reports that studies on the internet have found that 9 million to 47 million people are using the Internet each year.

This enormous new ''cyberworld,'' which crosses state and national boundaries as well as race, gender and age barriers, has created a plethora of new communities, new business opportunities, and unfortunately, new crimes. It seems as if every month, we are hearing stories of children who have been exploited and hurt because of contacts they have made on the Internet.

I am struck by two particular incidents that arose in my home state of Illinois in just the past year. In August of 1997, I was contacted by the mother of a 9-year-old Joilet girl whose name and number had been posted on a series of web pages, bulletin boards and chat rooms that was designed to attract child molesters. This family only learned of the posting when they began to receive illicit phone calls from strangers at odd times of the night. A second family from Illinois had a similar experience when a stranger began ''logging on'' using their 10-year-old daughter's name. The child's name and the family's home telephone number was posted on the Internet in a chat room for pedophiles. These parents were lucky enough to learn that their child's name had been posted on one of these sites before their children were placed in greater danger.

Across this nation, there have been numerous other instances in which parents have learned that their children's names, addresses, and phone numbers have been posted on Web pages, bulletin boards, and chat rooms where pedophiles and child molesters lurk.

This ought to be a crime. No one should be allowed to set a child up for a potentially dangerous situation that could have a lasting and irrevocable impact. The Internet should serve as a resource and learning took, and not a vehicle for exploitation.

Currently, there are very few state laws that exist that address this issue. The few laws that do exist are vague and do not carry the weight needed to prosecute pedophiles for their crimes. The quick growth of the Internet has made it difficult to control Internet postings and, in this case, state and other traditional boundaries cannot and do not apply. Often times, a child and his or her exploiter may live in different states on different sides of the country. The crime taking place, however, is not any less significant than if they were in the same room.

I believe that the Federal government can play an important role in stopping child exploitation on the Internet. The federal government has the ability to regulate interstate activity and federal law has jurisdiction over all 50 states and territories. A federal law will be able to navigate the complexity of the issues the Internet raises regarding interstate commerce and can be used to prosecute criminals regardless of what state the perpetrator lives in.

Today, I am introducing legislation which I believe will address this growing problem. My legislation would make it a crime to post a child's name, address, or telephone number on an Internet web site, chat room or bulletin board in order to make that child available for criminal sexual acts with an adult. This bill uses the least restrictive means of regulating against one of the most offensive acts a human being can commit toward another: the exploitation of a child.

I urge all of my colleagues to join me in supporting the quick passage of this legislation.

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. 1965

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 ''Internet Predator Prevention Act of 1998''.

SEC. 2. PROHIBITION AND PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''§ 2261. Publication of identifying information relating to a minor for criminal sexual purposes

''(a) DEFINITION OF IDENTIFYING INFORMATION RELATING TO A MINOR.—In this section, the term 'identifying information relating to a minor' includes the name, address, telephone number, social security number, or e-mail address of a minor.

''(b) PROHIBITION AND PENALTIES.—Whoever, through the use of any facility in or affecting interstate or foreign commerce (including any interactive computer service) publishes, or causes to be published, any identifying information relating to a minor who has not attained the age of 17 years, for the purpose of soliciting any person to engage in any sexual activity for which the person can be charged with criminal offense under Federal or State law, shall be imprisoned not less than 1 and not more than 5 years, fined under this title, or both.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''2261. Publication of identifying information relating to a minor for criminal sexual purposes.''.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

THE GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1988

Mr. FEINGOLD. Mr. President, I rise today to introduce ''The Gaylord Nelson Apostle Islands Stewardship Act of 1998.'' I am very pleased that my senior colleague from Wisconsin joins me as an original author of the bill, and also that my colleague in the other body, Congressman OBEY is joining me in introducing the companion legislation as he represents the area of Wisconsin where the Apostle Islands are located.

Mr. President, on this Earth Day, the 29th Earth Day, I have chosen to name this legislation in recognition of the accomplishments of Earth Day's founder, a former member of this body and former Governor of my state, Gaylord Nelson. Many outside Wisconsin may not know that, in addition to founding Earth Day, Senator Nelson was also the primary sponsor of the Apostle Islands National Lakeshore Act. That Act, which passed in 1970—the same year Earth Day was founded, protects

one of Northern Wisconsin's most beautiful areas, and it is a place where every year my family and I spend our favorite vacation.

Though Senator Nelson has received many awards, I know that among his proudest accomplishments are those bills he crafted which have produced real and lasting change in preserving America's lands, such as the Apostle Islands.

The Apostle Islands National Lakeshore includes 21 forested islands and 12 miles of pristine shoreline which are among the Great Lakes' most spectacular scenery. Centuries of wave action, freezing, and thawing have sculpted the shorelines and nature has carved intricate caves into the sandstone which forms the islands. Delicate arches, vaulted chambers, and hidden passageways honeycomb cliffs on the north shore of Devil's Island, Swallow Point on Sand Island, and northeast of Cornucopia on the mainland. The Apostle Islands National Lakeshore includes more lighthouses than any other coastline of similar size in the United States, and is home to diverse wildlife including: black bear, bald eagles and deer. It is an important recreational area as well. Its campgrounds and acres of forest, make the Apostles a favorite destination for hikers, sailors, kayakers, and bikers. The Lakeshore also includes the underwater lakebed as well, and scuba divers register with the National Park Service to view the area's underwater resources.

I also know that Senator Nelson, if he were still a member of this body, would have been wholeheartedly pursuing the full implementation of the ecological vision that Wisconsinites and all Americans share for the Lakeshore. Unfortunately, as do many of the lands managed by the National Park Service, the Apostle Islands National Lakeshore finds itself, now 28 years later, with both some significant financial and legal resource needs. If we are to be true stewards of America's public lands, we need to be willing to make necessary financial investments and management improvements when they are warranted. Thus, I am introducing this legislation in an attempt to resolve the unfinished business that remains at the Lakeshore, as well as to renew our Nation's commitment to this beautiful place.

Mr. President, the legislation has three major sections. First, it directs the Park Service to conduct a wilderness suitability study of the Lakeshore as required by the Wilderness Act. The legislation authorizes $200,000 for that purpose.

This study mandate is needed to ensure that we have the appropriate level of management at the Apostle Islands National Lakeshore. The Wilderness Act and the National Park Service policies require the Park Service to conduct an evaluation of the lands it manages for possible inclusion in the National Wilderness system. Such a study would result in a recommendation to Congress about whether any of the federally-owned lands currently within the Lakeshore still retain the characteristics that would make them suitable to be legally designated as wilderness. The Congress would then have an opportunity to review such information. If Congress found that such information indicated that some of the federal lands within the Lakeshore were in need of legal wilderness status, Congress would have to subsequently pass legislation to confer such status.

We need this study, Mr. President because, though 28 years have passed, we are not certain whether we are under- or over-managing the Lakeshore. During the General Management Planning Process for the Lakeshore, which was completed nearly a decade ago in 1989, the need for a formal wilderness study was identified. Although a wilderness study has been identified as a high priority by the Lakeshore, it has never been funded.

Since 1989, most of the Lakeshore, roughly 80 percent of the acreage, is being managed by the Park Service as if it were federally designated wilderness. As a protective measure, all lands which might be suitable for wilderness designation were zoned to protect any wilderness characteristics they may have pending completion of the study. However, we may be managing lands as wilderness in the Lakeshore that might, due to use patterns, no longer be suitable for wilderness designation. Correspondingly, some land area may have become more ecologically sensitive and may need additional legal protection.

Second, this legislation also directs the Park Service to protect the historic Raspberry Island and Outer Island lighthouses. The bill authorizes $3.9 million for bluff stabilization and other necessary actions. There are six lighthouses in the Apostle Island National Lakeshore—Sand Island, Devil's Island, Raspberry Island, Outer Island, Long Island and Michigan Island. Engineering studies completed for the National Park Service have determined that several of these lighthouses are in danger of structural damage due to the continued erosion of the red clay banks upon which they were built. The situations at Outer Island and Raspberry Island, the two which this legislation addresses, were determined to be in the most jeopardy.

The Raspberry Island situation is most critical. The Raspberry Island lighthouse was completed in 1863 to mark the west channel through the Apostle Islands. The original light was a rectangular frame structure surmounted by a square tower that held a lens 40 feet above the ground.

A fog signal building was added to Raspberry Island in 1902. The red brick structure housed a ten-inch steam whistle and a hoisting engine for a tramway. The need for additional personnel at the station led to a redesign of the lighthouse building in 1906–07. The structure was converted to a duplex, housing the keeper and his family in the east half, with the two assistant keepers sharing the west half. A 23-kilowatt, diesel-driven electric generator was installed at the station in 1928. The light was automated in 1947 and then moved to a metal tower in front of the fog signal building in 1952.

Raspberry Island light is now the most frequently visited of Apostle Islands National Lakeshore's lighthouses. Recent erosion is threatening the access tram and the fog signal building.

The Outer Island light station was built in 1874 on a red clay bluff 40 feet above Lake Superior. The lighthouse tower stands 90 feet high and the watchroom is encircled by an outside walkway and topped by the lantern.

Historic architects have indicated to the Park Service that Outer Island lighthouse may already be suffering some structural damage due to its location on the bluff and the situation would be much worse if Lake Superior were exceedingly high.

Engineers believe that preservation of these structures requires protection of the bluff beneath the lighthouses, stabilization of the banks, and dewatering of the area immediately shoreward of the bluffs. Although the projects have in the past been included within the Park Service-wide construction priorities, they have never been funded.

Finally, this legislation adds language to the act which created the Lakeshore allowing the Park Service to enter into cooperative agreements with state, tribal, local governments, universities or other non-profit entities to enlist their assistance in managing the Lakeshore. Some parks have specific language in the act which created the park allowing them to enter into such agreements. Parks have used them for activities such as research, historic preservation, and emergency services. Apostle Islands currently does not have this authority, which this legislation adds.

Other National Park lands and lands which are managed by the Park Service, such as the Lakeshore, have such authority. Adding such authority to the Lakeshore will be a way to make Lakeshore management resources go farther. The Park Service has the opportunity to carry out joint projects with other partners which could contribute to the management of the Lakeshore including: state, local, and tribal governments, universities, and non-profit groups. Such endeavors would have both scientific management and fiscal benefits. In the past, the Lakeshore has had to pass over opportunities because the specific authority has been absent.

In his 1969 book on the environment, entitled America's Last Chance, Senator Nelson issued a political challenge: ''I have come to the conclusion that the number one domestic problem facing this country is the threatened destruction of our natural resources

and the disaster which would confront mankind should such destruction occur. There is a real question as to whether the nation, which has spent some two hundred years developing an intricate system of local, State and Federal Government to deal with the public's problems, will be bold, imaginative and flexible enough to meet this supreme test.''

Though, fortunately, the Apostle Islands are not, because of former Senator Nelson's efforts, ''threatened with destruction,'' I believe that Senator Nelson meant two things by his challenge. Not only did he mean that government must act immediately and decisively to protect resources in crisis, but he also meant that government must be responsible and flexible enough to remain committed to the protection of the areas we wisely seek to preserve under our laws.

Thus, Mr. President, on this Earth Day I am proud to introduce this legislation as a renewal of the federal government's commitment to the Apostle Islands National Lakeshore. I look forward to working with my colleagues on this legislation.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1966

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 ''Gaylord Nelson Apostle Islands Stewardship Act of 1998''.

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the sesquicentennial year of the State of Wisconsin provides an opportunity to reflect on and act to protect important components of the State's ecological and cultural identity, such as the Lakeshore;

(3) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(4) after 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(5) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(6) all lands within the Lakeshore that might be suitable for designation as wilderness are currently zoned and managed to protect wilderness characteristics pending completion of such a study;

(7) several historic lighthouses within the Lakeshore are currently in danger of structural damage due to severe erosion;

(8) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(9) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(10) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse within the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

THE TRANSIT IN PARKS ACT

Mr. SARBANES. Mr. President, today I am introducing new legislation to help ease congestion, protect our nation's natural resources, and improve mobility and accessibility in our national parks and wildlife refuges. The ''Transit In Parks Act'' or TRIP bill is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior.

When the parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip.

The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The on-going tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 4 million visitors a year; Yellowstone, which has more than 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

The legislation I am introducing builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, last November, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource

management needs in and around national parks. The findings in the Memorandum Of Understanding entered into by the two departments are especially revealing:

Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is two-fold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience.

This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 375 various parks within the National Park System, including national battlefields, monuments and national seashores, as well as the national wildlife refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes $50 million for this new program for each of the fiscal years 1999 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement entered into last November between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands.

The projects eligible for funding shall be developed through the ISTEA planning process and selected in consultation with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies.

It is anticipated that the Secretary of Transportation shall select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are $25 million or greater, the projects shall comply with the transit New Starts requirements. No single project shall receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

Finally, the bill directs the Secretary of Transportation, in coordination with the Secretary of the Interior, to undertake a comprehensive study of alternative transportation needs in the national parks and other public lands eligible for assistance under this program. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites.

This program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the ISTEA planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The on-going tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access.

Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

So today, as we celebrate Earth Day and throughout this entire week as we mark National Parks Week, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, and the Environmental Defense Fund, and I ask unanimous consent that these letters and additional supporting material be included in the RECORD immediately following my remarks.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

Mr. President, I ask unanimous consent that the following be printed in the RECORD:

Text of the Bill;

Section-by-section summary;

Washington Post November 26, 1997, article: ''Strict Limits on Cars set for 3 National Parks''; and

Letters of support; from the American Public Transit Association, from the National Parks and Conservation Association, Surface Transportation Policy Project, Natural Resources Defense Council and Environmental Defense Fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1967

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 ''Transit in Parks (TRIP) Act''.

SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''§ 5339. Mass transportation in national parks and related public lands

''(a) POLICIES, FINDINGS, AND PURPOSES.—

''(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

''(2) GENERAL FINDINGS.—Congress finds that—

''(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

''(B) the study found that—

''(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

''(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

''(iii) the transportation problems and visitor services require increased coordination with gateway communities;

''(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

''(D) to initiate the Memorandum of Understanding, and to implement President Clinton's 'Parks for Tomorrow' initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

''(E) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

''(F) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

''(G) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

''(H) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

''(3) GENERAL PURPOSES.—The purposes of this section are—

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

''(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and accessibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities.

''(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

''(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

''(b) DEFINITIONS.—In this section—

''(1) the term 'Federal land management agency' means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

''(2) the term 'national parks and related public lands' means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

''(3) the term 'qualified participant' means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

''(4) the term 'qualified mass transportation project' means a project—

''(A) that is carried out within or adjacent to national parks and related public lands; and

''(B) that—

''(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

''(ii) is any activity described in section 5309(a)(1)(A);

''(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

''(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

''(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

''(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

''(vii) is any transportation project that—

''(I) enhances the environment;

''(II) prevents adverse impact on natural resources;

''(III) improves Federal land management agency resources management;

''(IV) improves visitor mobility and accessibility and the visitor experience;

''(V) reduces congestion and pollution, including noise and visual pollution;

''(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

''(VII) incorporates private investment; and

''(5) the term 'Secretary' means the Secretary of Transportation.

''(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

''(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the Secretary of the Interior, which shall provide for—

''(A) the exchange of technical assistance;

''(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

''(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

''(2) PROJECT SELECTION.—The Secretary, after consultation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

''(d) TYPES OF ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

''(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

''(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(m) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

''(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

''(1) if the qualified participant is a Federal land management agency—

''(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with sections 5303 through 5306; and

''(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

''(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5306;

''(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5306, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

''(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

''(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

''(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

''(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

''(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

''(D) the clear and direct benefit to a qualified participant assisted under this section; and

''(E) any other matters that the Secretary considers appropriate to carry out this section.

''(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

''(h) SELECTION OF QUALIFIED MASS TRANSPORTATION PROJECTS.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

''(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

''(2) the location of the qualified mass transportation project, to assure that the selection of projects—

''(A) is geographically diverse nationwide; and

''(B) encompasses both urban and rural areas;

''(3) the size of the qualified mass transportation project, to assure a balanced distribution;

''(4) historical and cultural significance of a project;

''(5) safety;

''(6) the extent to which the project would enhance livable communities;

''(7) the extent to which the project would reduce pollution, including noise and visual pollution;

''(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

''(9) any other matters that the Secretary considers appropriate to carry out this section.

''(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—

''(1) GENERAL AUTHORITY.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (2) through (5) of section 5309(e), as applicable.

''(2) PROJECT SELECTION CRITERIA.—

''(A) CONSIDERATIONS.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

''(i) visitation levels;

''(ii) the use of innovative financing or joint development strategies;

''(iii) coordination with the gateway communities; and

''(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

''(B) CERTAIN LOCATIONS.—For fiscal years 1999 through 2003, projects described in paragraph (1) may include the following locations:

''(i) Grand Canyon National Park.

''(ii) Zion National Park.

''(iii) Yosemite National Park.

''(iv) Acadia National Park.

''(C) LIMIT.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

''(D) FULL FUNDING GRANT AGREEMENTS.—A project assisted under this subsection whose net project cost is greater than $25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

''(j) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) IN GENERAL.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

''(A) the qualified participant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

''(2) INTEREST.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) COST CHANGE CONSIDERATIONS.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

''(k) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

''(l) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

''(2) LABOR STANDARDS.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

''(m) STATE INFRASTRUCTURE BANKS.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

''(n) ASSET MANAGEMENT.—-The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

''(o) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

''(p) REPORT.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such report shall be included in the report required under section 5309(m)(3).

''(q) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies. The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

''(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

''(A) identify transportation strategies that improve the management of the national parks and related public lands;

''(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

''(C) assess the feasibility of alternative transportation modes; and

''(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

''(3) FUNDING.—From amounts made available under section 5338(m), $500,000 shall be made available in fiscal year 1999 to carry out this subsection.''.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(m) SECTION 5339.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5339 $50,000,000 for each of fiscal years 1999 through 2003.

''(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available until expended until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5339. Mass transportation in national parks and related public lands.''.

SECTION-BY-SECTION—TRANSIT IN PARKS ACT

I. Amends Federal Transit laws by adding new section 5339, ''Mass Transportation in National Parks and Related Public Lands.''

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

III. Definitions:

(1) eligible ''Federal land management agencies'' are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) ''national parks and related public lands''; eligible areas under the management of these agencies.

(3) ''qualified mass transportation project''; a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with Secretary of the Interior.

V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

VI. Planning Process:

The Departments of Transportation and Interior shall cooperatively develop a planning process consistent with the ISTEA planning process in sections 5305 through 5306 of the Federal Transit laws.

VII. Government's Share of the Costs:

In determining the Federal Transit Administration share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

IX. Projects of Regional or National Significance

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is $25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted so the local share as long as certain conditions are met.

IX. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

XVII. Study of Transit Needs in National Park Lands:

This authorizes $500,000 for a comprehensive study of alternative transportation needs in national parks and related public lands to be completed by January 1, 2000, and specifies the study elements.

XVIII. Authorization:

$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 1999 through 2003.

[From the Washington Post, Nov. 26, 1997]

STRICT LIMITS ON CARS SET FOR 3 NATIONAL PARKS—RAIL AND BUS SYSTEMS TO EASE TRAFFIC JAMS

(By Joby Warrick)

The Clinton administration is imposing a virtual ban on cars in busy sections of the Grand Canyon and two other national parks as part of a strategy to ease the traffic jams that have tarnished America's most spectacular natural attractions.

Interior Secretary Bruce Babbitt and Transportation Secretary Rodney E. Slater yesterday jointly announced plans for mass transit systems that will dramatically change the way most visitors experience the Grand Canyon, Yosemite National Park in California and Zion National Park in southwestern Utah. The plans call for ripping up roads and dozens of acres of existing parking lots and using buses and trains to ferry tourists into the parks.

The transit systems—which could be introduced in other parks—are designed to relieve the chronic congestion that is one of the most serious challenges facing park administrators. Because of record numbers of visitors, many of the nation's most-beloved tourist destinations are in danger of being ''loved to death,'' Babbitt said.

''The road to [Grand Canyon's] South Rim is now jammed with cars,'' Babbitt said. ''The once fresh and clear air now smells of diesel fumes and asphalt, the stunning view now marred by filling stations and smog, the sound of breeze-rustled pines now drowned by the echo of engines and horns.''

Ever-larger crowds forced Yosemite officials to begin turning away visitors on the busiest days. But Babbitt said buses and trains will allow all the parks to ''keep the 'Welcome' sign out.''

Under the pilot programs announced yesterday, visitors to the parks could be riding trains or buses by 2001. At Grand Canyon National Park, a $14 million light rail line would carry up to 4,000 riders an hour from a remote parking lot to a new visitor center at the park's South Rim. The center will be paid for with funds from park entry fees, which are not expected to increase.

Once in the park, visitors can travel to destinations using a fleet of clean-burning buses that will run on electricity or natural gas. Overnight guests could continue to use cars to drive to hotels or campsites within the park.

Similar systems using buses will be established at Zion and at Yosemite, which two weeks ago announced a plan designed to cut traffic levels by 50 percent.

The announcement comes a year after President Clinton ordered the agencies to develop alternative transportation strategies to curb overcrowding in the most popular national parks. The administration also has banned some flights at the Grand Canyon.

Park officials applauded details of the new transit plans. Robert Arnberger, superintendent of Grand Canyon National Park, said the park's resources were being ''hammered'' by a daily onslaught of 6,100 vehicles. Competition among motorists for the park's 2,000 parking spaces have prompted fights, at least one attempted murder charge and ''God knows how many divorces.''

Environmental groups also praised the decision and urged the administration to push for more aggressive restrictions in air traffic around national parks.

''We want to see the sun reflecting off waterfalls and canyons—not the bumper of the car in front of us,'' said Bill Meadows, president of The Wilderness Society. ''Even in Disney World, cars don't go right to the heart of the park.''

AMERICAN PUBLIC
TRANSIT ASSOCIATION,
Washington, DC, April 1, 1998.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a draft copy of the ''Transit in Parks (TRIP) Act'' which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the recent Memorandum of Understanding between the Department of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

In December 1997, I was pleased to write to the Secretaries of Transportation and Interior in support of their MOU, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff.

Sincerely,

WILLIAM W. MILLAR,
President.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
April 20, 1998.

Hon. PAUL SARBANES,
U.S. Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association and its nearly half a million members, I want to thank you for your foresight and leadership in proposing a bill that would enhance transit options for access to America's national parks.

As you know, from 1975 to 1996, the national parks have experienced a surge in visitation, from 190.4 million to 265.8 million visitors per year. With this increased public interest in these special places has come substantial additional burdens on the resources that have drawn such public acclaim. As more people crowd into our national parks (typically by auto) fragile habitat, endangered plants and animals, unique historical treasures, and nationally recognized symbols of our cultural heritage will become damaged from air and water pollution, noise intrusion, and inappropriate use.

Your bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to the national parks, can have a powerful, positive effect on the future integrity of the parks and their resources by reducing the need for access by automobile. Development of transportation centers and auto parking lots outside the parks, and the use of buses, vans, and rail systems would provide much more efficient means of handling the crush of visitation. As a complement to the Federal Lands Highway Program which provides funds principally for park road projects through the Federal Highway Administration, your legislation would properly recognize the critical role that mass transit can play in protecting the parks and enhancing the visitor experience.

In accomplishing its goal, your bill would further the Memorandum of Agreement signed by the U.S. Department of the Interior and the U.S. Department of Transportation last December. This memorandum would boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation, including Yellowstone, Yosemite, the Grand Canyon, and Zion. Your bill would also provide an excellent opportunity for the National Park Service to enter into public/private partnerships between the federal government and states, localities, and the private sector to provide a fuller range of transportation options than exists today. These partnerships could leverage funds that the National Park Service currently has great difficulty accessing.

NPCA looks upon your bill as a creative new mechanism to fulfill the principal federal mandate governing the national parks, which is ''to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.'' We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President.

SURFACE TRANSPORTATION
POLICY PROJECT,
April 21, 1998.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Surface Transportation Policy Project, a coalition of over 30 national and 200 local and regional groups that work to make transportation policy contribute to healthy communities and a healthy environment, I would like to commend you for the legislation you are introducing to provide a direct funding source for alternative transportation projects in our national parks. Your leadership in bringing attention to this emerging issue will be a major building block in what we hope will be a broad effort to lessen the environmental impacts of visitation on these most important natural areas.

We believe that public transportation can be the right choice for many parks, particularly those where visitors enter from only one or two major access corridors, and a majority of them visit a small number of popular destinations within the park. In these circumstances, allowing people to leave their cars behind will both enhance the park experience for all visitors, who will not have to negotiate heavy traffic in order to have a quality outdoor experience, and will benefit visitors who will not have to fight for parking spaces at popular attractions.

The STPP coalition appreciates your leadership on this issue. Please let me know if there is anything we can do to help you advance this important piece of legislation.

Sincerely,

ROY KIENITZ,
Deputy Director.

NATURAL RESOURCES DEFENSE
COUNCIL—ENVIRONMENTAL DEFENSE FUND,
April 22, 1998.

Senator PAUL SARBANES,
U.S. Senate, Washington, DC.

Dear Senator: On behalf of the Natural Resources Defense Council and the Environmental Defense Fund, we are writing to express our support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of the natural ecosystem. We believe that increased funding for transit will help mitigate some of these problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. High ozone (smog) levels that impair peoples breathing and exacerbates asthma, and haze, which can obliterate the views at our parks, will both be abated by a decrease in the number of cars and congestion levels.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Sincerely,

JOHN ADAMS,
Executive Director, Natural Resources Defense Council.

FRED KRUPP,
Executive Director, Environmental Defense Fund.

By Mr. FORD (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. HOLLINGS, and Mr. HARKIN):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AIR SERVICE RESTORATION ACT

Mr. FORD. Mr. President, today I am pleased to introduce the Air Service Restoration Act. Over the last several months, there has been a growing debate about the airline industry, competition, slots and service. This Act seeks to reshape this debate by focusing on problems that small communities have with a deregulated aviation system. Deregulation has provided many benefits to many communities. But, as the General Accounting Office has noted, there are many small communities which have been left behind.

Some of these communities, these ''pockets of pain'' as noted by the GAO, would like nothing better than for the Congress to re-regulate the industry. However, Mr. President, I do not believe that is the answer—and that is not what this bill seeks to do. Rather, our legislation proposes to facilitate public-private actions which focus on developing market opportunities for small communities. In this way, communities can develop air service that fits the needs and desires of the community; rather than Washington regulating service.

This bill is not about competition, but rather the lack of service. As the General Accounting Office noted, since deregulation, communities have seen a decline in the types of service and quality of service. That decline can be attributed to a variety of factors: airports nearby with better, or cheaper, service, the loss of a major employer in the community, or a lack of information about what it takes to create a market.

But, there are ways to reverse these trends. Let me give you an example. One town in Virginia had about 18,000 enplanements annually, but gradually declined to under 10,000. The airport set out very aggressively to find out what happened, and why. Ultimately, the enplanements went back up, and service is now increasing.

Unfortunately, Mr. President, not all our communities have the resources to aggressively pursue or create market needs. The Federal government must play a role in helping our small communities. It can not stand by as communities lose service, or get cut off from the national air transportation system. Travel, tourism and businesses are too dependent on the system, and each of our small communities must be a part of the system.

This legislation brings together the Federal government, local government, airports, air carriers and the business communities in partnership to develop ways to increase the use of our nation's small airports. Without these services, small communities can not attract new jobs. It is that simple. We have too much invested in our small towns to let them simply lose their access to the national air transportation system.

In Owensboro, Kentucky, our airport, in conjunction with community business leaders, is developing an air park: attracting businesses, and creating jobs. That type of activity should be encouraged.

There are a number of carriers that will not like some of the provisions in the bill—for example, the bill gives DOT the authority to require joint fares and interlining. These provisions may be necessary to make sure that a small community has the ability to connect with major hubs. Such authority would only be required in limited circumstances.

Mr. President, we need to begin to look at solutions to the problems faced by our small communities—and the need for these communities to have access to our national aviation transportation system. The economic survival of these communities in a global marketplace depends on the ability to connect to the marketplace. It is my hope and belief that this legislation re-focuses the debate on this issue—connecting America's small communities to the greatest, most efficient, and safest air transportation system in the world.

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. 1968

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 ''Air Service Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small and medium-sized communities that have not benefited from fare reductions and improved service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT OFFICE.

Section 102 of title 49, United States Code, is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT OFFICE.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Transportation an Office of Aviation Development. The Office shall be headed by a Director, designated by the Secretary.

''(2) FUNCTIONS.—The Director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under subchapter III of chapter 417 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The Director shall provide an annual report to the Secretary and the Congress beginning in 1999 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of title 49, United States Code, is amended by adding at the end thereof the following:

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the Director of the Office of Aviation Development may require, and submit the assessment and service proposal to the Office.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the Director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program.

''(c) CARRIERS PROGRAM.—The Director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) OFFICE SUPPORT FUNCTION.—The Director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The Director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds available to carry out this subchapter to make up the difference between the carrier's forecast and

the community's ability to generate the necessary percentage of traffic;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) may designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) may take such other action under subchapter III of this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The Director may not provide financial assistance under subsection (c)(2) to any community unless the Director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The Director may not provide financial assistance under subsection (d)(2) to any community in excess of the lesser of—

''(A) up to 75 percent of the financial contribution made by the community; or

''(B) $500,000 per year.

''(f) REPORT.—The Director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to small communities.''.

''(b) CONFORMAING AMENDMENT.—The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) of title 49, United States Code, is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

SEC. 6. AIRLINE SERVICE RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

''SUBCHAPTER III. AIRLINE SERVICE RESTORATION

''§ 41761. Pilot program project authority

''(a) IN GENERAL.—The Director of the Office of Aviation Development shall establish a pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the Director may—

''(1) provide financial assistance by way of grants to small communities under section 41743; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the Director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) requiring interline or joint-fare agreements between air carriers for domestic United States service if necessary to facilitate access to essential facilities for participants in the program subject to the right of a carrier being required to enter into such agreements to impose reasonable safety, service, and other obligations on the potential partner;

''(3) collecting data on air carrier service to small communities; and

''(4) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''§ 41762. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41761(a) shall be implemented for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

''(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH SUBCHAPTER II.—The Secretary shall carry out this subchapter in such a manner as to complement action taken under subchapter II of this chapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of this subchapter that are the same as, or similar to, the criteria developed under subchapter II for determining which airports are eligible under that subchapter. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41761(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 5-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

''§ 4163. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in program.

''§ 4164. Air traffic control services pilot program

''(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

''(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

''(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

''(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

''(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

''(4) approve for participation any facility willing to fund a pro rata share of construction used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1

benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program.

''(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

''SUBCHAPTER III. AIRLINE SERVICE RESTORATION

''41761. Pilot programs
''41762. Financial assistance to States
''41763. Additional authority
''41764. Air traffic control services pilot program''.

SEC. 7. FUNDING AUTHORITY.

(a) IN GENERAL.—The Secretary of Transportation may obligate not more than $20,000,000 for each of fiscal years 1999 through 2002 to carry out subchapter III of chapter 417 of title 49, United States Code, out of funds otherwise available for aviation programs other than funds appropriated, obligated, or made available to carry out subchapter II of such chapter.

(b) SUCCESS BONUS.—If the Secretary determines that the program carried out under such subchapter III is successful in providing enhanced air carrier service to small communities, then the Secretary may obligate an additional amount, not in excess of $5,000,000, for each of fiscal years 2001 and 2002 to carry out that subchapter out of such funds.

SEC. 8. JOINT FARES AND INTERLINE AGREEMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

''§ 4176. Joint fares and interline agreements for domestic transportation

''(a) IN GENERAL.—In order to more effectively facilitate service to small communities, the Secretary of Transportation may, if necessary, require an air carrier that serves an essential airport facility in the United States and an air carrier that offers service in an under-served market within the United States to enter into an agreement with a qualifying air carrier that files a request with the Secretary, in such form and manner and at such time as the Secretary may require.

''(b) SECRETARY MAY COMPEL JOINT FARE STRUCTURE.—If the Secretary determines that it is necessary in order to facilitate service to small communities, the Secretary may require any air carrier to enter into a joint-fare or interline agreement with any qualifying air carrier that serves an underserved market to facilitate air transportation.

''(c) APPLICATION LIMITED TO SERVICE TO COMMUNITIES RECEIVING DOT ASSISTANCE.—The Secretary may not require an air carrier to enter into an agreement under subsection (a) or (b) except to the extent determined by the Secretary to be necessary to the provision of air service to a community receiving financial assistance under section 41761. Nothing in this section provides authority for the Secretary to establish air fares for service to which this section applies.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING AIR CARRIER.—The term 'qualifying air carrier' means an air carrier that operates pursuant to a certificate of public convenience and necessity under chapter 411 of this title.

''(2) UNDER-SERVED MARKET.—The term 'under-served market' means a commercial service airport that is a nonhub airport (as defined in section 41731(4) of this title), a small hub airport (as defined in section 41731(5) of this title), or an airport that is smaller than a nonhub or small hub airport.

''(3) ESSENTIAL AIRPORT FACILITY.—The term 'essential airport facility' means a hub airport (as defined in section 41731(a)(3) of this title).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

''41716. Joint fares and interline agreements for domestic transportation''.

SEC. 9. REVITALIZATION OF AIR SERVICE TO RURAL AREAS.

Section 40101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

''(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

''(17) ensuring that any slots given to air carriers to provide small community air service are withdrawn if the carrier fails to provide the service.''.

SEC. 10. MARKETING PRACTICES.

Section 41712 of title 49, United States Code, is amended by—

''(1) inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports; and

''(5) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for a hearing, the Secretary shall promulgate regulations that address the problem.''.

Mr. ROCKEFELLER. Mr. President, I rise today to join a number of my colleagues, and most especially Senators HOLLINGS, FORD, and DORGAN, in introducing the ''Air Service Restoration Act of 1997.'' This legislation is the result of many months of effort, first, to understand what has happened to air service in small and rural communities in the last twenty years and, then, to develop a comprehensive strategy for restoring and promoting air service to these areas—many of which have suffered such a dramatic decline in service and increase in fares that the U.S. Department of Transportation refers to them as ''pockets of pain.''

By most accounts the 1978 deregulation of the airline industry has been a huge success—with lower fares, better service, and more competition enjoyed by most of the nation, as well as an airline industry that has reached unprecedented levels of financial success and stability. But for all its successes, airline deregulation has one, potentially fatal, flaw—the creation of an ever-widening gap between the air transportation ''haves'' and ''have-nots'', with small and rural communities across the nation left to choose between high-cost, poor-quality service or no service at all. Clearly we have not and are not meeting our responsibility to foster and maintain a truly national air transportation system.

West Virginia's communities are unquestionably among the hardest hit in the nation when it comes to air service declines. Prior to deregulation, West Virginia was served by at least five major commercial air carriers. We enjoyed a comprehensive route structure and comfortable levels of jet service at competitive prices. In the twenty years since, every major carrier, with the notable exception of U.S. Airways, abandoned its direct service to West Virginia. Jet service all but disappeared. Three airports—Elkins, Martinsburg, and Wheeling—lost commercial passenger service altogether.

At the same time, West Virginia passengers experienced fare increases of 20–30 percent, in real terms, with service from regional or commuter airlines using smaller, turboprop planes. Some of these are solid airlines and offer good service, and we are thankful that they have stayed with us. But for many years their West Virginia product has been far inferior to that provided other communities—their planes are small, their schedules thin and their prices high. Not surprisingly, West Virginia businesses and passengers have responded by flying less or going elsewhere. At a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements in our state have declined at every airport, with a statewide decrease of nearly 40 percent.

My top priority over the past twenty years—the same twenty years as airline deregulation—has been to bring good jobs and opportunity to West Virginia. Whether it's a specific project or a broad policy issue, from trade to connecting schools to the information highway, most of my work is about creating economic growth in my home state. In the last several years I have begun to see and hear more and more that the lack of convenient and affordable air service is holding us back, stunting economic growth in West Virginia just as it is in small and rural communities across the country. And unless we act now to restore and promote air service to under-served areas, we will never be able to close the economic development gaps in any meaningful and sustained way.

Part of the change that I believe needs to take place can and must occur at the state and local level, where business and community leaders know

what their needs are and can develop a real stake in the future of their airports by educating consumers, attracting air service, and filling airplanes. But aviation is a national issue, with global implications. No small or rural community should be expected to overcome the cumulative effect of twenty years of deregulation on its own. They need help, they've asked for help, and they deserve help.

The legislation that we introduce today is part of what I hope will be a new era in our national aviation policy—an era that builds on the successes of deregulation and takes responsibility for its failures. The centerpiece of the bill is a five-year $100 million pilot program for up to 40 communities, with grants of up to $500,000 to each community for local initiatives to attract and promote service. Communities would provide local matching funds of up to 25 percent, and could do so directly or indirectly, through mechanisms such as seat guarantees. The Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines and new service providers.

To administer the grant program and provide a resource for small communities both in and out of the pilot program, the bill creates a new Office of Small Community Air Service Development at the Department of Transportation dedicated to promoting and restoring air service to small communities. Among other tasks, this office would be responsible for ensuring that accurate and meaningful passenger traffic data is available regarding service to small communities, as it is today for larger communities.

To clarify the priority for small communities in receiving and retaining service to slot-controlled airports, the bill directs the Department to ensure that any slots given to air carriers for small community air service will be withdrawn if the carrier fails to provide the service.

To address a major infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities that face the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Finally, the bill calls on the Department to review the airline industry's current marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses that inhibit market entry.

The legislation we introduce today will begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is my hope and intent to pursue this legislation in the context of the 1998 reauthorization of the Federal Aviation Administration and Airport Improvement Program, and I look forward to working together with others of my colleagues, several of whom have shown a real commitment to achieving needed solutions in this area.

In the global marketplace of today air service has become perhaps the single most important mode of mass transportation. When it comes to economic growth, there is no substitute for good air service. If we are to ensure that all communities throughout the nation are prepared to compete in the next century, we have no choice but to improve their transportation options.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

THE HEALTH CARE FOR WORKING FAMILIES ACT

Mr. KENNEDY. Mr. President, I rise to introduce the Health Care for Working Families Act.

Today we resume the battle for health insurance for all Americans.

We face a continuing crisis in health care for millions of workers and their families. Forty-one million Americans are uninsured. The number grew by more than one million last year, and if we do nothing, it will continue to grow at the same alarming rate.

The vast majority—85%—of these uninsured Americans—are workers or members of their families. These citizens work hard—40 hours a week, 52 weeks of the year in most cases—but all their hard work cannot buy them the health insurance they need to protect their families, because they can't afford it and their employers won't provide it.

Every uninsured American is an American tragedy waiting to happen. Infants lose their chance to grow up strong and healthy because they do not get critical prenatal care. A young family loses its livelihood because a breadwinner cannot afford essential medical services. Middle-aged parents see the savings set aside to send their children to college or pay for their retirement swept away by a tidal wave of medical debt.

These conditions should be unacceptable in America today. The time has come to take a simple but important step toward the day when every job carries with it a guarantee of affordable family health care.

Every business is expected to pay a minimum wage, and to obey the child labor laws. Every business is expected to provide safe and healthy working conditions, and to protect against injury on the job through worker's compensation. Every business is expected to contribute to retirement through Social Security, and to the health needs of the elderly through Medicare. It is long past time for businesses also to contribute to the cost of basic health insurance coverage for their workers.

Some small firms have special problems that may call for special solutions. But there can be no excuse for large firms to shirk their responsibility to provide affordable health insurance for their workers.

Under the bill we are introducing today, businesses with 50 or more workers will be required to provide health insurance coverage. Approximately half of all uninsured employees and their families—15 million people—will gain the coverage they need and deserve. This legislation is a giant step toward the day when every American will be guaranteed the fundamental right to health care.

Many—even most—businesses already provide insurance. The vast majority of large business, in particular, fulfill this obligation. But too many others do not. In more and more cases, unfair competition from firms that refuse to provide insurance for their workers is compelling other firms to reduce health benefits or drop coverage altogether.

Health insurance for working Americans does not have to mean complicated regulations or excessive government intervention. The legislation we are introducing today is simple—less than ten pages. It will not cost taxpayers a dime. It includes no specific mandated benefits or burdensome red tape. It simply says that every business with 50 workers or more must offer its employees coverage equal in value to the Blue Cross/Blue Shield Standard Option Plan that is available to every Senator and Representative and must pay at least 72% of the cost—the same proportion that taxpayers contribute for every member of Congress.

The American people deserve health care for their families that is every bit as good as the health care they provide to every member of Congress. The incremental reform enacted in recent years has helped many families, but it is far from sufficient. The time has come for Congress to take a larger step.

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. 1969

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 ''Health Care for Working Families Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) every industrialized country in the world except the United States guarantees the fundamental right to health care to all its citizens;

(2) 41,000,000 Americans are without health insurance coverage;

(3) the number of uninsured Americans is growing every year;

(4) the vast majority of uninsured Americans are workers or dependents of workers;

(5) for more than half a century, Congress has enacted laws to ensure that work is appropriately rewarded, including laws establishing a minimum wage and a 40 hour work week, laws ensuring safe and healthy working conditions, and laws requiring employers to contribute to the cost of retirement security through Social Security and Medicare; and

(6) as the United States approaches the 21st century, it is time to enact requirements guaranteeing that jobs carry with them affordable, adequate health insurance benefits.

SEC. 3. HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new title:

''TITLE II—HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES

''SEC. 201. HEALTH BENEFITS.

''(a) OFFER TO ENROLL.—

''(1) IN GENERAL.—Each large employer, in accordance with this title, shall offer to each of its employees the opportunity to enroll in a qualifying health benefit plan that provides coverage for the employee and the family of the employee.

''(2) QUALIFYING HEALTH BENEFIT PLAN.—For purposes of this title, the term 'qualifying health benefit plan' means a plan that provides benefits for health care items and services that are actuarily equivalent or greater in value than the benefits offered as of January 1, 1998 under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, and that meets the requirements of title XXVII of the Public Health Service Act applicable to the plan.

''(b) CONTRIBUTION AND WITHHOLDING.—

''(1) IN GENERAL.—Each large employer, in accordance with this title, shall—

''(A) contribute to the cost of any qualifying health benefit plan offered to its employees under subsection (a); and

''(B) withhold from the wages of an employee, the employee share of the premium assessed for coverage under the qualifying health benefit plan.

''(2) REQUIRED CONTRIBUTION.—Except as provided in paragraphs (3) and (4), the portion of the total premium to be paid by a large employer under paragraph (1)(A) shall not be less than the portion of the total premium that the Federal Government contributes under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

''(3) PART-TIME EMPLOYEES.—With respect to an employee who works less than 30 hours per week, the employer contribution required under paragraph (2) shall be equal to the product of—

''(A) the contribution required under paragraph (2); and

''(B) the ratio of number of hours worker by the employee in a typical week to 30 hours.

''(4) LIMITATION.—No employer contribution shall be required under this subsection with respect to an employer who works less than 10 hours per week.

''(c) EMPLOYEE OBLIGATION UNDER CERTAIN PROGRAMS.—

''(1) IN GENERAL.—With respect to an employee covered under a Federal health insurance program (as defined in paragraph (3)), such employee shall accept an offer of health insurance coverage under subsection (a) and agree to the appropriate payroll withholdings under subsection (b)(1)(B) for such coverage or provide for the payment of the employee share of premiums under paragraph (2), except that this subsection shall not apply—

''(A) with respect to an employee who is otherwise covered under an employment-based qualified health benefit plan; or

''(B) with respect to the coverage of a family member of an employee if the employee does not elect coverage for such family member and the family member is otherwise covered under an employment-based qualified health benefit plan.

''(2) PAYMENT OF PREMIUMS.—At the request of an employee to which paragraph (1) applies, the relevant Federal administrator of the Federal health insurance program involved shall provide for the payment of the employee share of the premium assessed for coverage under the qualifying health benefit plan involved. For purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the requirement of this paragraph shall be deemed to be a requirement under the appropriate State plan under such title XIX.

''(3) FEDERAL HEALTH INSURANCE PROGRAM.—As used in this subsection, the term 'Federal health insurance program' means—

''(A) the medicare or medicaid program under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 or 1396 et seq.);

''(B) the Federal employee health benefit program under chapter 89 of title V, United States Code; or

''(C) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code.

''(d) LARGE EMPLOYERS.—

''(1) IN GENERAL.—The provisions of this title shall only apply to large employers.

''(2) DEFINITION.—

''(A) IN GENERAL.—As used in paragraph (1), the term 'large employer' means, with respect to a calendar year and plan year, an employer that employed an average of at least 50 full-time employees on business days during the preceding calendar year and who employs not less than 50 employees on the first day of the plan year.

''(B) EXCEPTION.—The provisions of this title shall apply with respect to an employer that is not a large employer under subparagraph (A) if the majority of the services performed by such employer consist of services performed on behalf of a single large employer.

''(3) CONTRACT WORKERS.—For purposes of this title, a contract worker of an employer shall be considered to be an employee of the employer.

''SEC. 202. REQUIREMENTS RELATING TO TIMING OF COVERAGE AND WITHHOLDING.

''(a) DATE OF INITIAL COVERAGE.—In the case of an employee enrolled under a qualifying health benefit plan provided by a large employer, the coverage under the plan must begin not later than 30 days after the day on which the employee first performs an hour of service as an employee of that employer.

''(b) WITHHOLDING PERMITTED.—No provision of State law shall prevent an employer of an employee enrolled under a qualifying health benefit plan established under this title from withholding the amount of any premium due by the employee from the payroll of the employee.

''SEC. 203. ENFORCEMENT.

''(a) CIVIL MONEY PENALTY AGAINST PRIVATE EMPLOYERS.—The provisions of section 502—

''(1) relating to the commencement of civil actions by the Secretary under subsection (a) of such section;

''(2) relating to civil money penalties under subsection (c)(2) of such section; and

''(3) relating to the procedures for assessing, collecting and the judicial review of such civil money penalties;

shall apply with respect to any large employer that does not comply with this title.

''(b) INJUNCTIVE RELIEF.—The provisions of section 17 shall apply with respect to violations of this title.

''SEC. 204. PREEMPTION.

''Nothing in this title shall be construed to prevent a State from establishing, implementing, or continuing in effect standards and requirements relating to employer provided health insurance coverage unless such standards and requirements prevent the application of a requirements of this title.

''SEC. 205. DEFINITION AND EFFECTIVE DATE.

''(a) DEFINITION.—In this title the terms 'family' and 'family member' mean, with respect to an employee, the spouse and children (including adopted children) of the employee.

''(b) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this title shall apply with respect to employers on January 1, 1999.

''(2) COLLECTIVE BARGAINING AGREEMENTS.—This title shall apply with respect to employees covered under a collective bargaining agreement on the first day of the first plan year beginning after the date of enactment of this Act, or January 1, 1999, whichever occurs later.''.

(b) CONFORMING AMENDMENTS.—

(1) The Fair Labor Standards Act of 1938 is amended by striking out the first section and inserting in lieu thereof the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Fair Labor Standards Act of 1938'.

''TITLE I—WAGES AND HOURS''.

(2) The Fair Labor Standards Act of 1938 is amended by striking out ''this Act'' each place it occurs and inserting in lieu thereof ''this title''.

(3) Section 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 217) is amended by inserting ''or violations of title II'' before the period.

SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''SEC. 247. REQUIREMENT FOR HEALTH INSURANCE COVERAGE.

''A health insurance issuer (as defined in section 2791(a)) that offers health insurance coverage (as defined in section 2791(a)) to an employer on behalf of the employees of such employer shall ensure that such coverage complies with the requirements of title II of the Fair Labor Standards Act of 1938.''.

By Mr. ABRAHAM for himself and Mr. DASCHLE:

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

THE NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT OF 1998

Mr. ABRAHAM. Mr. President, I rise today to introduce the ''Neotropical Migratory Bird Conservation Act of 1998.'' This legislation, which I am introducing today with my distinguished colleague, Senator DASCHLE, is designed to protect over 90 endangered species of bird spending certain seasons in the United States and other seasons

in other nations of the Western Hemisphere. I think it is fitting that we introduce this legislation on Earth Day, that day we have dedicated to increasing awareness of environmental issues.

Every year, approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. Birdwatching is a source of great pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Birdwatching and feeding generates fully $20 billion every ear in revenue across America.

Birdwatching is a popular activity in Michigan, and its increased popularity is reflected by an increase in tourist dollars being spent in small, rural communities. Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. The primary reason for these declines is the degradation and loss of bird habitat.

What makes this all the more troubling is that efforts in the United States to protect these birds' habitats can only be of limited utility. Among bird watches' favorites, many neotropical birds are endangered or of high conservation concern. And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

Mr. President, that is why Senator DASHLE and I have introduced the ''Neotropical Migratory Bird Conservation Act.'' This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations. By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes a three year demonstration project providing $4 million each year to help establish programs in Latin America and the Caribbean. These programs will manage and conserve neotropical migratory bird populations. Those eligible to participate will include national and international nongovernmental organizations and business interests, as well as U.S. government entities.

The key to this act is cooperation among nongovernmental organizations. The federal share of each project's cost is never to exceed 33 percent, and half the nonfederal contribution must be in cash, not in-kind contributions.

The approach taken by this legislation differs from that of current programs in that it is proactive and, by avoiding a crisis management approach, will prove significantly more cost effective. In addition, this legislation does not call for complicated and expensive bureaucratic structures such as councils, commissions or multitiered oversight structures. Further, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

This legislation has the support of the National Audobon Society, the American Bird Conservancy and the Ornithological Council. These organizations agree with Senator DASCHLE and I that, by establishing partnerships between business, government and nongovernmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat.

I urge my colleagues to support this bill.

Mr. DASCHLE. Mr. President, it is my pleasure today to join Senator Spencer ABRAHAM to introduce the Neotropical Migratory Bird Conservation Act.

First, let me commend my colleague, Senator ABRAHAM, for all of his work to develop this legislation. This bill addresses some of the critical threats to wildlife habitat and species diversity and demonstrates his commitment, which I strongly share, to solving the many challenges we face in this regard.

The Neotropical Migratory Bird Conservation Act will help to ensure that some of our most valuable and beautiful species of birds—those that most of us take for granted, including bluebirds, goldfinches, robins and orioles—may overcome the challenges posed by habitat destruction and thrive for generations to come. It is not widely recognized that many North American bird species once considered common are in decline. In fact, a total of 90 species of migratory birds are listed as endangered or threatened in the United States, and another 124 species are considered to be of high conservation concern.

The main cause of this decline is the loss of critical habitat throughout our hemisphere. Because these birds range across international borders, it is essential that we work with nations in Latin America and the Caribbean to establish protected stopover areas during their migrations. This bill achieves that goal by fostering partnerships between businesses, nongovernmental organizations and other nations to bring together the capital and expertise needed to preserve habitat throughout our hemisphere.

As we celebrate Earth Day, I urge my colleagues to support this legislation. It has been endorsed by the National Audobon Society, the American Bird Conservancy and the Ornithological Council. I believe that it will substantially improve upon our ability to maintain critical habitat in our hemisphere and help to halt the decline of these important species.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. KOHL, the name of the Senator from Nevada [Mr. REID) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER) was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 332

At the request of Mr. HARKIN, the name of the Senator from South Carolina [Mr. HOLLINGS) was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Nevada [Mr. BRYAN) was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Utah [Mr. BENNETT) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Iowa [Mr. GRASSLEY) was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 778

At the request of Mr. LUGAR, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan African.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1799

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1799, a bill to amend section 121 of the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while away from home on extended active duty.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1875

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of 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.

S. 1919

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1919, a bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes.

S. 1920

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1920, a bill to improve the administration of oil and gas leases on Federal lands, and for other purposes.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Oregon (Mr. WYDEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) 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.

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Resolution 188, supra.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 192

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Indiana (Mr. LUGAR), the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. ROTH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 192, a resolution expressing the sense of the Senate that institutions of higher education should carry out activities to change the culture of alcohol consumption on college campuses.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Ohio (Mr. GLENN), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week.''

SENATE RESOLUTION 197

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 197, a resolution designating May 6, 1998, as ''National Eating Disorders Awareness Day'' to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 212—RELATIVE TO THE UPCOMING UNITED STATES-CHINA SUMMIT

Mr. HUTCHINSON (for himself, Mr. ASHCROFT, Mr. INHOFE, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred

to the Committee on Foreign Relations:

S. RES. 212

Whereas Chinese dissident Wang Dan, a leader of the 1989 pro-democracy demonstrations that were crushed at Tiananmen Square in 1989 was released on April 18, 1998, from a Chinese jail;

Whereas Wei Jingsheng and Wang Dan were released from prison ostensibly for medical reasons, it is clear that their release into exile was intended as a political gesture to diminish public U.S. criticism of China's human rights practices;

Whereas China's ''most famous dissident'' Wei Jingsheng was released on November 16, 1997, from a Chinese jail;

Whereas, in addition to Wei Jingsheng and Wang Dan, thousands of other political, religious, and labor dissidents are imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression, including—

(1) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, who has a heart condition;

(2) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1996, who has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt;

(3) Li Hai, sentenced to nine years in prison on December 18, 1996, for collecting information on those imprisoned after the 1989 crackdown; he was convicted of ''prying into and gathering . . . . information about persons sentenced for criminal activity during the June 4, 1989, period;''

(4) Yang Qinheng, apprehended February 26, 1998, and assigned to 3 years' ''reeducation through labor'' in March for ''disturbing social order'', who had called for independent trade unions;

(5) Shen Liangqing, former public prosecutor and petitioner, who was apprehended on February 25, 1998, and assigned to 2 years' labor on April 4, 1998, for ''unauthorized contact with foreign journalists'';

(6) Tu Guangwen, an organizer of a street protest, who was sentenced by the Jiangxia district court on February 19, 1998, to 3 years' imprisonment after being convicted of ''gathering a crowd to disrupt orderly traffic'' during a demonstration by laid-off workers; and

(7) Ngawang Choephel, a Tibet Fullbright scholar sentenced to 18 years in prison by Chinese Authorities in December 1996 on charges of ''espionage;''

Whereas the Government of the People's Republic of China, as detailed in successive annual reports on human rights by the United States Department of State, routinely, systematically, and massively violates the human rights of its citizens, including freedom of speech, assembly, worship, and peaceful political dissent;

Whereas the Government of the People's Republic of China restricts the ability of religious adherents, including Christians, Buddhists, Muslims, and others, to practice outside of state-approved religious organizations, and detains worshipers and clergy who participate in religious services conducted outside state-approved religious organizations, as well as those who refuse to register with the authorities, as required;

Whereas the Government of the People's Republic of China routinely, systematically, and massively continues to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans; and

Whereas the Government of the People's Republic of China engages in reprehensible, brutal, and coercive family planning practices, including forced abortions and forced sterilization, resulting in widespread infanticide, particularly of female infants: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in the upcoming, proposed summit between President Clinton and President Jiang Zemin of China, President Clinton should demand the immediate and unconditional release, consistent with established international principles of human rights, of all persons remaining imprisoned in China and Tibet for political or religious reasons; and

(2) the President should submit a report to Congress as soon as possible after the proposed summit in China concerning his progress in securing the release of persons remaining imprisoned in China and Tibet, as described in paragraph (1); and

(3) the release of one prisoner into exile does not change the fundamental flaws within the Chinese judicial and penal system;

(4) the U.S. policy of granting concessions to the Chinese government in exchange for the release of high profile prisoners is an offense to the thousands of dissidents remaining in prison; and

(5) the President should not offer to lift the sanctions imposed on China after the 1989 crackdown in Tiananmen Square.

Mr. HUTCHINSON. Mr. President, yesterday's papers were replete with stories praising the People's Republic of China for releasing Wang Dan, a leader of the 1989 pro-democracy demonstration at Tiananmen Square which was crushed by China's military. This release follows, by less than six months, the release of Wei Jingshen—arguably China's best known human rights dissident. While these are certainly positive developments, it is important to note that both of these releases are tainted by the fact that neither dissident was allowed to stay in their own country, but were instead exiled to the United States for ''medical treatment.'' These exiles conveniently allow China to gain favor with the United States while simultaneously allowing them to silence two of their loudest critics by banishing them to the United States.

Mr. President, the truth is that China appears to be using its dissidents as pawns in an international game of chess with the United States to gain military, technological and other favors from the Clinton Administration. In fact, the release of these two prisoners appears to be payment for the United States decision not to support a resolution condemning China's human rights record at the recently completed U.N. Conference on Human Rights and for the United States certification of China to join a pact on ballistic missile technology. It is amazing that this great country, which has long stood beside political prisoners around the world, is willing to be a player in China game of siphoning out political prisoners in return for international favors.

Let us not forget that the People's Republic of China continues to have one of the worst human rights records in the world. A record that includes torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang, absolute intolerance of free political speech or free press, and most recently, the harvesting and selling of human organs.

Likewise, let us not forget that China continues to threaten its neighbors, most notably Taiwan and let us not forget that China continues to violate international agreements on nonproliferation, having recently been caught negotiating to sell chemicals to Iran which could be used to produce weapons-grade uranium.

Mr. President, we must end this deadly and humiliating game with China, and demand the immediate release of the hundreds, if not thousands, of political, religious, and labor dissidents currently imprisoned in China for having peacefully expressed their beliefs and for having exercised their basic human rights. This list includes the likes of Gao Yu, a journalist sentenced to six years in 1994; Chen Longde, a leading human rights advocate serving a three year ''re-education'' sentence which began in 1995; Li Qingxi, a unionist arrested in 1998, and many, many others. While I hope that the recent release of two of China's most notable dissidents was just the beginning, and that the remaining political prisoners held in the People's Republic of China will soon be released, I see little evidence that this is the case.

Therefore, I urge my fellow Senators to support my Sense of the Senate Resolution calling on the President to demand that China release all such prisoners prior to their upcoming U.S.-China summit meeting, and that the President report to this body on the progress being made by the administration in securing the release of these prisoners immediately following this planned summit.

Mr. President, this is a reasonable resolution—a resolution that once again puts this body on record supporting those that would give up their freedom in support of the freedom of their fellow countrymen. I can think of no more important issue. I thank my Senate colleagues for their support.

SENATE RESOLUTION 213—CONGRATULATING THE UNITED STATES ARMY RESERVE

Mr. LOTT (for Mr. HELMS (for himself, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. WARNER, Mr. HOLLINGS, Mr. SMITH of New Ham, Mr. MCCAIN, Mr. ROBB, Mr. LEVIN, Mr. HUTCHINSON, Ms. SNOWE, Mr. ASHCROFT, Mr. KENNEDY, Mr. ROBERTS, Mr. CLELAND, Mr. DASCHLE, Mr. HAGEL, Mr.

COATS, Mr. BINGAMAN, Mr. BENNETT, Mr. NICKLES, Mr. BYRD, Mr. LIEBERMAN, Mr. LOTT, Mr. GLENN, Mr. INHOFE, Mr. KOHL, and Mr. STEVENS)) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1998;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

SENATE RESOLUTION 214—COMMENDING THE GRAND FORKS HERALD

Mr. CONRAD (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. COVERDELL, Mr. HAGEL, and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Manvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberg, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GORTON (AND OTHERS) AMENDMENT NO. 2293

Mr. GORTON (for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. ASHCROFT, Mr. DOMENICI, Mr. GREGG, and Mr. MCCONNELL) proposed an amendment to the bill (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, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end, add the following:

TITLE ___—EDUCATION FUNDING

SEC. ___01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—If a State fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(C) CHANGES.—A State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) MINIMUM.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) DEFINITIONS.—In this section—

(A) the term ''State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term ''outlying area'' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than $2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $2,817,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to

each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) USE OF ALLOTTED FUNDS.—

(A) IN GENERAL.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) HOLD HARMLESS REQUIREMENTS.—

(A) STATES.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) APPLICABLE FUNDING.—

(1) DEFINITION.—In this section, the term ''applicable funding'' means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) PRIVATE SCHOOL STUDENTS.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

SEC. ___02. DIRECT AWARDS OF PART A OF TITLE I FUNDING.

(a) DIRECT AWARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) APPLICABILITY.—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $8,426,000,000.

(d) REQUIREMENTS.—

(1) ELIGIBLE SCHOOL ATTENDANCE AREAS.—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) ELIGIBLE PUPILS.—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

SEC. ___03. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the finds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—If a State fails to select an option in accordance with this subsection, the Secretary shall award the funding pursuant to paragraph (1)(B).

(C) CHANGES.—A State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) DEFINITIONS.—In this section—

(A) the term ''State'' means each of the several States of the United States and the District of Columbia; and

(B) the term ''outlying area'' means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $398,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) USE OF ALLOTTED FUNDS.—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with

similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

SEC. ___04. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections ___01 or ___03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections ___01 or ___03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section ___02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section ___02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

SEC. ___05. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

SEC. ___06. DEFINITIONS.

In this title—

(1) the term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

(2) the term ''Secretary'' means the Secretary of Education.

SEC. ___07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

FRIST AMENDMENT NO. 2294

Mr. FRIST proposed an amendment to amendment No. 2293 proposed by Mr. GORTON to the bill, H.R. 2646, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—EDUCATION FUNDING

SEC. ___01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) CHANGES.—

(i) BLOCK GRANT OPTIONS.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to the option described in such subparagraph.

(ii) FEDERAL STATUTE OPTION.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) MINIMUM.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) DEFINITIONS.—In this section—

(A) the term ''State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term ''outlying area'' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than $2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $2,817,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) USE OF ALLOTTED FUNDS.—

(A) IN GENERAL.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) HOLD HARMLESS REQUIREMENTS.—

(A) STATES.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) APPLICABLE FUNDING.—

(1) DEFINITION.—In this section, the term ''applicable funding'' means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) PRIVATE SCHOOL STUDENTS.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

SEC. ___02. DIRECT AWARDS OF PART A OF TITLE I FUNDING.

(a) DIRECT AWARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) APPLICABILITY.—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $8,426,000,000.

(d) REQUIREMENTS.—

(1) ELIGIBLE SCHOOL ATTENDANCE AREAS.—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) ELIGIBLE PUPILS.—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

SEC. ___03. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the finds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding

directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) CHANGES.—

(i) BLOCK GRANTS.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to the option described in such subparagraph.

(ii) FEDERAL STATUTE OPTION.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) DEFINITIONS.—In this section—

(A) the term ''State'' means each of the several States of the United States and the District of Columbia; and

(B) the term ''outlying area'' means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than $362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than $370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than $379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than $388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than $398,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) USE OF ALLOTTED FUNDS.—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

SEC. ___04. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections ___01 or ___03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections ___01 or ___03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section ___02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section ___02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

SEC. ___05. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

SEC. ___06. DEFINITIONS.

In this title—

(1) the term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

(2) the term ''Secretary'' means the Secretary of Education.

SEC. ___07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

MURRAY AMENDMENT NO. 2295

Mrs. MURRAY proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ____—SENSE OF CONGRESS

SEC. ___01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were ¾ of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) The Federal Government can assist in this effort by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well-qualified.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

HUTCHINSON AMENDMENT NO. 2296

Mr. HUTCHINSON proposed an amendment to amendment No. 2295 proposed by Mrs. MURRAY to the bill, H.R. 2646, supra; as follows:

Strike all after ''**TITLE** ___'' and insert the following:

—SENSE OF CONGRESS

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly $100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately $2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.''.

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

SEC. ___02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

COATS AMENDMENT NO. 2297

Mr. COATS proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end add the following:

TITLE ___—ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS

SEC. ___. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

''(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

''(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

''(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

''(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

''(i) an educational organization—

''(I) which is described in subsection (b)(1)(A)(ii), and

''(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

''(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. ___. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

''A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.''

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking ''and'' at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting '', and'', and by adding at the end the following new subparagraph:

''(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

''(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

''(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. ___. CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.

(a) CERTAIN RECEIVABLES NOT ELIGIBLE FOR MARK TO MARKET.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR CERTAIN RECEIVABLES.—

''(A) IN GENERAL.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is nonfinancial customer paper.

''(B) NONFINANCIAL CUSTOMER PAPER.—For purposes of subparagraph (A), the term 'nonfinancial customer paper' means any receivable—

''(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of nonfinancial goods and services, and

''(ii) held by such person or a related person at all times since issue.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

McCAIN AMENDMENT NO. 2298

(Ordered to lie on the table.)

Mr. MCCAIN. submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term ''resident of the United States'' means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the ''Comptroller General'') shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

LEVIN (AND BINGAMAN) AMENDMENT NO. 2299

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 2646, supra; as follows:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

''(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

''(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

''(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

''(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

''(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

ASHCROFT (AND OTHERS) AMENDMENT NO. 2300

Mr. ASHCROFT (for himself, Mr. HAGEL, and Mr. NICKLES) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, supra; as follows:

Strike all after ''**SEC.**'' and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.''

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

''(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

''(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

''(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

''(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).''

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking ''higher'' each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

''(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) FINDINGS.—Congress makes the following findings:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in the United States.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105–78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not the United States implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

(b) PROHIBITION ON FEDERALLY SPONSORED TESTING.—Part C of the General Education Provisions Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

''SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105–78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.), and administered to only a representative sample of pupils in the United States and in foreign nations.''.

LANDRIEU AMENDMENT NO. 2301

Ms. LANDRIEU proposed an amendment to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. BLUE RIBBON SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) RECOGNITION.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) DESIGNATION.—Each school recognized under paragraph (1) shall be designated as a ''Blue Ribbon School'' for a period of 3 years.

(b) AWARDS.—

(1) AMOUNT.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of $50,000.

(2) SPECIAL RULE.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) PRIVATE SCHOOLS.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) LIMITATION.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) WAIT-OUT PERIOD.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.—

(1) APPLICATIONS.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) TECHNICAL ASSISTANCE GRANTS.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) $125,000,000 for each of the fiscal years 1999 through 2003.

(2) TECHNICAL ASSISTANCE GRANTS.—There is authorized to be appropriated to carry out subsection (c)(2) $2,000,000 for each of the fiscal years 1999 through 2003.

KEMPTHORNE AMENDMENT NO. 2302

Mr. KEMPTHORNE proposed an amendment to amendment No. 2301 proposed by Ms. LANDRIEU to the bill, H.R. 2646, supra; as follows:

Strike all after the first word, and insert the following:

101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.''

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

''(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

''(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

''(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

''(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).''

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking ''higher'' each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

''(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) student improvement incentive awards described in subsection (c).''; and

(2) by adding at the end the following:

''(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

''(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public secondary schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

''(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

''(A) shall—

''(i) determine the educational progress of students attending public secondary schools within the State; and

''(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

''(B) may involve exit exams.''.

LEVIN (AND BINGAMAN) AMENDMENT NO. 2303

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, supra; as follows:

At the end of the amendment add the following:

Section 101 is null and void.

SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

''(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

''(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

''(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

''(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

''(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

JEFFORDS EXECUTIVE AMENDMENT NO. 2304

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an executive amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) UNITED STATES GOVERNMENT DISCUSSIONS WITH FOREIGN GOVERNMENTS REGARDING POSSIBLE FURTHER ENLARGEMENT OF NATO.—

(i) FINDINGS.—The Senate finds that—

(I) the President has consistently stated that the current round of accession to the North Atlantic Treaty will not be the last and that the door to membership will remain open;

(II) the following nine Partnership for Peace countries have begun the formal application process to join NATO: Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslav Republic of Macedonia;

(III) the following 15 countries have sought a closer relationship with NATO by joining the Partnership for Peace: Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakstan, Kyrgyzstan, Moldova, Russia, Sweden, Switzerland, Turkmenistan, Ukraine, and Uzbekistan; and

(IV) Croatia has expressed interest in NATO membership;

(ii) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to the Senate on the status of discussions concerning NATO membership for Partnership for Peace countries and other countries that have expressed interest in NATO membership, including—

(I) the expected timetable for those countries to meet the criteria for NATO membership; and

(II) a discussion of how the functioning of NATO would be altered if those countries were included.

Mr. JEFFORDS. Mr. President, today I am submitting an amendment to the resolution to ratify the accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO). This amendment addresses future new membership in the alliance.

28 countries in central Asia and eastern Europe that have applied for NATO membership or may aspire to join at a future date when they can meet NATO criteria. Today we are considering extending the NATO security umbrella to only three countries—Poland, Hungary, and the Czech Republic. It is important that we have a clear understanding that the expansion process may go much further than this initial round.

In January 1994, the Administration adopted the Partnership for Peace program to provide a framework for NATO's evaluation of states that are considered to be candidates for alliance membership. In addition to the first three countries invited to join NATO, nine other Partnership for Peace countries have begun the formal application process for membership—Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslavia Republic of Macedonia. Moreover, another 15 countries have expressed an interest in NATO by joining the Partnership for Peace. These countries include Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakstan, Kyrgystan, Moldova, Russia, Switzerland, Turkmenistan, Ukraine, and Uzbekistan. Although not associated with Partnership for Peace, Croatia has expressed hope that they too will be admitted some day.

The extensive territory covered by these NATO hopefuls begs for more information on the nature and mission of the alliance in the future. My amendment would require an annual report to the Senate on United States Government discussions with the governments of each of these countries on their possible accession. The reports would include the expected timetable for those

countries to meet the criteria for NATO membership and how the Administration believes the functioning of NATO would be altered if they were to become a member.

Just how far are we willing to extend the NATO alliance? I am not questioning whether Poland, Hungary, and the Czech Republic deserve to become alliance members. All three have made remarkable gains since the end of the Cold War. But in the future, other of these 25 nations will meet the criteria to join NATO and may be no less deserving of membership. Now is the time for the Senate to begin thinking about the long-term indications of a decision to open NATOs doors to the East.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 1998, to conduct a hearing on the nomination of Donna Tanoue, of Hawaii, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 22, 1998, at 10 a.m. for a hearing on the nominations of G. Edward DeSeve to be Deputy Director for Management of the Office of Management and Budget, and Deidre Lee to be Administrator of the Office of Federal Procurement Policy for the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 22, 1998 at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of James K. Robinson to be assistant attorney general for the criminal division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the House Committee on Education and the Workforce be authorized to meet for a joint hearing on Individuals with Disabilities Education Act during the session of the Senate on Wednesday, April 22, 1998, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Togo D. West, Jr., to be Secretary of the Department of Veterans Affairs. The markup will take place in S216, of the Capitol Building, after the first scheduled vote in the Senate after 3 p.m. on Wednesday, April 22, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on April 22, 1998 at 1 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 9:30 am on section 706 and bandwidth issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANUFACTURING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Manufacturing Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 2:30 pm on virtual manufacturing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY

Mr. COVERDELL. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Wednesday, April 22, 1998, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, and the Senate Select Committee on Intelligence be authorized to hold a joint hearing during the session of the Senate on Wednesday, April 22, 1998 at 2:30 p.m. in room 226, Senate Dirksen Office Building, on: ''Chemical and Biological Weapons Threats to America: Are We Prepared?''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF GILDA'S CLUB, METRO DETROIT

● Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to the April 30, 1998 Grand Opening of the new, and permanent, home of Gilda's Club, Metro Detroit in Royal Oak, Michigan. Gilda's Club is a support community for men, women and children who are living with cancer as well as their families and friends.

Gilda's Club is named for the late comedienne Gilda Radner, a Detroit native who died at the age of 42 after a courageous fight against cancer. Gilda first became known for her portrayals of irreverent characters on ''Saturday Night Live.'' She also appeared on Broadway and in movies. Shortly before she died, Gilda wrote ''It's Always Something,'' a book about her experience living with cancer. Gilda's Club was born from Gilda Radner's wish for all people with cancer to have as strong a support group as she had.

Gilda's Club aims to provide a friendly, residential haven for cancer patients and their friends and families. In this home-like setting, people living with or affected by cancer can share their experiences, participate in workshops and lectures, and attend social events. Gilda's Club is designed to enhance medical treatment with the emotional and social support which can be so crucial for those living with the disease.

Thousands of people from communities throughout Michigan pulled together to make Gilda's Club's permanent home a reality. Many organizations and businesses have hosted fundraising events and have committed their own money to the cause. A comedy event is held once a year to raise funds for Gilda's Club, and thousands of people walk in the Annual 5K Gilda's Club Family Walk and Block Party. In 1997, this event involved more than three thousand walkers and raised more than $175,000.

Mr. President, people living with cancer have long been able to rely on gifted and dedicated doctors to help them fight the disease which affects their bodies. Gilda's Club, Metro Detroit offers a critical supplement—emotional uplift—to the care cancer patients receive from their physicians. By promoting hope and healing, Gilda's Club will have an impact on thousands of people. I hope my colleagues will join me in recognizing the efforts of the many people who have made Gilda's Club, Metro Detroit possible, and in extending our prayers and high hopes to everyone who walks through its doors.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 21, 1998, the federal debt stood at $5,518,978,332,463.05 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents).

One year ago, April 21, 1997, the federal debt stood at $5,352,734,000,000 (Five trillion, three hundred fifty-two billion, seven hundred thirty-four million).

Five years ago, April 21, 1993, the federal debt stood at $4,257,526,000,000

(Four trillion, two hundred fifty-seven billion, five hundred twenty-six million).

Ten years ago, April 21, 1988, the federal debt stood at $2,499,121,000,000 (Two trillion, four hundred ninety-nine billion, one hundred twenty-one million).

Fifteen years ago, April 21, 1983, the federal debt stood at $1,243,863,000,000 (One trillion, two hundred forty-three billion, eight hundred sixty-three million) which reflects a debt increase of more than $4 trillion—$4,275,115,332,463.05 (Four trillion, two hundred seventy-five billion, one hundred fifteen million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents) during the past 15 years.●

JUSTICE FOR THE PEOPLE OF CAMBODIA

● Mr. LEAHY. Mr. President, last week, the mastermind of one of this century's most horrific crimes against humanity died apparently peacefully in his sleep. Pol Pot, founder and leader of the Khmer Rouge, architect of the grisly genocide which claimed at least one million Cambodian lives between 1975 and 1979, died at the age of 73. While some may see Pol Pot's death as final closure on one of the most shockingly brutal and despotic reigns in history, his death should not absolve the international community from seeking justice for the people of Cambodia.

The scars from Pol Pot's four-year reign of terror remain in Cambodia, and on the face of humanity. History will judge us. Did they do enough? Did they do what they could? Did they even care? If those assessments were written today, the community of nations would be found wanting. The fact that Pol Pot lived to his dying day having never been punished for his crimes is the best evidence of that.

When Pol Pot and his Khmer Rouge captured the Cambodian capitol of Phnom Penh in April 1975, he and his lieutenants began a barbaric campaign to exterminate intellectuals, foreigners, bureaucrats, merchants, and countless others who did not fit Pol Pot's vision of a ''pure'' Cambodia. Many thousands more were forced into slave labor camps, eventually dying from starvation, torture, and disease. I have met some of the survivors of that nightmare who escaped to Thailand and ultimately resettled in the United States, including in Vermont. They are a living tribute to the invincibility of the human spirit.

Four years later in 1979 Pol Pot and the Khmer Rouge were forced from power, but they left behind a ghastly swath of death and carnage that counted at least one million Cambodians dead and a country that to this day is trying to cope with the ghosts of that era. Virtually every Cambodian now alive knows or is related to someone who perished under the Khmer Rouge.

Although Pol Pot was the architect of the killing fields of Cambodia, those in his inner circle were responsible for carrying out his commands. Many of Pol Pot's chief lieutenants still roam the Cambodian countryside, reportedly along the Thai border. Men like Khieu Samphan, former President of Kampuchea; Nuon Chea, former second in command and someone described as Pol Pot's ''alter ego;'' and Ta Mok, a Khmer Rouge leader whose portfolio included killing Cambodians who had worked for the old Lon Nol government. Ta Mok was nicknamed ''the Butcher.''

The wanton killing did not end decades ago. In 1996 British mine clearer Christopher Howes and his Cambodian interpreter, Houn Hourth, were abducted by Khmer Rouge soldiers and later led to a field and shot in the back. According to recent reports of interviews with Khmer Rouge officials, aides close to Pol Pot ordered the killing. Mr. Howes posed no threat to Pol Pot or the Khmer Rouge. He was in Cambodia working to make the country safer for the Cambodian people by helping remove one-by-one the millions of landmines sown in the fields. Today, Cambodia is infested with mines which continue to maim and kill the innocent.

I am encouraged that the Administration appears ready to seek some formal mechanism to bring to justice key members of Pol Pot's inner circle. A number of possible approaches have been suggested, including a war crimes tribunal for Cambodia like the existing tribunal for the former Yugoslavia, or an international penal tribunal that includes Cambodian participation. These ideas and others merit further discussion as we examine appropriate ways to seek justice for the Cambodian people.

The United Nations has also named a three-person team to investigate the remaining Khmer Rouge leaders. This too, is an encouraging sign.

Whatever it takes, we must not let the fact that Pol Pot eluded justice diminish our resolve to apprehend and punish the members of his inner circle who are also guilty of crimes against humanity. History will judge us harshly if we turn our backs now.

I ask unanimous consent that two editorials be printed in the RECORD.

The editorials follow:

[From The New York Times, April 17, 1998]

POL POT ESCAPES JUSTICE

Pol Pot, elusive to the end, died just as the world finally seemed to be serious about bringing him to justice. No punishment, however, could have fit the evil he committed. From 1975 to 1979, Pol Pot's Khmer Rouge wiped out a large fraction of Cambodia's people, and left the rest with a country submerged in violence and pain.

The Khmer Rouge regime was surely the most bizarre in modern history, its philosophy made up of one part Maoism and three parts paranoia. It emptied the cities and marched Cambodians to the countryside to starve on state farms. Having an education, or even wearing glasses, could get one killed as a class enemy. Thousands of Khmer Rouge's own cadres were forced to confess to spying and tortured to death. There is probably no adult in Cambodia today unscarred by the loss of a close relative. Political life, too, is still poisoned. The nation's spectacular misrule stems in part from the scarcity of educated people and the political habits learned in four years of terror.

The Vietnamese invasion that ousted the Khmer Rouge in 1979 forced Pol Pot and his men into the jungle, where they continue to wage a guerrilla war to this day. Many Khmer Rouge troops have received amnesty and become wealthy and influential members of Hun Sen's Government, including Mr. Hun Sen himself. Pol Pot's death will rob investigators of the chance to try him and to hear about the crimes of Khmer Rouge leaders who are still in positions of power.

Pol Pot, who became a Communist while on a scholarship in Paris in the early 1950's, never apologized. In an interview last October, the only one he had granted since 1978, he said that whatever he had done he did for his country. He disputed that millions had died but acknowledged that hundreds of thousands had. Those killings were necessary, he said, because the Vietnamese wanted to assassinate him and swallow up Cambodia. His conscience was clear.

This was said by an old man so weakened by malaria and stroke that he could barely walk. He always had a gentle manner and soft voice, and in the interview smiled constantly. He did not seem a man who could have presided over the deaths of more than a million people. Three months before the interview, however, the Khmer Rouge put him on trial, not for the crimes of his regime but for his murder of a political rival and the man's family. The camera showed the Khmer Rouge troops watching the trial chanting robotically, ''Crush, crush, crush.'' He, of course, had taught them that. The soft-spoken old man of the interview was a mirage. His disciples showed who Pol Pot really was.

[From The Washington Post, April 17, 1998]

AFTER POL POT

The reported death of Pol Pot in the Cambodian jungle means that one of this century's most egregious mass murderers will not stand trial or be held accountable for his crimes. But it should not mean that Pol Pot's accomplices now will be let off the hook, and it does not mean that other nations with an interest in Cambodia's future should ease their pressure for a restoration of democracy there.

Between 1975 and 1979 more than 1 million and probably closer to 2 million Cambodians were executed or died from the effects of torture, deliberate starvation and brutal overwork. Pol Pot was the nation's communist leader at the time; he presided over the deaths of one-fifth of his population. But he was not alone. According to painstaking documentation assembled by the Cambodia Genocide Project at Yale University (partially funded by the State Department), a standing committee, on March 30, 1976, formally established an integrated national network of extermination centers. These were responsible for an estimated 1 million deaths of people who are now buried in 20,000 mass graves. Eight to 10 members of that committee are still alive and at large.

The tendency on the part of the international community will be to abandon efforts to bring to trial those guilty of crimes against humanity. With Pol Pot gone, attention will fade; some believe his colleagues killed him for just that reason. Moreover, some of Pol Pot's onetime comrades are in league with Cambodia's current leader, Hun Sen. It would make diplomats' jobs easier to let them be. It would also be an affront to justice and to Cambodia's many victims.

The same international fatigue is emerging with respect to Hun Sen, who seized

power in a coup last July. Officials from the United States, Japan, Cambodia's neighbors and other nations will meet in Bangkok on Sunday to decide whether to resume some aid to his regime, at least to help organize an election he wants to hold in July. Hun Sen hopes the election will legitimize his authoritarian rule. Some in Bangkok will want to go forward because Hun Sen has allowed deposed prime minister Prince Ranariddh to return to Cambodia, supposedly a gesture of reconciliation.

But political killings of Ranariddh supporters continue, and no one has been brought to justice for more than 40 past murders; Hun Sen's opponents live in fear and with limited access to the media; no impartial courts or electoral commission exist. Until these conditions change, a credible election is impossible. The United States and its allies should not put themselves in the position of blessing any other kind.●

EARTH DAY 1998

● Mr. DOMENICI. Mr. President, I would like to take the opportunity to address our environment and energy resources this Earth Day 1998.

My perspective is derived from my quarter-century in the United States Senate, wherein I have devoted much of my time to environmental and energy concerns. When I started my tenure here in 1973, the commemoration of Earth Day was three years young. During the ensuing years, I have witnessed great strides towards the improvement of our nation's environment. We are uniquely fortunate to be prosperous enough to consciously choose to promote environmental concerns and conserve resources. This Earth Day 1998 should focus on creating ways to not only continue these improvements in our own country, but also assist other nations in improving their ability to protect the world's environment. The earth is currently the only home we all share.

I would like to think that I have contributed to the continuing United States environmental improvement during my years of public service. I actively participated in the multi-year debate on the 1977 amendments to the Clean Air Act, and I am pleased to say, played a key role in shaping the 1990 amendments which has reaped substantial decreases in air pollutants since the first Earth Day in 1970.

Through passage of the Clean Water Act and reauthorization of the Safe Drinking Water Act, the United States of America has vastly improved the quality of its rivers, lakes, and coastal waters, and has the safest drinking water in the world. Communities, while suffering some hardships, have been able to decrease emissions, provide clean, safe public areas for their citizens, and still remain a world economic leader. We have learned that costly regulation is not the solution, but cooperation with and incentives for the business community, as well as providing local control over local concerns, improves everyone's way of life.

It is from the vantage point of my years of service in environmental and energy issues that I speak today about the divergence in regulation and policy from the best interests of our global climate. Several examples can be gleaned from the recent debates regarding emission standards and the global climate change document which emerged from Kyoto, Japan in December.

Remember, since 1970, air pollution in this country has been steadily declining, despite the fact that the U.S. population has increased by almost 30% and vehicle travel has more than doubled. Now, I believe anyone will tell you they want clean air. However, one must also realize that any environmental improvement comes at some economic cost in our industrialized world. The United States may be responsible for 20 percent of the world's carbon dioxide emissions, but it also responsible for producing 26 percent of the world's goods and services. And we still have some of the most stringent environmental standards around. We need to keep finding ways to improve air quality, while maintaining a standard of living that is envied the world over.

American cities have just recently been able to achieve the stringent air quality standards, and air quality is improving. In my home state of New Mexico, Albuquerque was one of the first U.S. cities to be removed from the list of violators of national carbon monoxide standards. Let's let all communities continue to improve, rather than impose strict and costly new air quality standards before we know that they are based in sound science.

I believe that many of my distinguished colleagues here in the Senate know I have long been a strong proponent of basing governmental decision making on sound science. Indeed, in both the Clean Air Act Amendments of 1990 and the Safe Drinking Water Act of last Congress, I fought hard to make sure ''sound science'' provisions were included in the legislation as a matter of policy. There has been some question about the scientific validity of the global warming theory. Theories do change. It was not all that long ago that my children were being taught in school that we were approaching another ice age.

However, assuming that global climate change is occurring and emissions need to be reduced to improve the global climate, what is the logic of exempting developing countries from any global treaty aimed at reducing those emissions? Many developing countries, like China or India, are predicted to rapidly exceed developed countries' emission levels. Shouldn't every country be bound to reduce their carbon dioxide emissions? Why should this country bear the burden in this inequitable arrangement that will not reduce net emissions levels?

Do not misunderstand me. We all have to live on this planet; we all should live well and live in a clean environment. I do not believe these goals are contradictory. Progress is not a curse. This nation is blessed to be leaders in Environmental protection and to also enjoy modern conveniences. I do applaud the fact that the climate change debate has focused some attention on looking to alternative and cleaner fuel sources.

I do sometimes find it ironic that those environmental activists who speak the loudest about a dirty environment oppose development of the safest, cleanest energy source available in quantities to sustain our modern needs: nuclear energy.

As we leave the 20th Century and head for a new millennium, we truly need to confront these strategic energy issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world. We can afford a clean world. As developing countries try to emulate our nation's success, we will find ourselves competing for resources that fuel modern economics.

I have pledged to initiate a more forthright discussion of nuclear policy. We often define environmental debates in terms of ''us versus them.'' When it comes to global environment there is no them. We are all environmentalists. Nobody belittles the fundamental need for clean air and water. Some activists make their cause all-important, from whichever direction they come, and do not focus on what is right or fair. I believe that the emotional response is not always the logical alternative.

As Chairman of the Senate Budget Committee, I have faced criticism from both sides on some of my positions. Now, the President has outlined a program to reduce U.S. production of carbon dioxide and other greenhouse gases below 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a $50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling a of the current cost of coal or natural gas-generated electricity. However, Nuclear energy can help meet the global goal.

I was very disappointed that the talks in Kyoto did not include any serious discussion about nuclear energy. As I have pointed out before, in 1996 alone, nuclear power plants prevented the release of 147 metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide into the atmosphere. Nuclear power is now only providing 20% of the United States' electricity, but those utilities' emissions of greenhouse gases were 25% lower than they would have been from fossil fuels.

In the aspect of recognizing nuclear energy as a clean, economic fuel alternative, the United States has thus far failed to take the lead. Other countries, such as France, Japan, and Russia, have recognized the importance of nuclear energy sources. And there are many more beneficial uses of nuclear technologies, from the destruction of dangerous organisms in our food to enjoying healthier lives from medical procedures dependent on nuclear processes. The notation on our calendar should read that today, Earth Day, is the day we should begin to catch up with other countries that have prudently decided to use more nuclear power because it is good for the environment and makes good sense.

I realize, however, that we cannot address the issue of nuclear energy without discussing the problem of nuclear waste. This should not deter us from a prudent course; we must, and we can, find ways to address nuclear waste safely. Currently there are exciting scientific ideas being developed to utilize the 60–75% of energy available in spent nuclear fuel rods while still reducing the half-life of residual material.

I encourage debate this Earth Day on ways to improve the world's economy while maintaining a clean environment. Exploring nuclear energy issue is but one way. And indeed, the issue of energy use and environment is pertinent on more than one day a year. Let us just reflect on the possibilities for the new millennium as we proudly review our past successes.●

THE J.P. ''COTTON'' KNOX FAMILY—A 20TH CENTURY AMERICAN FAMILY

● Mr. DURBIN. Mr. President, I rise today to pay tribute to a great 20th century American family from the state of Illinois—the J.P. ''Cotton'' Knox family. Through the industrial age, the Great Depression, two world wars, and presidents from Teddy Roosevelt to Bill Clinton, the Knox family has spanned the American Century. We take a moment today to reflect on their history and their contribution to our nation.

It all began with J.P. ''Cotton'' Knox, born November 16, 1880, and his wife Esther Loretta Knox, born April 11, 1885—both in Sangamon County, Illinois. They started courting at the turn of the century, married in 1907 and lived on a small farm west of Curran in Sangamon County where J.P. shucked corn by hand in the moonlight.

During the first quarter of the 20th century, the family grew rapidly. Thomas Dickerson, J.P. and Esther's first child, was born July 8, 1908. James Donald came next on November 24, 1909 and was followed by Kathryn Loretta on May 9, 1912, John Louis on July 23, 1914, Charles Carroll on November 21, 1916, Lawrence William on January 26, 1919, Howard Eugene on March 29, 1921, Paul Edward on January 18, 1923, and Joseph Patrick on February 10, 1925. Each child was born healthy and at home except for Howard Eugene, who was born in the hospital because of a scarlet fever epidemic.

In the second quarter of the 20th century, the family struggled through the Great Depression along with the rest of the nation. Kathryn had grown old enough that she was able to serve as relief pitcher and back-up quarterback for her mother. J.P. was elected Coroner of Sangamon County in 1932 and instilled in his children the importance of voting because it was a duty and a privilege as an American.

Perhaps the most remarkable chapter in the family's history came when the United States entered World War II following the bombing of Pearl Harbor in December 1941. Thomas, the oldest, was 33 and married with three children when the war began. As CEO of Doyle Freight Lines based in Saginaw, Michigan, he was declared an essential man in an essential industry. The Governor of Michigan appointed him as coordinator of transporting supplies to military bases in certain Midwest states. After the war, he was listed in Who's Who in the Midwest.

The other brothers, one by one, joined the military, even though some could have remained on the homefront. Lawrence, who worked in the FBI in Washington, was exempt from military service but chose to enlist in the Marines. Joseph was the last child left home with J.P. and Esther. He could have applied for a deferment but chose to serve with the approval of his parents. Three weeks after graduating from high school in 1943, he was in the Navy. Carroll was the only brother who did not go overseas, and served as a medical corpsman in the Navy in San Diego, California. Of the seven brothers who served, three were in the Navy, three in the Army and one in the Marines.

J.P. and Esther would have been all alone had it not been for Kathryn and her three children who lived with them when Kathryn's husband joined the Navy. Kathryn provided tremendous support to her parents, who had a lot to worry about with six of their eight sons in harm's way. She kept their morale high until, amazingly, all seven of the Knox boys in the military returned home safely with honorable discharges after the war. Combined, they gave 20 years, six months of service, including nearly 13 years overseas.

The third quarter of the 20th century had just begun when J.P. passed away in 1951. He was eulogized with a one-quarter page editorial by V.Y. Dallman, editor of the Illinois State Register in Springfield, Illinois. Esther passed away in 1972. All nine children were employed in various fields and raising families of their own. Joseph followed in his father's political footsteps, serving several terms as Clerk of the Circuit Court of Sangamon County and Public Health Commissioner for the City of Springfield. To this day, he insists the voters were not voting for him, but rather for the Knox family. His was simply the name that happened to be on the ballot.

In the last quarter of the 20th century, three of the Knox children passed away—Thomas in 1986, Howard in 1987 and Louis in 1993. Six siblings remain—all in reasonably good health.

As the 21st century approaches, we wish the Knox family well and thank them for their service to the country and the state of Illinois. And I ask that my statement be included in the RECORD so that future generations of the J.P. ''Cotton'' Knox family will know that their forebears were proud to be Americans and proud to serve their nation.●

THE 83D ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. TORRICELLI. Mr. President, I rise today to commemorate the 83d anniversary of the Armenian genocide. On this sad occasion, my thoughts and sympathies are with the Armenian people as they remember the horrors of the events 83 years ago.

It is with a great sense of sorrow that we mark the 83d year since the tragic genocide and exile of the Armenian people. The senseless murder and expulsion of 1.5 million Armenians through a staged campaign of the Turkish Ottoman Empire has been one of the most sobering events in modern history. The Armenian Genocide has the uneviable distinction of being the first genocide in the 20th century. This fact alone underscores the seriousness of the events between 1915 and 1918, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

We pause now to ensure that the Armenian Genocide will never slip into the recesses of history. While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.●

NGAWANG CHOEPHEL

● Mr. LEAHY. Mr. President, Secretary Albright is planning to travel to China soon to discuss a wide range of important issues with Chinese officials. Her trip is in anticipation of a subsequent visit by President Clinton. On her agenda will be the issue of human rights, and I want to use this opportunity to remind other Senators of the case of Ngawang Choephel, a Tibetan ethnomusicologist and former Middlebury College student. Mr. Choephel came to this country on a Fulbright Scholarship, and in September 1995 he was arrested in Tibet for making a film about traditional Tibetan music and dance. On December 26, 1996, just one month after I spoke to Chinese President Jiang Zemin personally about Mr. Choephel, he was sentenced after a secret trial to 18 years in prison.

This case goes to the heart of our ongoing difficulties with the Chinese Government on human rights. I have repeatedly asked for, and never received, a shred of evidence that Mr. Choephel was engaged in any illegal or political activity. His crime, it appears, was that he was Tibetan and wanted to preserve Tibetan culture.

Mr. President, every country has the right to prosecute individuals who engage in conduct that threatens the safety of others. But no country has the right to violate internationally recognized human rights which are the rights of all people regardless of nationality. As long as a person can be imprisoned for doing nothing more than making a film about Tibetan culture, our relations with China will continue to suffer. By releasing Mr. Choephel, the Chinese Government would risk nothing, but it would represent an important step to those of us who are looking for credible signs that the Chinese Government genuinely wants to improve its human rights record.

An April 21, 1998 editorial in the Rutland Daily Herald notes the release of Chinese dissident Wang Dan, and calls for the release of Ngawang Choephel. I ask that excerpts of the editorial be printed in the RECORD.

DON'T FORGET TIBET

The release of a leading dissident by the Chinese government has shown the Chinese leadership to be willing to make the right political gestures in anticipation of a visit later this spring by President Clinton.

Now is a good time to remind the Chinese that Americans believe Tibet to be an important human rights issue and that future relations with the United States would be improved by better treatment of Tibet. it is a good time, too, to remind the Chinese of a Tibetan with a Vermont connection who has been sentenced to serve 18 years in jail.

* * * * *

Ngawang Choephel had fled Tibet with his mother when he was 2 years old. He eventually found his way to Middlebury College where he was a student of ethnomusiclogy. He returned to Tibet to record the music and dance of his native land, but he was arrested in the summer of 1995 and sentenced to 18 years.

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Releasing one or two well-known dissidents is not enough to establish a record of respect for human rights when other thousands remain behind prison walls for crimes no more offensive then the recording of folk songs.

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Ngawang Choephel is just one among thousands who remain behind. As long as he is not forgotten, Clinton and the Chinese may also remember how much more needs to be done before China has established itself as a nation with proper respect for the rights of the individual.●

THE CONTENT OF UNITED STATES ENGAGEMENT WITH CHINA

● Mrs. FEINSTEIN. Mr. President, on April 3, 1998 I addressed a conference at Stanford University on the subject of ''The Content of U.S. Engagement with China.'' This conference, on an issue which I believe to be of paramount importance, was convened by The Center for International Security and Arms Control and the Institute for International Studies in conjunction with the Stanford University and Harvard University Preventive Defense Project. I thought my colleagues would find my remarks to be of interest, and I ask that they be printed in the RECORD.

The remarks follow:

ENGAGING CHINA: THE DIRECTION OF THE FUTURE

For the last twenty years I have believed that the single most important undeveloped bilateral relationship in the world is the relationship between China and the United States of America. And I have been puzzled as to why so little attention has been given to its development.

Now, after many years of little presidential interaction between Washington and Beijing, President Clinton's decision to move up his visit to China from November to June I think means that each President is looking at the relationship in a different way. And I believe that this Administration is now ready to fully engage China.

So, what does engagement mean? What should be the content of such a policy? How should it be carried out? And why has it taken so long?

While the debate between engagement and containment with China is by no means dead, this clear and unequivocal effort to engage Beijing now at the highest level marks an historic turning point in U.S.-China relations—and what may well be the most defining bilateral relationship of the coming century.

As we move forward in this new effort at engagement, it is worthwhile to explore the issue of why it has been so difficult to reach this point, and then discuss what ''engagement'' should look like, and some of the practical steps the United States can take to carry out this effort.

OBSTACLES TO A SUSTAINED POLICY OF ENGAGEMENT

Anyone who has participated in China policy debates in recent years knows first-hand how difficult it has been to sustain any goal-oriented, consistent policy of engagement. Several reasons come to mind.:

First is the events at Tiananmen Square on June 4, 1989. Just as Tiananmen Square was a much more significant event for China than the Chinese government would like to admit, it also substantially impacted the ability of the U.S. to pursue a policy of engagement.

For many Americans, the events of June 4, 1989 remain their dominant view of modern China—a view shaped by horrifying pictures of tanks advancing on students and workers, and the one white-shirted, slight man, clutching a shopping bag, defiantly facing down an advancing tank. These images are etched indelibly on the minds of virtually everyone who saw the extensive television coverage. It left a mark of unvarnished brutality on the government of China and on the People's Liberation Army. Many in this country came to view China as nothing more than a brutal dictatorship.

From that day on in Washington, China policy became event-driven, lurching from one crisis to the next—every media revelation on human rights, every trade dispute, every diplomatic confrontation over Taiwan, the future of Hong Kong, and the plight of Tibetans. U.S. policy toward China was held hostage daily by whatever ''message'' we were sending to respond to a particular issue—from the summary and prolonged detention of students involved in Tiananmen Square, to the incarceration of Harry Wu, to the arbitrary imprisonment of scholars and dissidents. Issues like prison labor, and abortion dominate the views of certain members of Congress to this very day.

Secondly, Americans have trouble accepting a non-elected government as a legitimate partner, particularly when that government is Communist. American political instincts are so entrenched when it comes to communism that they often override even our own stated interests. Perhaps this is due to the long Cold War with the Soviet Union. But Americans remain distrustful of a ''Red China'' despite the fact that China has adopted Western-style market capitalism and is reaching out to the West. Many in Congress see the tight control over political expression and unjust incarceration of dissenters as that which should be the controlling factor of our foreign policy with China.

Thirdly, China's modernization of its military, its increasing nationalism, and the military saber-rattling toward Taiwan in reaction to the Cornell visit of Lee Teng-hui—which culminated in a tense show of force involving missile launches and aircraft carriers—encouraged many here to vilify China as the new Evil Empire and likely military adversary. The book *China Can Say No* introduced a very real element of hostility, and the American corollary, *The Coming Conflict with China,* argued, in response, that conflict is indeed inevitable, that the Beijing government

should be contested and weakened, and that the U.S. policy demeanor should be one of ''cold encounters.''

Lost in all of this, largely because of the ignorance of so many Americans about the history and culture of China, has been the progress made in China toward a dramatically improved standard of living and freer lifestyle for so many tens of millions of people. One has but to consider the China of the Cultural Revolution, with the enormous loss of life and freedom suffered during the period of the ''Gang of Four,'' to understand that the gains and changes that have been made in China are more profound than those that have occurred in virtually any large country anywhere else in the world in such a short twenty year period of time.

One point driven home to me is that most Americans have remarkably little knowledge of China's 5,000-year history, its culture, and its governance. When I was studying history here at Stanford, taking a course in modern China, the professor said to me, ''Beware, Dianne, Americans do not understand China.'' That is absolutely correct. It does not register on most Americans that China, throughout its history, has been governed by one man—usually a despotic emperor, and then revolutionary war heroes. As Jiang Zemin said to me a couple of years ago in Beijing: ''The U.S. cannot expect a country ruled by man for 5,000 years to make the transition to a rule of law overnight.''

China's humiliation at the hands of European powers during the Opium Wars, its subsequent isolation from the West for over 100 years, and then its suffering at the hands of the Nationalists, the Communist Revolution, and the Cultural Revolution, and the ramifications of all of these events on its people, are largely unknown to Americans.

I was amazed to learn that a poll conducted during the transition of Hong Kong to Chinese sovereignty showed that only 12 percent of Americans knew that Hong Kong was, prior to the transition, governed by Great Britain. Most thought Hong Kong to be an independent entity being returned to China. This lack of knowledge makes it difficult for many Americans to understand why development of this relationship is so complex and important to our national interest.

Additionally, the fact that our own government is divided with one party charting foreign policy from the White House and the other trying to dictate it from Congress does not make a consistent policy easy to achieve. That division does, however, facilitate the opportunity for individuals and interest groups to weigh in heavily with the Congress with whatever agenda they may have to criticize the Administration. The easiest path, of course, is to do little in the face of this criticism and lack of understanding. To some extent, this same ambivalence is mirrored on the Chinese side. Since the visit of Lee Teng-hui to the United States, we have seen the impact of rising Chinese nationalism, not just as a leadership issue, but as a deeply felt conviction throughout the countryside.

It is my deep belief that China today is America's most important undeveloped bilateral relationship, and that our own national interests suggest that whoever is President must be committed to engage this rising giant on an ongoing and consistent basis, regardless of other pressing domestic and international issues. China policy cannot afford a sense of drift, long periods of inaction, or even a fear of spelling out the importance of engagement and all of its ramifications and pluses to the American people.

DEFINING ENGAGEMENT: A STRATEGIC PARTNERSHIP

So what should a policy of engagement be? First of all, it should be a policy that is clear, consistent, and goal-oriented. It should be aimed at developing the trust, mutual respect, and —most importantly—the dialogue and diplomacy necessary to accomplish two things: 1) minimize the likelihood of conflict between the United States and China, and 2) encourage China's development as an open, responsible, and stable world leader capable of helping maintain a safe and secure Asia. If there is going to be appreciable progress toward this goal in the next 10–15 years, it will come about through the development of a strategic partnership between the United States and China.

This strategic partnership must be based, first and foremost, on a recognition of shared security interests, including: a stable and secure Western Pacific, in which all countries have secure borders and are at peace; eliminating the spread of weapons of mass destruction; stable economic conditions in the Asian-Pacific region; and the free flow of commerce and people through Asian and global sea lanes.

This strategic partnership must also be based on mutual trust, developed over time, through repeated contact and constant communication. Mutual trust requires the development of a common understanding that the interests of one side do not threaten the other; an understanding by the United States that China's rising strength need not necessarily pose a threat to the U.S.; and an understanding by China that the U.S. role in Asia is not aimed at containing China or preventing it from playing its rightful role in the region.

Finally, this strategic partnership must be based on a set of mutual understandings about issues of importance to each side, especially the issue of Taiwan, non-proliferation, and agreed-upon rules of trade.

Taiwan: The most critical area of shared understanding must be Taiwan. The new Chinese Ambassador in Washington, Li Zhaoxing, recently met with me in my office and reiterated unequivocally that the key issue remains Taiwan. Beyond that, all issues are negotiable. So, the United States' adherence to the ''One China'' policy, and the principles set forth in the three Sino-American Joint Communiques, remain the bedrock of any American policy of engagement.

Specifically, the U.S. should make sure China understands that the United States is committed first and foremost to a peaceful resolution of the Taiwan issue, brought about through talks between the Chinese and the Taiwanese. In this regard, we can take encouragement from the fact that Cross-Straits dicussions are expected to resume in Beijing later this month for the first time since mid-1995.

As a matter of American policy, we need to be vigilant in ensuring that the United States will do nothing to support Taiwanese independence, and will consistently encourage Taiwan to pursue a course of moderation and avoid provocative acts. At the same time we must make clear that we will not countenance any military action against Taiwan, and that any aggressive action is clearly adverse to U.S. national interests.

Nuclear Nonproliferation: China's need for constant reassuring regarding U.S. intentions toward Taiwan mirrors American concerns about Chinese efforts at stopping the spread of weapons of mass destruction. The U.S. and China have achieved some equilibrium on the issue of Taiwan, and have moved much closer to a common understanding on the issue of non-proliferation.

China today has signed or is now supporting virtually every multinational treaty and agreement on nuclear nonproliferation, including the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, most recently by joining the Zangger Committee to control and monitor exports of nuclear technology. And, at the summit in October, China committed not to engage in any new nuclear cooperation projects with Iran, fulfilling a longtime U.S. policy goal.

There are still questions about whether or not China has fully turned the corner in its approach to nuclear non-proliferation, but the signs are encouraging. China has been supportive of U.S. efforts to halt nuclear proliferation in North Korea and is participating in the four-party talks and supportive of the Agreed Framework. China has also agreed to cease assistance to any unsafeguarded nuclear facility, which is especially critical in the case of Pakistan. Today, both India and Pakistan are capable of launching nuclear devices in a matter of days, and hopefully China now understands that it makes little sense to have a group of states with major nuclear weapons capacity just over its borders.

Now is the time for the United States, when President Clinton goes to China in June, to propose a cooperative approach to nonproliferation as a major initiative with President Jiang

Zemin. The United States can build on the successes already achieved by seeking to encourage China to become a full member of the Missile Technology Control Regime (MTCR), which will require China to abide, not just by the regime's guidelines, but by the technology transfer restrictions contained in its annexes. This is key to a nonproliferation agreement.

Trade: Special attention should be paid to the dynamics of the U.S.-China trade relationship, because the trading relationship, with its domestic ramifications, is such that it can undermine other aspects of a strategic partnership. Hence, there is a real need for a shared understanding and agreement on the rules of trade between the two parties. It is clear that a major United States interest is to have China—which will soon be the world's third-largest economy and growing at unprecedented rates of GDP—abide by the same rules of trade as the rest of the international community.

To that end, a major goal of our policy of engagement should be to encourage China's participation in international economic regimes, and, most notably, the World Trade Organization. As Nicholas Lardy of the Brookings Institution has written, the United States goal of China's accession into the WTO on ''commercially viable terms'' must dovetail with a realistic assessment of how fast China can achieve the standards necessary for full membership.

A phase-in period is no doubt appropriate given the enormous changes the Chinese economy will have to endure, especially if China continues to show good faith and is moving in the right direction—as the new Premier Zhu Rongji seems inclined to do.

As a further encouragement for China to make the necessary adjustments in its trade practices, Congress might end the application of the Jackson-Vanik amendment to China, thereby making China's MFN status permanent. I intend to cosponsor legislation later this year with the chairman of the Senate Finance Committee, Senator WILLIAM ROTH of Delaware, and others, which would guarantee that upon China's accession to the WTO under terms agreed to by the United States, China's MFN status would be made permanent. If necessary, the legislation could be structured so that Jackson-Vanik could be reinstated if China failed to meet its commitments under the WTO. But the important thing is to end the unnecessary and disruptive practice of subjecting the entire U.S.-China relationship to an annual review.

There are other steps the United States can take to ensure a further deepening our strategic partnership with China in the trade area. Each year, the leaders of the world's great industrialized democracies meet in what has been known as the G–7 and, now that Russia is a participant, the Summit of the Eight. These leading nations meet to discuss their common interests and agendas in world economics, trade, and security.

While China is not yet a democracy, it is a rising power in Asia and the world, and, as such, should interact with this summit. As with Russia, full membership is not necessary at the outset. But China's potential role in shaping global peace and economic stability should be recognized and encouraged. It would serve the interests of the United States and our allies at this summit to be able to discuss with Chinese leaders how China and the Western powers can interface and work together.

Most observers agree that China has played a helpful role in responding to the financial crises gripping much of Asia, and there is good reason to be very seriously concerned. Despite a decline in foreign investment and Chinese exports, China has held the line against pressure to devalue its currency, and has pledged to offer financial assistance to its troubled neighbors. China also has pledged to continue and accelerate its reform of state-owned enterprises and the restructuring of its government, with full knowledge that it will have to deal with probable social disruption as a result. This responsible international economic behavior, which has been praised by Secretary of the Treasury Robert Rubin, bodes well for the strategic partnership we are trying to build.

When I first went to China twenty years ago, virtually all businesses were owned by the state. Today, about 25 percent is owned privately, 25 percent is cooperative, and about 50 percent is still owned by the central government.

These highly subsidized state-owned enterprises are hugely inefficient, but they employ tens of millions of people. Zhu Rongji is determined to shut down these white elephants. As he closes them, unemployment is sure to increase. Already in China there is a huge unemployed migrant population in the millions, moving from city to city, with little hope and little opportunity. As these reforms are carried out and inefficient companies are shut down, the situation that the Chinese have the most concern about, instability, is a real possibility. Also, there is growing unrest in minority areas. These events together will test China's commitment to reform, but the early indications are that the commitment of the new Prime Minister is strong.

STEPS TOWARD MUTUAL TRUST

The strategic partnership we are trying to build requires the development of a sense of mutual trust. I do not believe this can be accomplished at secondary levels, but rather must be developed over time, leader to leader, with a lot of listening needed on the U.S. side—something we are not very accomplished at doing. This takes time and persistence. There will be setbacks. But I do not believe that second-level delegations sweeping into Beijing for a day or two, giving ultimatums, can accomplish much. To this end, the United States and Chinese leaders need to develop methods of ongoing communication. It is amazing to me to know that, from the resumption of diplomatic relations with China in 1978 until the present day, there has been no red telephone—no ability for the two leaders to talk, exchange information, or discuss points of concern. Hard to believe, but true.

I will never forget visiting Jiang Zemin at Zhongnanhai in August of 1995 and having him tell me that he did not know of the U.S. decision to grant a visa to Lee Teng-hui to visit Cornell University until he read about it in the newspaper—and I saw it written all over his face, the loss of face. The Chinese believed that they had been reassured in May of that year—just weeks before—that such a visit would not take place. When it did, the relationship was shaken to its foundation, culminating in Chinese missile exercises aimed at intimidating Taiwan and U.S. aircraft carriers being sent to the Taiwan Strait.

I am also of the view that it is possible, perhaps even probable, that the ministries of China often act independently of Beijing, such as in the case of the sale of $75,000 worth of ring magnets to Pakistan. I know that in the case of the intellectual property debate, information was given by the government of Guangdong Province to Beijing indicating that all pirate CD factories in the province had been closed, when they had not.

These cases are small examples of when conversations, and a sharing of key information at critical times, between the leaders of each country—outside of the foreign ministries—can prevent all kinds of difficulties. That is why I am so pleased that a telephone link between the two leaders is set to become operational in May of this year. Other forms of direct contact are important as well. The exchange of visits between the two presidents we are now seeing should be made an annual occurrence. In addition, regular, ongoing high-level visits from both sides at the Secretary of State/Foreign Minister level, as well as cabinet-level visits in other important areas of mutual interests, are vital to developing understanding and trust.

These senior-level talks must also be supplemented by working-level committees that meet at least twice yearly in each other's capitals to discuss nonproliferation, transnational threats such as narcotics trafficking and terrorism, economic cooperation, trade issues, science and technology cooperation, and human rights. Many of our trade disputes with China—over phytosanitary standards, or the calculation of the trade imbalance and what can be done to improve the imbalance, for instance—will never be settled unless there is continuing, ongoing dialogue at both the senior and working levels.

A lack of communication can assert itself in big and small ways. In January of 1996, Sam Nunn, JOHN GLENN, and I met with the Chinese Defense Minister, Chi Haotian, in Beijing. After discussing the tensions in the Taiwan Strait, I asked him if there were any other direct problems between our countries. He said, ''Yes, there was one—the problem of U.S. military overflights of Chinese territorial waters.'' He indicated that some American fighter planes were flying too close to the Chinese coast and may have violated Chinese airspace. From Beijing, I then called Secretary of Defense William Perry. He indicated that he would look into it right away and take care of it, which he did. The U.S. and the Chinese side were able to reach an understanding on these flights fairly easily.

But this incident really showed me the danger inherent in the absence of ongoing communication. Secretary Perry also recognized this gap, and he began a very important process of building an expanded military-to-military dialogue, a process which I strongly support and believe should be continued. In the last two years, there has been an exchange of visits by the Defense Ministers, occasional meetings between officers of the two sides, and a handful of port visits. All are healthy.

The October summit helped to advance this process with an agreement on regular high-level and mid-level exchanges, between both officers and specialists in each country's war colleges. An agreement was also reached on a communication system to avoid accidental encounters between U.S. and Chinese naval forces at sea. This military-to-military dialogue is important. In order to broaden and deepen these exchanges, the United States might conduct some joint exercises with the Chinese military—perhaps initially just search-and-rescue, or disaster relief cooperation—a priority.

Another aspect of a strategic partnership is to combat the transnational criminal threats—such as terrorism, drug trafficking, and alien smuggling—that disrupt each of our societies, and the Chinese have been very cooperative in these efforts. Hopefully, the two presidents will build on this cooperation in June by reaching agreement to allow the U.S. to station DEA agents in China, and perhaps an FBI placement.

This cooperation could be combined with law enforcement-related exchanges in modern investigative techniques, forensics, case-building, and proper training in crowd control techniques. It should be remembered that, until recently, the Chinese had no local police and relied on the army in many domestic situations, including Tianamen Square in 1989.

HUMAN RIGHTS AND ENGAGEMENT

One cannot talk about what should be contained in a policy of engagement of China without discussing how human rights policies should interact with other aspects of U.S.-China policy. The truth is that the human rights situation in China remains deeply disturbing. Fundamental freedoms—expression, political acitivity, assembly, and religion—remain sharply restricted no matter what the Chinese say. Dissidents continue to languish in prison. Arbitrary arrest, torture, and the imprisonment of political prisoners continue.

The situation is even worse in Tibet, which remains a troublesome and unfathomable issue. There is no question but that the Chinese have continued to harden their policies against the Tibetan people. This has taken the form of a crackdown on dissent (merely to have a picture of the Dalai Lama in a home is a cause for arrest), and brutalizing those who do not conform. Han Chinese continue to build a major Chinese presence in the capital of Lhasa, which is rapidly looking more Chinese than Tibetan. Most discouraging, the Chinese maintain their refusal to meet with the Dalai Lama, despite his repeated assurances that he has discarded Tibetan independence as a point of contention.

This issue has been a very personal one for me. I was initially brought into the Tibet issue by my husband, Richard Blum, who has been a longstanding friend of His Holiness the Dalai Lama and first introduced me to him in 1978. In 1979, when I became Mayor of San Francisco, I was the first American official to receive His Holiness. So the issue has become a very personal one for me. Nine years ago, Richard and I began a small quest. That was to arrange a meeting between the Chinese leadership and His Holiness. In 1991, we first carried letters to the Chinese leadership from the Dalai Lama. These discussions have continued for several years.

Then, last September, I thought there was going to be a breakthrough. I was asked by Beijing to come to China to deliver a written message and proposal from the Dalai Lama, which I had been holding since June. We flew to Beijing on a weekend and presented the letter to President Jiang Zemin. The meeting did not go well, and I was very disappointed after it. But before I left Beijing, I received word that the door was not closed to the Dalai Lama's offer. And I have held out hope that there is still an opportunity to capitalize on this offer.

Then, very recently, I saw an article distributed by Xinhua, which falsely depicts the position of the Dalai Lama. The article cites a recent issue of the journal *China's Tibet.* The article says: ''The Dalai Lama has never sought genuine talks with the Central government of China in the last ten years.'' The article goes on to repeat accusations that the Dalai Lama is working to split Tibet from China and is seeking Tibetan independence.

Simply put, these charges are not true. The Dalai Lama has repeatedly made statements, publicly and privately, that should have long since satisfied Chinese concerns. And I, personally, have delivered two of them—one in 1991, and one last September.

Until recently, I have been unable to say anything about this, because these contacts have been basically private. But on March 10 of this year, the Dalai Lama released a statement, which goes to the heart of this subject. The Dalai Lama's statement, while acknowledging some progress in human rights in China, says:

> In stark contrast to these positive aspects of development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous ''strike hard'' campaign against Tibetan religion and nationalism has intensified with each passing year.

Further on in the statement, the Dalai Lama makes clear what he is seeking from the Chinese leadership:

> With regard to a mutually acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have a genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language, and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic, and cultural development.

In light of this background, I propose three directions for U.S. policy on human rights in China:

First, the Tibet issue should be elevated to the highest priority of the U.S. human rights agenda. Just a few months ago, the Secretary of State appointed Gregory Craig to be the State Department's Special Coordinator for Tibet. The United States should launch a major initiative, as part of President Clinton's visit, to convince the President of China that he should take the Dalai Lama at his word, and sit down and meet with him. After all, the Dalai Lama is the spiritual leader of some six million Tibetans, and as such, his view and proposals deserve to be heard by the government of his people.

Secondly, the United States must also actively promote and help China develop the rule of law, which is the most important guarantor of individual freedoms. A truly independent judiciary, which it is not now, due process of law, and modern civil, criminal, and commercial codes are all vital to this effort. The Administration has already proposed a new $5 million program, which I strongly support, to be administered under the auspices of the Asia Foundation for this purpose. This program can be the single most important thing we can do to make major changes possible in the area of human rights.

Finally, the United States should continue to press for the release of political dissidents, for reform of the prison system, the abolition of child

labor and prison labor, and increased religious tolerance. There has been some progress, first with Wei Jingsheng's release, and more recently with Wang Dan's.

WHAT KIND OF CHINA?

The key question that a policy of engagement attempts to address is: What kind of China do we hope to be dealing with in 2015? As most of our deepest partnerships around the world are with democratic nations, the ideal answer of course is that we would see a fully democratic China. But the history of transitions to democracy suggests to us that China may not have made that entire transition in another decade or two. Yet if the current trends toward openness and individual freedoms in Chinese society continue, I believe it will happen, probably along the Taiwan model.

Specifically, we should be looking for the following:

an increasingly open country and society, with sharply reduced barriers to interaction with the West;

a China in which the people have a voice in their governance, at the local, provincial, and even national level—which is now beginning with the widespread village elections initiative;

a China in which the rule of law, due process, an independent judiciary, and modern civil, criminal, and commercial codes, and the protection of individual rights have been firmly established as the basis of human endeavor; and,

a responsible leadership, which allows itself to be held accountable for its decisions and actions, both at home and abroad, and is willing and able to ensure its own peace and stability, and play a role in establishing peace and security all along the Pacific Rim.

I deeply believe in engaging China fully. And as China changes—and it will—engagement will become both easier to practice and easier to build support for at home. All those who are pursuing this effort have the United States best interests at heart.●

CONGRATULATING U.S. ARMY RESERVE ON ITS 90TH ANNIVERSARY AND RECOGNIZING CONTRIBUTIONS OF STROM THURMOND, PRESIDENT PRO TEMPORE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 213 submitted earlier today by Senator HELMS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of STROM THURMOND, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years.

The Senate proceeded to consider the resolution.

● Mr. HELMS. Mr. President, the resolution that I am offering today, along with 28 other Senators, is intended to commemorate the 90th Anniversary of the United States Army Reserve and to honor the soldiers who have served in the USAR, including our good friend and Senate President pro tempore, Senator STROM THURMOND, who served with distinction as an Army Reservist for 36 years.

Winston Churchill once remarked that ''the reservist is twice the citizen.'' Indeed, the accolade ''twice the citizen'' serves as the title of the definitive history of the U.S. Army Reserve that was written by the late Colonel Richard B. Crossland and Colonel James T. Currie, whose assistance was invaluable in drafting this resolution. The concept that reservists fulfill multiple roles as citizens in their community while simultaneously training for war and other military operations was never more true than today.

Today's Army Reserve of almost 487,000 Ready Reserve and Standby Reserve soldiers and 600,000 Retired Reserve soldiers is a far cry from its predecessor, the Medical Reserve Corps, which was authorized by statute on April 23, 1908. On that date, President Theodore Roosevelt signed an act ''to Increase the Efficiency of the Medical Department of the United States Army.'' The act provided for the commissioning of a few hundred Reserve medical doctors, in order to avert future shortages of officers, such as the one that had occurred during the Spanish-American War.

Mr. President, since that modest beginning, the USAR has grown to become a community-based force with over 1200 facilities across the United States and more than 2000 units in the United States and its territories.

While comprising only about 20 percent of the Army's organized units and receiving only about 5 percent of the Army's budget , today's Army Reserve includes 46 percent of the Army's combat service support (CSS) assets and more than a quarter of the Army's combat support (CS) assets. These assets include medical, engineer, transportation, civil affairs, legal, military police, and psychological operations units which are essential to any military operation.

From World War I when the USAR contributed more than 160,000 soldiers to the United States Army, through World War II, Korea, Vietnam and Desert Shield/Desert Storm, the soldiers of the USAR have been ready when the President called upon them.

Even today, as we spend more and more of our limited defense resources on so-called ''contingency operations'' and ''operations other than war,'' the soldiers of the USAR and their families are making the sacrifices necessary to serve their country.

Each year, the Army Reserve deploys approximately 20,000 soldiers to 50 countries worldwide on a variety of missions. In Bosnia alone, the Army Reserve has contributed almost 15,000 citizen-soldiers, representing more than 70% of the Army's reserve component mobilization.

Mr. President, I recently received a letter from Colonel Herbert N. Harmon (USMCR), National President of the Reserve Officers Association, who suggested that I introduce this resolution.

I am honored to do so.

Mr. President, it is appropriate that Senator THURMOND and the citizen-soldiers of the USAR be honored on the occasion of the Army Reserves 90th Anniversary on April 23, 1998. For, in many ways, Senator THURMOND's service as a reservist is the story of the consummate citizen-soldier.

His remarkable record of service as a reservist began in 1924 when he received a commission as a Second Lieutenant in the Infantry. By the time he transferred to the Retired Reserve in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank available to a Reserve Officer.

Then First Lieutenant Thurmond volunteered the day war was declared against Germany even though his position as a South Carolina Circuit Judge exempted him from service in World War II. He received a commission in the active Army, became a member of the First U.S. Army and was attached to the 82nd Airborne Division for the Normandy invasion. It was during that action that he sustained an injury for which he was awarded a Purple Heart.

While serving in Europe, Senator THURMOND served in all battles of the First Army, which fought through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. In addition to the Purple Heart, he received numerous other awards and commendations for his heroism and valor, including the Legion of Merit, the Bronze Star Medal with V device and the Army Commendation Ribbon just to cite a few.

Mr. President, it would be difficult to overstate Senator THURMOND's contribution to the security of our country and our gratitude for his exceptional service. Suffice it to say that he is, perhaps, the single most qualified person ever to serve as the Chairman of the Senate Armed Services Committee and that I am honored to have had the privilege of serving with him for these past 25 years.

I am also grateful for the service and the sacrifices of the soldiers who willingly serve in, and the families who support, the Army Reserve. Their dedication, commitment, and accomplishments are properly noted on this occasion.

Mr. President, I urge Senators to support this resolution and to join me in honoring Senator THURMOND and the soldiers of the United States Army Reserve. It's the right thing to do and I am confident that Senators will agree.

I ask that the letter from Col. Herbert N. Harmon be printed in the RECORD.

The letter follows:

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 14, 1998.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: On April 23, the United States Army Reserve will observe the 90th anniversary of its founding as the first federal Reserve force established by the Congress. During those 90 years the Army Reserve has served proudly and effectively as a full partner in our nation's Army. Indeed, today it is no exaggeration to say that the Army cannot conduct any sustained operation without the support of the Army Reserve. It is appropriate that the contributions of our Army Reserve be recognized on this occasion.

Enclosed is a draft resolution that congratulates the Army Reserve on its 90th birthday; commends the citizen-soldiers of the USAR for their service and sacrifice; and recognizes Senator Strom Thurmond, President Pro Tempore of the Senate, and former national president of this association, who served with distinction for 36 years in the Army Reserve, rising to the rank of major general. We ask that you introduce this resolution honoring the Army Reserve and Senator Thurmond.

We thank you for your support of our men and women in uniform and for your support of this resolution honoring the Army Reserve and Senator Thurmond. If we may be of assistance to you in this matter, please let us know.

Sincerely,

HERBERT N. HARMON,
Colonel, USMCR,
National President.●

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to; the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1998;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

COMMENDING THE GRAND FORKS HERALD

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 214 submitted earlier today by Senators CONRAD, DORGAN and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 214) commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize.

The Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating thereto be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Manvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberg, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002 AND 2003

Mr. COVERDELL. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 2180 be modified with the changes that are at the desk and, further, that the modification be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The previously agreed to amendment (No. 2180), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes, except that this section shall not apply to medical research and investigational new drug programs under the jurisdiction of the Food and Drug Administration.

ORDERS FOR THURSDAY, APRIL 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2646, the Coverdell A+ education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I further ask unanimous consent that at 9:30 a.m., the Senate immediately proceed to a rollcall vote on or in relation to the Coats amendment. Further, that following that vote, the Senate proceed to a vote on or in relation to the Kempthorne amendment. I further ask unanimous consent that if the Kempthorne amendment is agreed to, the Kempthorne amendment be modified to reflect a first-degree form and the Senate proceed to an immediate vote on or in relation to the Landrieu amendment.

Further, I ask unanimous consent that there be 2 minutes of debate before each vote and no amendments be in order to these votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, following a series of stacked rollcall votes at 9:30 a.m., there appears to be up to four additional first-degree amendments remaining in order to the Coverdell education bill: the Bingaman amendment, the Boxer amendment, the Levin amendment and an amendment by Senator DODD.

It is hoped that these amendments will be offered and debated in a timely fashion so that final passage can occur by early afternoon tomorrow. Therefore, Senators should expect rollcall votes throughout Thursday's session in order to finish this important piece of legislation or any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. 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 6 p.m., adjourned until Thursday, April 23, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1998:

DEPARTMENT OF STATE

WILLIAM DAVIS CLARKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

GEORGE WILLIFORD BOYCE HALEY, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

KATHERINE HUBAY PETERSON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL FARBMAN, OF VIRGINIA
JOHN RICHARD TABER, OF ALASKA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY D. BELL, OF NEVADA
HERBERT B. SMITH, JR., OF DELAWARE

DEPARTMENT OF STATE

ALBERTA G.J. MAYBERRY, OF OKLAHOMA
GERALDINE H. O'BRIEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JULIE M. ALLAIRE-MACDONALD, OF NEW HAMPSHIRE
CARRIE V. DAILEY, OF ILLINOIS
CELESTINA M. DOOLEY-JONES, OF SOUTH DAKOTA
RICHARD LABROT EDWARDS, OF OREGON
WILLIAM KING ELDERBAUM, OF FLORIDA
W. JAMES GOHARY, OF TEXAS
GARDENIA M. HENLEY, OF NORTH CAROLINA
CAROLYN NIVENS HUGHES, OF NORTH CAROLINA
MARIE CARELL LAURENT, OF FLORIDA
PETER A. MALNAK, OF FLORIDA
ALLAN A. MCKENNA, OF TEXAS
MICHELE A. MOLONEY-KITTS, OF WYOMING
GREGORY EDWIN VINCENT PICUR, OF FLORIDA

DEPARTMENT OF STATE

LYNNE G. PLATT, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN LOWELL ARMSTRONG, OF MINNESOTA
CHARLIE H. ASHLEY III, OF TEXAS
DAVID MARK BIRDSEY, OF NEW JERSEY
DAVID NOEL BRIZZEE, OF IDAHO
DAVID BURGER, OF VIRGINIA
JILLIAN LESLIE BURNS, OF NEVADA
DANIEL LEE CHASE, OF VIRGINIA
KAY CRAWFORD, OF ILLINOIS
JOEL EHRENDREICH, OF WISCONSIN
SILVIA EIRIZ, OF NEW YORK
THOMAS R. FAVRET, OF PENNSYLVANIA
ALICE K. FUGATE, OF TEXAS
TIMOTHY MICHAEL HANWAY, OF CALIFORNIA
BONITA G. HARRIS, OF TEXAS
PATRICK MICHAEL HEFFERNAN, OF NEW HAMPSHIRE
LINDA R. HOOVER, OF INDIANA
TINA S. KAIDANOW, OF NEW YORK
THOMAS ALEXANDER KELSEY, OF FLORIDA
JESSICA E. LAPENN, OF NEW YORK
MARK W. LIBBY, OF CONNECTICUT
JOHN DAVID LIPPEATT, OF CALIFORNIA
REBEKAH J. LYNN, OF CALIFORNIA
KARIN L. MELKA, OF CALIFORNIA
PHILLIP RODERICK NELSON, OF VIRGINIA
ELISHA EDWARD NYMAN, OF WASHINGTON
TIMOTHY JOEL POUNDS, OF FLORIDA
JOEL RICHARD REIFMAN, OF TEXAS
DAVID W. RENZ, OF VIRGINIA
ROBERT KENNETH SCOTT, OF MARYLAND
ELIZABETH ANNE SHARRIER, OF VIRGINIA
ERIC ALLAN SHIMP, OF IOWA
NAN FORSYTH STEWART, OF OREGON
DEAN RICHARD THOMPSON, OF MARYLAND
PHILIP ALAN THOMPSON, OF ARKANSAS
LYNNE M. TRACY, OF WASHINGTON
KURT FREDERICK VAN DER WALDE, OF VIRGINIA
THOMAS J. WALSH, OF VIRGINIA
HAROLD G. WOODLEY, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KARIN L. BALDWIN, OF VIRGINIA
WILLIAM QUINN BEARDSLEE, OF COLORADO
TODD M. BLUHM, OF VIRGINIA
MICHELE A. BRADFORD, OF MARYLAND
EDWARD BENNETT LLOYD BURKHALTER, OF VIRGINIA
CLAUDIA MARIA COLEMAN, OF TEXAS
THOMAS P. DINEEN, OF VIRGINIA
GERALD A. DONOVAN, OF DELAWARE
DANIEL WRIGHT EMORY, OF VIRGINIA
LAURIE A. FARRIS, OF VIRGINIA
DANIEL L. FOOTE, OF CALIFORNIA
ANDREA FRANCA GASTALDO, OF TEXAS
CATHERINE S. GILL, OF VIRGINIA
RICHARD L. GREENE, OF NEW YORK
DEIRDRE VICTORIA GROLL, OF MARYLAND
GAYLE J. S. HALLMAN, OF VIRGINIA
MICHAEL J. HAZEL, OF WASHINGTON
BRIAN GEORGE HEATH, OF NEW JERSEY
RICHARD CHARLES HEGGER, OF MONTANA
JERRY W. HILL, OF VIRGINIA
VIRGINIA MEADE BEDELL HOTCHNER, OF VIRGINIA
MATTHEW G. JOHNSON, OF CALIFORNIA
DEENA JOHNSONBAUGH, OF WASHINGTON
JON C. KARBER, OF VIRGINIA
LUKE KAY, OF MICHIGAN
MARY MARGARET KNUDSON, OF COLORADO
DOUGLAS KREMER, OF NEW YORK
JENNIFER LEE LANGSTON, OF CALIFORNIA
INGRID D. LARSON, OF MARYLAND
DENNIS H. LEIGHTON, OF WASHINGTON
DENIS MARK MANDICH, OF VIRGINIA
BRIAN M. MARKLEY, OF VIRGINIA
JOE C. MAYES, III, OF VIRGINIA
DAVID R. MCCAWLEY, OF CALIFORNIA
MEREDITH C. MCEVOY, OF MINNESOTA
ANGELA M. MINER, OF VIRGINIA
TESS ANNETTE MOORE, OF TEXAS
LEIGH ANNE MUGISHIMA-BUSHERY, OF VIRGINIA
MATTHEW D. MURRAY, OF MARYLAND
ROBERT STEVEN NEUS, OF NEW JERSEY
SCOTT MCCONNIN OUDKIRK, OF VIRGINIA
RICHARD W. PABST, OF VIRGINIA
JACQUELINE K. PAYNE, OF VIRGINIA
BRIAN W. PEPPER, OF VIRGINIA
KRISTA A. PETERSON, OF NEW MEXICO
USHA PITTS, OF THE DISTRICT OF COLUMBIA
ARTHUR J. PYRAK, OF VIRGINIA
SCOTT REMINGTON, OF ARIZONA
JEFFREY JAMES ROBERTSON, OF CALIFORNIA
JEFFREY ROBERT ROSENBERG, OF VIRGINIA
MAUREEN SHAHEEN, OF VIRGINIA
MATTHEW L. SHIELDS, OF VIRGINIA
NANCY L. SMITH, OF VIRGINIA
THERESA A. RENNER SMITH, OF MARYLAND
RICHARD WILLIAM SNELSIRE, OF TEXAS
STEPHEN WILLIAM THOMPSON, OF OREGON
SOLINUU P. TOPALIAN, OF VIRGINIA
WALTER RANDALL TOWNSEND, OF TEXAS
NANCY W. VAN SPEYBROECK, OF CALIFORNIA
RUBY P. VINAL, OF VIRGINIA
LIAN VON WANTOCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE DECEMBER 24, 1995:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JUDYT LANDSTEIN MANDEL, OF THE DISTRICT OF COLUMBIA
MARY C. PENDLETON, OF VIRGINIA

NATIONAL LABOR RELATIONS BOARD

LAURENCE J. COHEN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 22, 1998, withdrawing from further Senate consideration the following nomination:

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 2, 1998.

EXTENSIONS OF REMARKS

CELEBRATING EARTH DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mrs. MORELLA. Mr. Speaker, I rise in recognition of Earth Day. Today, we observe and celebrate the twenty-eighth annual Earth Day. Every year on this date, the people of our nation and across the globe focus their attention on the environment. The spring observation of Earth Day gives us the opportunity to renew our commitments to environmental preservation with activities from tree plantings to workshops and community clean-ups. I have long been an advocate of conservation and environmental protection, and I am particularly proud to lend my voice to this celebration.

Now more than ever, Americans enjoy the benefits of our country's natural resources, from our National Parks to our forests, lakes, rivers, and beaches. Environmental protection is consistently recognized as an overwhelming concern of the American public. A new study released yesterday affirms that environmental concerns span generations, from teenagers to baby boomers. Earth Day offers us the opportunity to continue the challenging task of protecting our natural resources I believe that it is the responsibility of Congress to enact legislation to help create a cleaner, safer, and healthier environment. We must work to ensure that our children and future generations can live in a clean environment.

Since the first Earth Day in 1970, we have made significant progress in preserving our environment. Much has been accomplished in terms of protecting our natural resources and cleaning our environment. Because of the diligence of many, our land, air, and water are cleaner. Species such as the bald eagle have been saved from the brink of extinction. However, there is much work to be done, both nationally and internationally. The environment and our health are threatened more than ever. For example, a study released this week indicates that a mass extinction of plants and animals is currently underway. This rate of loss, perhaps up to 20% of all species in the next 30 years, is much greater than at any time in history. A mass extinction of this magnitude could pose a major threat to humans in the next century. Earth Day offers us the opportunity to applaud our progress, but more importantly, today's celebration allows us to renew our commitment to the challenges facing our planet. It is important to raise the awareness about the continued threats to our environment, and the positive steps that we can take to face these hazards.

I consider environmental protection to be a national priority. We must continue to work for the preservation of our natural resources and protection of the public's health. As Henry David Thoreau wrote in Walden, ''Heaven is under our feet as well as over our heads.'' The bounty of nature cannot be wasted, and we must preserve and protect this treasure for future generations. The hard work of our nation will lead to a healthier world to live and flourish. Today, Earth Day, let us reaffirm our commitment to a cleaner world.

SPACE POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 15, 1998 into the CONGRESSIONAL RECORD.

EXPLORING THE FINAL FRONTIER

The American public has had an abiding fascination with space exploration. When I first came to Congress in 1965, the public's attention was focused on the National Aeronautics and Space Administration's (NASA) efforts to put a man on the moon. Hoosiers had a special interest in the Apollo program because many of the astronauts, including Gus Grissom, had ties to Indiana.

While humans haven't set foot on the moon in over a generation, space-related stories continue to hold our attention, whether those stories involve photographs from the surface of Mars, or the recent detection of ice on the moon, or the images from deep space produced by the Hubble Telescope, or the announcement that Senator John Glenn will return to space this fall. The recent prediction, which has now been discredited, that an asteroid might collide with the Earth early next century dominated the news for several days.

Space exploration continues to enjoy widespread public support. The challenge for NASA will be to achieve its objectives over the next 20 years, including the building of a Space Station and possibly a human mission to Mars, in an era of constrained federal budgets. NASA budgets, for example, have been relatively flat in recent years.

NASA has worked to streamline its operations by cutting costs, shifting more responsibilities to the private sector, and partnering with other countries. It remains to be seen, however, whether those efforts will succeed in bringing NASA's ambitious program in line with budget realities.

MAJOR NASA PROGRAMS

The current NASA budget, $13.6 billion, represents less than one percent of total federal spending. NASA's proposals for the next few years include three major components:

Space Station: The International Space Station is to be a configuration of laboratories placed in orbit by the U.S., Russia and other international partners that will allow astronauts to live and work in space for months at a time. Originally planned to be operational by 1994, the Space Station has undergone a number of redesigns, delays and cost overruns. The current plan calls for assembly of the station to begin later this year and be completed by 2003. Total cost estimates for the project, including previous work, design, assembly and operation, range from $30 billion (a NASA estimate) to $94 billion (a General Accounting Office estimate).

The Space Station has been mired in controversy for the last several years. Supporters say that the station is critical to future exploration of space, particularly human exploration, and to scientific advances in materials, biomedicine and agriculture. Critics, including me, respond that the program is too costly and poorly managed, that it diverts limited federal resources from other NASA programs as well as other domestic programs, and that the amount of research that can be conducted on the redesigned station is not worth the investment.

Earth observation: Another major NASA program, called Mission to Planet Earth, involves a series of satellites to be launched over the next several years to collect environmental data on the Earth. The goal of the program is to increase our understanding of the Earth's natural processes and how humans might be affecting them. The program will study such problems as ozone depletion, deforestation, and global warming. The satellites, the first of which will be launched in June, will collect data ranging from surface temperatures and cloud structure to solar radiation and carbon monoxide.

Study of the planets: NASA has launched many spacecraft over the years to study other planets in our solar system. Robotic probes have visited all the planets in the solar system, except Pluto. Galileo, launched in 1989, reached Jupiter in 1995 and is successfully sending back data about the planet and its moons. A similar space probe called Cassini was launched in 1997 to explore Saturn and is scheduled to arrive at the planet in 2004.

Current attention, however, has focused on NASA's study of Mars. Last July the Mars Pathfinder space probe landed on the surface of the ''Red Planet'', capturing video footage of the planet. A second spacecraft, the Mars Global Surveyor (MGS), arrived at Mars last September and will gather data on the planet from orbit. MGS is the first in a series of ''Mars Surveyor'' spacecraft which are scheduled to be launched at 26-month intervals through the year 2005. The intensive analysis of Mars may set the stage for future human exploration in the next century, although the cost of such an effort would likely run into the hundreds of billions of dollars.

OUTLOOK

Pressures to keep down overall spending on space have had important consequences for how NASA manages its programs. First, NASA is placing increased emphasis on international cooperation in space. Constrained budgets in the U.S. and elsewhere will continue to bring countries together in the name of space exploration and research. My sense is that the U.S. will continue to lead space-related efforts, but the end of the Cold War has certainly created new opportunities for international partnerships.

Second, NASA is looking increasingly to private sector involvement in space programs to help lower costs and spur innovation. The private sector is already heavily involved in satellite launching and operations for communications and imaging. Other potential commercial space activities are microgravity materials processing and space tourism.

CONCLUSION

I believe that we have a basic need to explore the final frontier. The American people have a great romance with space. They watch the astronauts dance through the

vastness of space and do a job that no one could be sure was even possible. We need to be bold and innovative, and I understand that we cannot make progress unless we take risks.

Nonetheless, I have serious reservations about NASA's emphasis on human space spectaculars. If our goal is really to explore space and advance our knowledge of its mysteries, robotic rather than human exploration can penetrate longer, farther and deeper into space for a fraction of the cost.

I do not reject the long-term goal of human space exploration, but believe that NASA's focus should be on scientific research projects like Mission to Planet Earth, which will improve the quality of life for people on this planet. Among other things, this approach would mean scaling back if not eliminating the Space Station, the purpose of which has never been as clear as its huge costs.

IN HONOR OF PROFESSOR HENRY KING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a man, Henry King, who at the age of twenty-seven, when most persons are just beginning to think about their careers, took part in one of the most prominent events in the post-World War II era: the Nuremberg Trials. Professor Henry King undertook a great task in joining the United States prosecution team at Nuremberg and his many accomplishments in the field of law during and after the trial truly are a testimony to his successful career.

Professor King was educated at several fine institutions of higher learning in his younger years and later matriculated at Yale Law School. After graduating and obtaining a prestigious position with a New York law firm, King was offered the chance to join the U.S. prosecution team in the trials of Nazi criminals at Nuremberg in 1946. Exempted from military service because of a heart murmur, King felt he could serve his country and attempt to correct the wrongs of the war by serving as an attorney on this team.

King was heavily involved with the prosecution of Erhard Milch who participated in slave labor and human experimentation. While investigating Milch, King met and interviewed Albert Speer, one of Hitler's highest ranking lieutenants, and gained insight on the secret activities of the Third Reich. After success in the prosecution of the Nazi war criminals, King had a successful career in corporate and government posts. He became chief corporate international counsel for TRW in 1983 and joined the faculty at Case Western Reserve University's School of Law. He recently authored a book about Speer and his experiences at the war tribunal.

My fellow colleagues, join me in saluting the accomplishments of Professor Henry King through his many years in the practice of law and most notably, his contribution to his country at the Nuremberg war crimes trial.

TRIBUTE TO JACK FIELDS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BONIOR. Mr. Speaker, today I would like to congratulate, Mr. Jack Fields upon his retirement next month from his position as St. Clair Shores City Clerk. His friends and colleagues will honor him with a retirement party at Blossom Heath on April 8, 1998.

Jack Field's compassion and dedication have earned him a special place in the hearts of the residents of St. Clair Shores. In his office, a cork board is warmly decorated with pictures of families and children who reside in St. Clair Shores. The people who know and work with Jack realize he is more than just the City Clerk, he is a friend. As St. Clair Shores mayor Curt Dumas has said, ''He has touched a lot of people in many ways. Jack Fields always has that kind of smile on his face that helped so many people.''

When Jack quit his job at an automotive factory in 1971 to run the Civic Arena, he had no idea the job would lead him to the position of City Clerk. During the twelve years that Jack ran the Civic Arena, he earned a reputation for fairness and as a peacemaker. His popularity within the community prompted city officials to ask Jack to apply for the position as clerk. Jack turned them down. However, after some persuasion, Jack became the City Clerk in 1983. Jack has said, ''I have loved this job more than I can express.'' I as sure many people in the community feel the same way about him.

St. Clair Shores has been lucky to have a leader like Jack Fields. Few people give to their community with the same time and energy that Jack has given to his. On behalf of the citizens of St. Clair Shores, I would like to thank Jack for all of his hard work and dedication.

VETERANS' ACCESS TO EMERGENCY HEALTH CARE ACT OF 1998 H.R. 3702

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. EVANS. Mr. Speaker, for years veterans who rely on the VA for their health care have run into a brick wall when they sought reimbursement from VA for emergency health care received from a non-VA provider. Even when veterans took the time to contact VA when a medical emergency arose and were directed by VA to seek emergency care from the closest health care provider, they have been routinely denied reimbursement by VA for the cost of the emergency health care they needed and received from a non-VA provider.

The Veterans' Access to Emergency Health Care Act of 1998 will provide veterans access to emergency services when and where the need arises. It will solve a long-standing problem—reimbursement from VA—that has bedeviled veterans who needed and received emergency health care when they were needed from a non-VA provider.

The Veterans' Access to Emergency Health Care Act of 1998 will also make it possible for the Department of Veterans Affairs to comply with the Consumer Bill of Rights, which President Clinton has directed every Federal agency that administers or manages health plans to adopt. VA has reported that it will largely be able to comply with the Consumer Bill of Rights through administrative action, but legislation will be required to provide veterans the access to emergency services. Currently, only veterans who are on VA property when an emergency occurs receive reimbursement from VA for contract emergency care furnished by a non-VA provider. VA has limited emergency care capabilities and must refer much of its emergent care to other providers.

The Consumer Bill of Rights, developed by a Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry, establishes eight basic rights for consumers. In addition to access to emergency services, these rights include: Accurate information about health plans; a choice of providers and plans; participation in treatment decisions; nondiscrimination; the protection of their confidential medical information; and a fair and efficient process for complaining about and/or appealing a medical decision; and responsibility for one's own health.

VA has reported it will be able to largely comply with the Consumer Bill of Rights through administrative action, but legislation will be required to provide veterans the access to emergency services.

The Veterans' Access to Emergency Health Care Act of 1998 will provide veterans access to emergency services when and where the need arises. Providing veterans who rely on VA for health care access to emergency services when the need arises is long overdue. This legislation should be quickly passed by Congress and signed into law by the President.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 22, 1998 into the CONGRESSIONAL RECORD.

CAMPAIGN FINANCE REFORM

I often hear that nobody really cares that the way we finance political campaigns is rotten. Polls indicate that by a wide margin Americans believe the system is corrupting and needs a major overhaul, yet I rarely find people outraged that the system isn't being reformed. The American people are deeply cynical that the system will ever be changed. They recognize that special interests and elected officials from both parties are complicit in the system and have a vested interest in perpetuating it. After all, they have made the system work successfully for them.

I've come to the view that those of us who think the current system must be overhauled immediately need to spell out more specifically why Americans should be outraged by the failure of Congress to reform the campaign finance system.

NEED FOR REFORM

Defenders of the current system argue that as a nation we spend far less on our federal elections than is spent to advertise various consumer products, that contributions from

individuals still exceed PAC contributions in congressional races, that campaign contributions are protected by the First Amendment right of free speech, and that it is difficult to demonstrate a clear connection between campaign contributions and voting patterns. Yet I believe that the current system has serious problems and is in urgent need of reform.

Buying access

Money talks. The current system of campaign finance is anti-democratic. Those who have money clearly have a stronger voice in our representative democracy. The reverse is also true, that those without money have less of a voice. There is no doubt that under the current system the have gain more while the have-nots remain unrepresented or underrepresented.

Those who contribute can be paid back with access, time to discuss issues, and sometimes even a role in drafting legislation, which means other people are being shut out of the process. When the elected official walks into his office late in the afternoon and has ten phone calls to return but only time to make one, who gets the attention? Almost certainly the person who has contributed substantially to his campaign.

It is hard to challenge the cynical view that large contributors have bought their way into the White House and obtained access to powerful Members of both parties. My view is that the current financing system, if not constrained, will end up doing serious harm to representative democracy.

Special favors

Contributors usually want something in return for their political contributions—a subsidy, a contract, a tax break, a hand-out from the federal government. That costs taxpayers money and makes it difficult to control federal spending or properly allocate limited resources. The average American can also be affected more directly. For example, you pay more today for sugar because contributions from the sugar lobby are a significant factor in keeping sugar price supports on the books.

The system can be corrupting. Candidates are put in very difficult situations. It is almost impossible today to run a political campaign without accepting money that has some strings attached, even if the strings are subtle and not explicit.

Enormous cost of campaigns

The cost of campaigns for high office—driven largely by the cost of television— has risen to a point that it is destructive to the democratic process. Today, competitive House races can easily cost $1 million, and the winners in Senate races on average spend well over $4 million. The prospect of raising such amounts discourages many good people from running for office, and both parties now make a major effort to recruit wealthy candidates. Candidates have already started to run expensive political ads, indicating that the system is increasingly spinning out of control.

Time spent fundraising

Under the current system, the candidates have to spend a huge amount of time chasing money. A Senator running for re-election needs to raise a minimum of $15,000 every week of his six-year term to try to hold on to his seat. Members are so involved in the system that they often don't realize the nature and the shape of the treadmill they are on. The more time Members spend raising money, the less time they are able to spend on public policy issues and meeting with constituents to discuss the issues. Members will often state that their vote is not for sale, but it is quite clear that their time is.

Pressures to skirt limits

The competition to raise money is so fierce that it can push people to the edge of the law if not over it. It's no accident that some of the biggest fundraisers in 1996 got into deep trouble after the campaign for raising large amounts of money from sources that were either forbidden or doubtful under the law.

Numerous loopholes

Even the current systems's rather mild restrictions on money in politics have numerous loopholes. ''Soft money'' can be donated in unlimited amounts to the political parties, rather than to individual candidates, but it can easily be diverted to individual campaigns. Through ''independent expenditures'' outside groups can come into a state and spend millions of dollars on television ads attacking a candidate as long as there is no coordination with the candidate's opponent. Spending on ''issue advocacy'' is growing even faster, as outside groups can spend millions of dollars in unreported funds for thinly veiled ads attacking a candidate as long as the ads don't specifically say to vote against him. All of this forces candidates to spend even more time fundraising to prepare for possible attacks from forces that are completely unaccountable to the voters.

Undermines public trust

The rising flood of money that flows into campaigns undermines public trust in government. By a four-to-one margin Americans believe that elected officials are influenced more by pressures from campaign contributors than by what's in the best interests of the country. Cynicism is always the worst enemy of democracy, and it has certainly been bolstered by our campaign finance system.

CONCLUSION

Reforming the current campaign finance system will be enormously difficult unless there is a much greater public outcry. Leaders of both parties simply do not see a need to change a system that has elected them. Members read the polls showing that the public has largely given up on the chances of reform. They know how infrequently campaign finance reform is brought up in their public meetings and in letters from constituents. And they know that people will rarely vote against them because of their failure to pass reform. If the system is to be changed, the American people will need to become more active in bringing that about.

A VOICE IN OUR DEMOCRACY

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CRAPO. Mr. Speaker, I rise today to bring to your attention an award-winning essay written by a constituent of mine on a subject I know is near to your heart—the importance of freedom and democracy.

I'm pleased to announce that Amanda Burtenshaw of Monteview, Idaho, has been honored by the Veterans of Foreign Wars of the United States with a VFW 1998 Voice of Democracy Scholarship Award. Amanda's broadcast script is an important reminder of the need to be active in our efforts to ensure that we continue to enjoy our freedom and rights. With all of today's headlines bemoaning the lack of appreciation America's youth has for civics, it is encouraging to know that those as young as Amanda understand the importance of democracy and freedom.

I would insert that award-winning script into the RECORD at this time.

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION—''MY VOICE IN OUR DEMOCRACY''

(By Amanda Burtenshaw)

A small girl stands wide-eyed on the street curb, watching as the numerous wonders of the annual parade promenade through the streets. Her fascination is obvious as she stands among thousands of people enjoying the celebration. As three prancing white horses enter the scene, she recognizes the American flag, to which she pledges allegiance each morning in her first grade classroom. Dismayed at the inability to make her voice be heard above the crowd, she does the most appropriate thing she can think of. She raises to her full height of four feet, steps out as far into the street as she dares, and places a tiny hand over her heart as she watches, in reverent sincerity, Old Glory pass by. Few notice the innocent gesture, those that do chuckle and remark, ''How cute!'' The crowd grows silent, however, as a war-hardened veteran pulls his horse to the side and halts in front of the little girl. He leans down, speaking directly to her, but loud enough the crowd can hear. ''Thank you,'' he solemnly states, ''for showing proper respect to our flag. You are the first patriot I've seen today.'' With that, he salutes the girl gallantly and wheels to rejoin the procession, but not before the tears in his eyes are witnesses by the crowd. No one looks at anyone, and all sit and ponder upon what they have just witnessed.

Citizens of America, does it require an office of importance or a battle on the front lines to be an important member of our blessed country? Certainly not, for even through the simple placing of the hand on a heart, many can be affected. The key is to want to be involved, to want to make a difference. And still, wanting to make a difference is not enough, we must do all we can to put that want into effect. A common belief in our society says ''faith without works is nothing'', is this not so in the case of desire without action? Yet, I cannot make you take action . . . but I can lead by example. I am studying our form of government, and developing opinions and values of my own. I am getting involved wherever I can in organizations that will better my political knowledge. I am developing talents for effective public speaking and persuasive writing in order to make my ''voice'' understandable and easily heard. I am dedicating my life to my country, and though I may not die for the freedom of my country, I can live for the betterment of our democracy. I am a youth in America. I am the future of our country. My actions today will determine the conditions of tomorrow.

Everyday, I enjoy so many blessings that come with living in this country. I can put gas in my car and drive to a public school, where I can learn skills that will aide me in the job field later on. I have the freedom to choose my career, to marry whom I please, to have as many children as I want, and then to raise them in a society where they are encouraged to become the best they can possibly be. I can sit down to a meal at Thanksgiving, my family surrounding me, and feel safe in the security of my home, my town, and my country. The simple ability to say my prayers at night, to the God I have chosen as mine, in the manner I feel proper for me is the greatest blessing of all. Everything I have, I owe to America, and to the system so widely developed by the Fathers of this country, who were not afraid to make their voices heard. Is it asking too much to take the time out of my life to become involved in

the institution which secures my life, my liberty, and the pursuit of my happiness? I think not. And in the service of my country, I will learn to love it even more, and if the time comes to fight to preserve the freedoms of America, then I will, in the words of singer Lee Greenwood, ''. . . Gladly stand up next to you, and defend her still today, for there (is) no doubt I love this land. God bless the U.S.A.!''.

Thank you.

INTRODUCING THE DISASTER VICTIMS TAX FAIRNESS ACT

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RILEY. Mr. Speaker, the devastating storms that swept through Alabama and Georgia on April 8, 1998, left hundreds, if not thousands, of people's lives in shambles. Many of these families have lost every thing they own—their homes, their clothes, their life's work. Some have lost much more.

Unfortunately, they are not the only people who have been hit by severe weather. Already this year, the President has declared 21 natural disasters affecting over 350 counties nationwide. In a time of tragedy when people are trying to pick up the pieces of their lives and rebuild, the last thing they should be faced with is filing their federal income tax returns.

Fortunately, Mr. Speaker, Treasury Secretary Rubin has directed the IRS to extend the deadline to file federal tax returns for victims of the weather related disasters in 1998. This means that the IRS will not assess effected taxpayers in these areas late-filing or later-payment penalties unless they file after the new deadline. However, by law, the IRS must charge these taxpayers interest—at the current rate of 8 percent a year—on any unpaid taxes from the original due date (April 15, 1998) until the tax is paid.

In my view, charging disaster victims interest on their unpaid taxes after the IRS granted them an extension is unfair and irresponsible. It constitutes an undue hardship that should be remedied as quickly as possible. The Secretary has done the right thing by extending the filing deadline. Now, Congress must step up to the plate and do its part. For this reason, I am introducing legislation which will allow Secretary Rubin to waive any interest charged to victims of a presidentially declared natural disaster.

The Disaster Victims Tax Fairness Act will amend Section 915 of the Taxpayer Relief Act of 1997 (P.L. 105–34) to include federal disasters that occurred in 1998. It will apply only to residents of a presidentially declared federal disaster area and interest abatement will be offered solely to taxpayers who were granted a disaster related filing extension.

Mr. Speaker, in light of the tremendous emotional, physical, and financial strain placed on the victims of natural disasters, I do not believe that the federal government should add to these people's hardship by charging interest on taxes not paid by the April 15, deadline. I urge you to bring this legislation to the floor as quickly as possible so Congress can do its part in helping the victims of these natural disasters.

IN MEMORY OF MIKE HOTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mike Hotz for his years of dedication to his business and his family.

Born in Cleveland in 1919, Mr. Hotz grew up on the South Side of the city. While living through the Great Depression, he learned the trade of his father at the family-owned tavern, Hotz Cafe. Mr. Hotz graduated from Lincoln High School in 1938. Recognizing the importance of serving his country on the battlefield, Mr. Hotz entered the armed services in 1942 at the height of World War II. As a staff sergeant in the Sixth Night Fighter Squadron, he fought in the Pacific and was awarded the Asiatic Pacific Theater Ribbon for his efforts.

After the war, Mr. Hotz returned to Cleveland to own and operate Hotz Cafe. While he served drinks and prepared food, he also helped his customers through hard times, dispensing financial and personal advice. Mr. Hotz joined the Alcoholics Anonymous Association in 1966 to share this much-needed advice to struggling alcoholics. He finally retired from the tavern business in 1982 and moved to Florida. When he returned to Ohio a few years later, he worked at a funeral home and continued to enjoy being near his family.

Mr. Hotz's devotion to his family exhibits his spirited nature and his love for humanity. He is survived by his loving wife Lottie, his son Michael, his daughter Michele, four grandchildren, and many nieces and nephews.

My fellow colleagues, join me in saluting the life of Mike Hotz, a devoted father, husband, and community servant.

TRIBUTE TO RABBI JACK M. ROSOFF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. PALLONE. Mr. Speaker, on May 16, 1998, Rabbi Jack M. Rosoff of Congregation B'nai Israel in Rumson, NJ, will be honored on the occasion of his retirement after 34 years of devoted service to his congregation and his community. It is a great honor for me to join in paying tribute to this great religious leader, who has done so much to foster positive values among young people and has courageously fought against bigotry.

Since 1964, Rabbi Rosoff has led the growth of the Congregation, quadrupling its members to the present total of 600 families. He has also presided over the expansion of the religious school, which now provides education for 300 students from kindergarten through grade 12. He developed the Israel Scholarship Program, enabling all junior students to spend six weeks in Israel. Rabbi Rosoff's organizational and motivational skills in the service of good causes was evidenced by raising over $3 million for the United Jewish Appeal and Israel Bonds through inspiring High Holy Day appeals, as well as his organizing and chairing the first Madison Square Garden rally for Soviet Jewry. He led the annual Walk for Israel, involving many synagogues in the Shore Area, and he led moving Holocaust Memorial Day Services every year.

Rabbi Rosoff has been devoted to every aspect of his service to the Congregation, officiating outstandingly at life's joyous events—Bar and Bat Mitzvahs, weddings and brises—as well as counseling families and individuals a times of sickness, stress and bereavement. He organized and led the Rabbi's Bible Study and other Adult Education activities, and every week, through his inspiring sermons, he urged the members of his Congregation to join him in confronting the most serious issues.

Rabbi Jack Rosoff bravely confronted discrimination everywhere he found it. When B'nai Israel, and a nearby Catholic church, were desecrated by vandals, he organized and led the response by more than 25 houses of worship in the Greater Red Bank religious community. He served as a strong influence in securing equal rights for women in all religious observances, and was a key figure in securing acceptance of women as rabbis in the Conservative movement.

Mr. Speaker, Rabbi Rosoff's list of associations, tributes and awards is a long one. Among his leadership positions were First President of the Shore Area Board of Conservative and Reform Rabbis, President of the New Jersey Rabbinical Assembly of United Synagogue and Rabbinical Assembly Representative to the American Conference on Soviet Jewry. He has served on the Board of Directors of Riverview Medical Center, Board of Directors of the Monmouth County Mental Health Association, where he chaired the Suicide Prevention Committee, Board of Directors of the Monmouth County Day Care Center, Board of Trustees of the Monmouth County Action Program and a member of the Planned Parenthood of Monmouth County Clergy Advisory Council. The Rabbi was Founder/Director of the Pastoral Counseling Institute for Clergy at Brookdale College, was a founding member of the Greater Red Bank Interfaith Council, and supported active participation in the Lunch Break program for the needy in the Red Bank area. He received the Jerusalem City of Peace Award from Israel Bonds and the Israel Solidarity and Aliyah Laregal awards for promoting tourism to Israel.

Finally, Mr. Speaker, the Other Body was honored by Rabbi Rosoff's presence when he delivered the opening prayer at the United States Senate.

Mr. Speaker, Rabbi Rosoff has recently been battling cancer. Just as Rabbi Rosoff has prayed for so many during his years of service to Congregation B'nai Israel, our prayers are now with him. For his years of service, he has richly earned the admiration, gratitude and love of his Congregation and our entire community.

IN HONOR OF ASSUMPTION GREEK ORTHODOX 70TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BONIOR. Mr. Speaker, today I have the honor to recognize Assumption Greek Orthodox Church and Cultural Center as they celebrate their 70th Anniversary on April 5, 1998.

Father Kavadas and the members of the Parish will be joined by Archbishop Spyridon, the first American Born Archbishop, to celebrate this historical event.

Throughout the past seventy years, the members of Assumption Greek Orthodox Church have joined together to create a strong spiritual community. The leaders and founders realized that many people depend on the emotional, educational, and spiritual support they receive from their church. To see that these needs are met is a difficult yet rewarding endeavor. I commend the church for all their efforts.

On Sunday, the members of Assumption Greek Orthodox will participate in a very special service. At 11:00 a.m., Archbishop Spyridon will consecrate with Holy Water and Sacred Myrrh a unique holy icon of the Virgin Mary with the Child, similar to Our Lady of Perpetual Help. This icon will be called ''Our Lady of the Great Lakes,'' a name chosen to establish a Protectress for this area of the world.

I would like to congratulate the congregation of Assumption Greek Orthodox Church on this proud milestone—especially the pioneers who played such an important role in the early years. May the next 70 years be as fruitful as the past.

THE REAL McCOYS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. FILNER. Mr. Speaker and Colleagues, I rise before you today to honor Michael and Patricia McCoy, two tireless advocates for the environment who recently received the National Wetlands Award for their volunteer leadership from the Environmental Law Institute.

The National Wetlands Award, also cosponsored by the U.S. Environmental Protection Agency, the National Resources Conservation Service, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, recognizes outstanding individuals who have demonstrated an extraordinary commitment to the conservation and restoration of the nation's wetlands.

The McCoys certainly qualify! In a region where the majority of wetlands have been lost to dredging, filling, and other activities, the McCoys' two-decades of activism to preserve and protect the Tijuana Estuary is a remarkable achievement. With their vision and boundless dedication to this cause, Mike and Pat have organized community support, educated the public about wetland resources, and shaped local policy to protect wetlands for future generations. The McCoys have enabled us to leave a living, vibrant legacy to all our children in the San Diego and Tijuana areas.

As was said in their nomination for the award, ''the Tijuana River National Estuarine Research Reserve owes its existence to the McCoys. Destined to become a marina in the 1970s, this 2,500-acre reserve now includes a U.S. Fish and Wildlife Service Refuge for Endangered Species, Border Field State Park, an outdoor research lab, and a visitor center that highlights the estuary's wildlife.''

In 1979, the McCoys founded the Southwest Wetlands Interpretive Association, dedicated to the protection and acquisition of wetlands and to public education. The Association's volunteers today help staff the Tijuana Estuary Visitor Center. The McCoys, the Association and its subsidiary, the Friends of South Bay Wildlife, are currently working to establish about 2,400 acres of salt ponds and wetlands as a National Wildlife Refuge in San Diego Bay.

Mike and Pat's activities involving the Tijuana Estuary and south San Diego wetlands are too numerous to list, but they include Pat McCoy's supervision, as a volunteer, of the construction of a tidal restoration channel and a U.S. Navy mitigation project to remove concrete from the Estuary. Mike's strong research background is instrumental in strengthening linkages with local universities and creating a unique partnership with San Diego State University resulting in the Estuary being a field station of the university. They have served on or helped to create almost every committee or board that guides the Estuary's fate.

From 1983 to 1993, the McCoys helped build a novel wastewater treatment and recovery system in Tijuana, Mexico to treat raw sewage that would otherwise flow north into the Tijuana Estuary. This project became a model for alternative treatment demonstrating water reuse in desert climates and developing countries.

I know that Mike and Pat McCoy believe that a thriving wetland is the only reward and testament to their efforts that is needed. Their volunteer work, however, goes so far above and beyond the call of duty, that it is past time to recognize the McCoys with this impressive national award. I want to thank these dedicated visionaries on behalf of all of the people of San Diego County and beyond who will appreciate the beauty of these wetlands. These are the real McCoys!

CERTIFICATION, AS SEEN FROM THE BORDER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I commend to my colleagues' attention the excellent article written by our colleague from Texas, SILVESTRE REYES. We all have something to learn from Mr. REYES—a Border Patrol Agent of 26 years, including 11 years as a Sector chief in McAllen and El Paso.

[From the Home Index Search Archives, Washington Post, Apr. 20, 1998]

AN ALLY IN THE WAR ON DRUGS

(By Silvestre Reyes)

I live on our nation's border with Mexico. I have firsthand knowledge and experience of our nation's ''war on drugs.'' I spent more than 26 years of my life on the front line of that ''war'' as a Border Patrol agent, enforcing our nation's immigration and narcotics laws. For 11 of those years, I was the Border Patrol sector chief in McAllen, Tex., and El Paso.

The most important lesson I learned while working on the border is that to be successful in our fight against drug trafficking, we must help Mexico reform its police apparatus as well as its legal and judicial systems. If the United States and Mexico are to stop drug smuggling, we must cooperate and work in an environment of mutual understanding. Because about 60 percent of the cocaine on the streets of the United States passes through Mexico, its cooperation is vital to any counter-drug effort. Merely criticizing Mexico achieves nothing.

The United States consumes more than $5 billion a year in illegal drugs. We should own up to our responsibility and stop trying to blame others. Indeed, a recent survey found that 46 percent of Americans believe that Americans are responsible for the problem of illegal drugs in the United States. Interestingly, 50 percent of those same Americans believe that certification should be made tougher. They believe that we as a country are responsible for creating the demand, but we need to punish foreign nations for our problems. We should not continue to use the certification process as a forum to vent the frustrations we as a nation feel about the devastating impact of drugs on our communities.

The Mexican government bristles at the annual certification process, viewing it as an affront to their nation and an infringement on their sovereignty. The Mexican ambassador to the United States, Jesus Reyes-Heroles, refers to the certification process as ''the most stressful period each year in the relationship between the two nations. This stress does not, in our view, enhance the cooperation essential to defeat this mutual scourge.''

Our nation shares a 2,000-mile border with Mexico, but we along the border share more than that with our neighbors to the south. Not only have our economies long been interdependent, but our cultures also are tied by more than 400 years of history.

Since the implementation of NAFTA in 1993, communities on both sides of the border have become an integral part of the hemispheric trade success of North America with Latin America. American exports to Mexico increased by 126 percent from 1990 to 1996. The trade pact not only makes economic sense, it is also a logical evolution of international trade and commerce. It is a vibrant success story in the making, but it can be jeopardized by the process of certification and the contentious issues associated with it each year.

Mexico's efforts in this ''war on drugs'' are notable and should not be overlooked. In the past year, Mexico has enacted money-laundering legislation and created new investigative units to help root out official corruption. The Mexicans also have begun to rebuild their anti-drug institutions under the leadership of Attorney General Jorge Madrazo.

The Mexican government also has improved its efforts relating to extradition and has signed a bilateral extradition protocol. Mexico City already has approved the extradition of 27 fugitives from U.S. justice. Of the 27, 13 fugitives were extradited (seven for drug crimes) while the remaining 14 have appealed their extraditions.

We must continue to build on this kind of progress. The United States policy of judging the drug-fighting efforts of other countries is counterproductive and must be changed if we are to have any real impact on international drug trafficking. We must develop a process in which we engage our partners through cooperation rather than confrontation.

The writer, a Democrat, is a U.S. Representative from Texas.

IN MEMORY OF MARGARET MCCAFFERY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a truly memorable Cleveland woman. Margaret McCaffery, a member of Cleveland city council for twenty-eight years, represented her community with strong dedication and service.

Margaret was born in Vancouver, British Columbia and later moved to Washington state. While a teenager, Margaret was a vaudeville dancer and met her husband, James ''Mickey'' McCaffery, on tour in 1924. She raised five children through the tough times of the Thirties and Forties. James McCaffery died in July 1947 after taking out petitions to run for the Cleveland city council seat he had formerly held. Margaret took on a great burden and ran for the seat in his place. Her successful election the following fall gave her the seat that she would represent for the next sixteen years.

After her seat was eliminated as a result of redistricting, Margaret moved to the near West Side and was again elected to council. Throughout her twenty-eight years on the council, Margaret chaired numerous committees and represented her ward well. She received many awards and was recognized by President John F. Kennedy as one of the most influential women politicians in the country.

I had the pleasure of serving with Margaret on the Cleveland city council. I treasure our thirty-year friendship and always admired her unique ability to balance strength and gentleness, which is what made her such an effective council member. She is survived by two sons, two daughters, ten grandchildren, and seven great-grandchildren. Margaret will be greatly missed by all who knew her.

My fellow colleagues, join with me in honoring Mrs. Margaret McCaffery.

BOB PATZER: TWO DECADES OF OUTSTANDING SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BARCIA. Mr. Speaker, if you want a job done right, hire a professional. For the past twenty years, Associated Underground Contractors, Inc., has done exactly that, having had Bob Patzer as its Assistant Executive Director from December, 1977, until he became the Executive Director in December of 1987. He was recently honored for his twenty years of outstanding service, an honor that he has most certainly earned.

Bob Patzer understands project construction from beginning to end. He worked as a summer construction worker after his graduation from high school and as his way of earning his college degree at Michigan State University. Following graduation, he worked for Bennis & Son, Flintkote Corporation, Mayo Company, and finally Alexander & Alexander. Having worked with sales, supplies, bid developments, field responsibilities, and as an account executive, Bob had truly learned every phase of the business.

With his experience and talent, it was only natural that he should be selected by Associated Underground Contractors, Inc. This association provides a variety of assistance with labor, legal, communication, legislative and safety matters. It provides education and training programs, legislative ombudsmanship, and information programs that are essential for companies in today's complex age. Bob Patzer has worked with and developed many of these programs, and because of his efforts, many of us regularly rely on AUC for information that is credible, timely, and effective.

Bob has been credited with the successful passage of several important legislative proposals in the State of Michigan. I know his knowledge and influence have helped to play a significant role on matters that have come before us here as well. We can design a program, initiate an effort, or espouse a dream. But none of these worthwhile activities bear fruit until they have been designed and built by professionals like Bob Patzer.

With the support that Bob has had from his wife, Linda, and his children, Tiffany and Shane, Bob has had a successful professional life sustained and encouraged by a wonderful family. They also deserve to be thanked and congratulated for the support they have offered to Bob during his career.

Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Bob Patzer on his 20th anniversary with Associated Underground Contractors, Inc., and wishing him many more years filled with at least an equal amount of success.

THE LAST FLIGHT MISSION OF THE FIRST JET AIRCRAFT DESIGNATED AIR FORCE ONE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on March 26 of President Clinton's historic voyage to Africa, the first aircraft designated as Air Force One flew its last mission. Vice President GORE signed it into retirement as of April 1, but not before the first Air Force One carried Members of Congress who accompanied President Clinton to South Africa.

Mr. Speaker, I was one of those Members who joined the President on this trip. The importance of his travel to Africa and the significance of being aboard the aircraft were very relevant to me. It was this Air Force One that transported President John F. Kennedy's body from Dallas to Washington after his assassination in 1963.

Mr. Speaker, representing Dallas, I am reminded of that fateful day by driving through the streets, parades, and other activities along the grassy knoll area. However, being on board the plane that carried President Kennedy's body made those remembrances much more special. The first Air Force One represented a tragic end for our country, but also a new beginning. The plane was the site of President Lyndon Johnson's swearing-in as the 36th President prior to that flight.

In 1962, the Government purchased and deployed the aircraft that carried President Richard Nixon on his trips to China and Russia in 1962. Air Force One continued historic and important flights, serving eight Presidents.

Mr. Speaker, this exclusive aircraft symbolizes service to the President as he and other passengers travel throughout the world to promote peace and democracy in other countries. The first Air Force One began, and now ends successfully in that purpose. One great example of that purpose was the ribbon-cutting ceremony celebrating the 1-year inauguration of the Ron Brown Commercial Center in South Africa, named after the late Commerce Secretary.

The center was an impressive testimony to his mission of promoting democracy and economic opportunities in developing countries. Of course, the ceremony was one of many important and memorable visits what would not have been possible without Air Force One and its staff. On behalf of the United States delegation to Africa that traveled aboard the aircraft, I would like to express how honored we were to fly on its last voyage.

Mr. Speaker, the plane will be on display at the U.S. Air Force Museum at the Wright-Patterson Air Force Base outside of Dayton, OH. As many Americans view this plane, I hope that they will do it service by not forgetting its missions and its significance to our country. As a recent passenger, I know that I will not forget the first Air Force One.

For the RECORD, Mr. Speaker, I would like to document the United States delegation to South Africa who flew aboard the original Air Force One during its last flight:

Representative John Conyers; Rep. Corrine Brown; Rep. Juanita Millender-McDonald; Paul A. Allaire, Chairman/CEO, Xerox Corporation; Alma Arrington Brown, Chair, Ronald H. Brown Foundation; Ronald Burkle, Managing Partner, Yucaipa Companies; Melvin Clark, Jr., President/CEO, Metroplex Corporation; Dr. Ramona H. Edelin, President/CEO, National Urban Coalition, Interim Exec. Director, Congressional Black Caucus Foundation, Inc.; Rep. Amory Houghton; Rep. Shelia Jackson-Lee; Rep. Harold Ford, Jr.; Honorable Dennis Archer, Mayor, City of Detroit; Rev. Dr. Joan Brown-Campbell, General Secretary, National Council of Churches of Christ in the USA; Dr. Emma C. Chappell, Founder, Chairman & CEO, United Bank of Philadelphia; Ronald Dellums, Former Member of Congress, Healthcare International Management Company; and Ernest Green, Chairman, African Development Foundation.

Bishop Frederick Calhoun James, Former Bishop, 2nd Episcopal District, African Methodist Episcopal Church; Kase Lawal, Chairman, President/CEO, Camac Holdings, Inc., Kweisi Mfume, President & CEO, NAACP; Ilyasha Shabazz, Director of Public Affairs & Special Events, Office of Honorable Mayor Ernest Davis; John Sweeney, President, AFL–CIO; The Honorable Wellington Webb, Mayor of Denver, Colorado; Robert Johnson, Founder, Chairman & CEO, Black Entertainment Television, Inc.; C. Payne Lucas, President, Africare, Ernest S. Micek, Chairman & CEO, Cargill, Inc.; Lottie Shackelford, Board Member, OPIC; Maurice Templesman, Leon Templesman & Son; and Carol Willis, Director of Community Services, Democratic National Committee.

TRIBUTE TO RABBI CHAIM SEIDLER-FELLER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Rabbi Chaim Seidler-Feller for his tremendous contributions as Director of Hillel Council at UCLA for more than two decades.

Hillel provides meaningful service to UCLA students by offering them an opportunity to experience Jewish life and ritual away from home. Many students come to Hillel to continue to practice in the Jewish faith, while others are introduced to the traditions of the faith at Hillel.

Rabbi Seidler-Feller has created and introduced many new and innovative programs at Hillel designed to embrace the diverse crosssection of the student population. For example, he has sponsored conferences and seminars that explore the unique relationship between African-American and Jewish students.

In addition to his remarkable contributions to Hillel, Rabbi Seidler-Feller has been actively involved as a teacher and lecturer at UCLA, Hebrew Union College, and the University of Judaism. We owe Rabbi Seidler-Feller a debt of gratitude for his vision, his devotion, and his support of this vital UCLA institution.

I am delighted to bring Rabbi Seidler-Feller's tireless and selfless work to the attention of my colleagues and ask you to join me in saluting him for his many important contributions.

IN HONOR OF THE FIFTIETH ANNIVERSARY OF THE BAY VILLAGE LEAGUE OF WOMEN VOTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a truly remarkable organization dedicated to promoting informed and active citizen participation in government. For the last fifty years, the Bay Village, Ohio chapter of the League of Women Voters has educated the citizens of Bay Village in each citizen's political responsibility. This organization effectively serves Bay Village in the arena of citizenship and public activism.

Founded in 1920, the national nonpartisan League of Women Voters established itself on the principles of voter responsibility. Women had just received the right to vote, and this organization wanted to ensure that all voters would have the necessary resources to cast an educated vote. The League of Women Voters of Bay Village continued this proud tradition with the establishment of the local chapter in 1948. On the fiftieth anniversary of the founding of this chapter, the League continues to make an educated voter its first priority. By supporting citizen participation in government and influencing public policy through education and advocacy, the chapter clearly has an influence on the educated voter.

For fifty years, the League of Women Voters of Bay Village has encouraged good citizenship and voter understanding of government. This organization's outstanding service to the community and to the country is commendable.

My fellow colleagues, join me in celebrating the anniversary of a patriotic organization that is dedicated to the task of informing the average voter: The League of Women Voters of Bay Village, Ohio.

IN HONOR OF RABBI JOSEPH I. WEISS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SCHUMER. Mr. Speaker, I would like to take a few minutes today to honor and acknowledge a shining member of our religious community for his services to the people of the Rockaway Peninsula.

I ask my colleagues today to join me in recognizing Rabbi Joseph I. Weiss on the occasion of his 85th birthday for the many ways in which he has enriched his community with his religious leadership and adventurous spirit. His sense of civic duty has not stopped with his own temple, rather driving him to make a difference throughout all of New York.

Rabbi Weiss has served as spiritual leader of the congregation at the West End Temple in Neponsit New York for forty-nine years. He is a member of the New York Board of Rabbis and is past president of both the New York Association of Reform Rabbis and the Brooklyn Association of Reform Rabbis. He also serves as the first Vice-President of the National Association of Retired Reform Rabbis.

The Rabbi has an outstanding commitment to the community beyond his temple. He is the holder of the Shofar Award for service to Jewish Scouting in recognition for his time as a Board Member of the South Shore Division of the Boy Scouts of America. Rabbi Weiss has worked diligently to promote interfaith unity and to that end he has served as a board member for the Rockaway Interfaith Clergy and has been a hard-working member of the board for the Rockaway Catholic-Jewish Relations Committee. These commitments, plus his position as the Senior Active Member of the Rockaway Rotary Club have truly made a difference in the lives of others.

Rabbi Weiss received his B.A. in 1934 from the University of Cincinnati and his Rabbinical Ordination from Hebrew Union College in 1939. During World War II he was an Army Chaplain serving in the South Pacific and was the President of the Association of Jewish Military Chaplains of the United States. Before joining the West End Temple in 1949, Rabbi Weiss led Temple Israel in Columbus, Georgia from 1947 to 1948.

At 85, the Rabbi remains very active athletically and socially. He plays tennis and golf, ice skates, and is a member of the 70 Plus Ski Club. He is also a patron of the Rockaway Music and Arts Council. He has traveled extensively throughout the world and has made many visits to Israel.

It is my honor to recognize Rabbi Joseph I. Weiss today for both his religious guidance and his exuberant service to the State of New York.

ANTITRUST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 8, 1998 into the CONGRESSIONAL RECORD.

AN ANTITRUST REVIVAL

The Justice Department's recent decision to sue defense giant Lockheed Martin to block its proposed $12 billion purchase of Northrop Grumman reflects a trend toward tougher enforcement of our antitrust laws. The federal government is giving closer scrutiny to mergers and consolidations in a wide range of industries, including everything from defense and health care to telephones and airlines. It is also taking a harder look at the growing dominance of firms in the high-tech field, most notably Microsoft.

This revival of antitrust reflects a sea change from the 1980s, when deregulation and free markets were emphasized. Back then, antitrust was viewed as government meddling in the operation of free markets, and was rarely enforced. Antitrust regulators continue to approve most of the mergers then investigate, but the fact that they are investigating many more proposed mergers and, in certain cases, suing to block them is a notable development.

Purpose and enforcement: Antitrust law has its origins in the Progressive Era of the late 19th Century. The landmark laws of the time, the Sherman Act of 1890 and the Clayton Act of 1914, aimed at curbing the power of trusts, the large combinations of industrial interests. The Sherman Act bars combinations which unreasonably restrain trade. The clearest example of a violation would be competitors in a given industry agreeing to fix prices. The Act also prohibits a dominant firm in a given market from acting to monopolize commerce in that market. The Clayton Act forbids mergers which have the effect of substantially lessening competition or creating a monopoly. What precisely these vaguely-worded statutes require has been left to the courts and regulators to decide over the years.

Antitrust law has two primary objectives. First, it seeks to promote vigorous competition in the U.S. economy. Competition is desirable because it tends to keep costs and prices lower, encourage the efficient allocation of economic resources, and provide for innovation and consumer choice. The presumption of antitrust law is that the normal operation of the free markets will foster competition. Government will only step in where there is evidence of anti-competitive conduct. Second, antitrust law aims to limit the concentration of corporate power. The concern in the Progressive Era was that the large corporate trusts threatened to trample individual liberties, and that suspicion of big business persists.

Antitrust enforcement has waxed and waned over the years. While regulators brought some high-profile cases, including the one that broke up Standard Oil in 1911, enforcement in the early years was lax. The Great Depression ushered in a period of tougher enforcement as the American public demanded stricter regulation of corporations the pendulum swung back the other way in the 1980s, reflecting the Reagan Administration's preference for free markets. Antitrust enforcement is shifting again. The prevailing view today is that free markets work, but don't work perfectly and government intervention may be necessary to prevent overreaching by powerful market players.

The problem of mergers: The spate of mergers in the last five years has raised concerns, particularly about competition in industries where there are fewer and fewer competitors. The proposed Lockheed-Northrop deal, for example, would have limited competition in government contracts for key weapons systems, including airborne radar, missile warning systems, and military aircraft production. Likewise, the government successfully blocked the proposed merger of Staples and Office Depot because the merger would have effectively eliminated competition for certain office supplies in certain geographic markets.

Antitrust enforcement will often involve a fact-intensive weighing of the competitive costs and benefits of a proposed merger. Companies involved in the merger may argue, for example, that the merger improves economic efficiency by cutting overcapacity in the industry as well as overhead costs, or that the merger is needed to keep pace with overseas competition. Regulators will, in turn, try to assess how the proposed merger affects choice and price for the consumer, whether the consumer is the U.S. government, a small businessperson, or a private citizen. Regulators rarely block mergers outright, but rather seek to work with the parties to limit anti-competitive effects.

The problem of monopoly: Monopolization is a related concern for antitrust regulators, as demonstrated most recently by the Justice Department's battle with Microsoft, the computer software giant. Antitrust law has never been construed to say that merely because a firm is dominant it is engaging in illegal monopolistic conduct. If a firm dominates a market because of superior skill or energy, antitrust steps aside. If, however, a firm engages in unreasonably exclusionary or anticompetitive activities to stay on top, that kind of behavior will be challenged. The rationale is that monopolies tend to stifle innovation, which in the long run hurts the economy and the consumer.

Our new high-tech economy presents a difficult challenge for antitrust. On the one hand, high-tech companies like Microsoft have been on the cutting edge of innovation, transforming our economy, generating jobs and wealth, and boosting our competitiveness in the global marketplace. On the other hand, high-tech companies, particularly those that enjoy a dominant market position, may have opportunities to exploit consumers and crush potential rivals. The concern in the Microsoft case, for example, was that the company was using its dominance in the computer software industry to squeeze out competitors in the market for Internet software.

Government regulators have tried to strike a balanced approach in this area. They recognize that the high-tech industry is different—that companies must constantly innovate to stay ahead of their competitors and that government does not want to interfere with this beneficial process. They reason, nonetheless, that the high-tech sector is not immune to the risks associated with monopolies, and will take steps to ensure that companies play by the rules.

Conclusion: I accept the need for antitrust enforcement. After all, the economy is in the midst of an unprecedented wave of mergers. Antitrust authorities should review the competitive effects of proposed mergers, provided such reviews are based on facts and careful market analysis, not ideology. The government must be careful not to do more harm than good. Free markets may sometimes fail, but it does not follow that government can make things better.

TRIBUTE TO NATHAN SHAPELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. LANTOS. Mr. Speaker, on Thursday of this week, representatives of the Congress, the Administration, and the Supreme Court will gather in the Great Rotunda of this building for the National Civic Commemoration to remember the victims of the Holocaust. This annual national memorial service pays tribute to the six million Jews who died through senseless and systematic Nazi terror and brutality. At this somber commemoration, we will also honor those heroic American and other Allied forces who liberated the Nazi concentration camps over half a century ago.

Mr. Speaker, this past week Fortune Magazine (April 13, 1998) devoted several pages to an article entitled ''Everything in History was Against Them,'' which profiles five survivors of Nazi savagery who came to the United States penniless and built fortunes here in their adopted homeland. It is significant, Mr. Speaker, that four of these five are residents of my home state of California. My dear friend Nathan Shapell of Los Angeles was one of the five that Fortune Magazine selected to highlight in this extraordinary article, and I want to pay tribute to him today.

Nate Shapell, like the other four singled out by Fortune Magazine, has a unique story, but there are common threads to these five tales of personal success. The story of the penniless immigrant who succeeds in America is a familiar theme in our nation's lore, but these stories involve a degree of courage and determination unmatched in the most inspiring of Horatio Alger's stories.

These men were, in the words of author Carol J. Loomis, ''Holocaust survivors in the most rigorous sense,'' they ''actually experienced the most awful horrors of the Holocaust, enduring a Nazi death camp or a concentration camp or one of the ghettos that were essentially holding pens for those camps.''

They picked themselves up ''from the very cruelest of circumstances, they traveled to America and prospered as businessmen. They did it, to borrow a phrase from Elie Wiesel, when everything in history was against them.'' They were teenagers or younger when World War II began. They lost six years of their youth and six years of education. ''They were deprived of liberty and shorn of dignity. All lost relatives, and most lost one or both parents. Each . . . was forced to live constantly with the threat of death and the knowledge that next time he might be 'thumbed' not into a line of prisoners allowed to live, but into another line headed for the gas chambers.'' Through luck and the sheer will to survive, these were some of the very fortunate who lived to tell the story of that horror.

The second part of their stories is also similar—a variant of the American dream. These courageous men came to the United States with ''little English and less money.'' Despite their lack of friends and mentors, they found the drive to succeed. As Loomis notes, ''many millions who were unencumbered by the heavy, exhausting baggage of the Holocaust had the same opportunities and never reached out to seize them as these men did.'' Their success in view of the immense obstacles that impeded their path makes their stories all the more remarkable.

One other element that is also common to these five outstanding business leaders—they are ''Founders'' of the U.S. Holocaust Memorial Museum here in Washington, D.C. They have shown a strong commitment to remembering the brutal horrors of the Holocaust, paying honor to its victims, and working to prevent the repetition of this vicious inhumanity.

Mr. Speaker, Nathan Shapell is one of the five Holocaust survivors and leading American entrepreneurs highlighted in this article. Nate is the Chairman of Shapell Industries in Los Angeles. As we here in the Congress mark the annual Days of Remembrance in honor of the victims of Nazi terror, I ask that the profile of Nate Shapell from Fortune Magazine be placed in the RECORD.

[From Fortune, April 13, 1998]

NATHAN SHAPELL—CHAIRMAN, SHAPELL INDUSTRIES

Nathan Shapell's history illustrates two truths about the Holocaust. First, by sharp and courageous use of his wits, a Jew could often greatly improve his chances of surviving. Second, in the end he practically always needed luck as well.

Now 76, Shapell (originally named Schapelski) was the youngest of five children in a family that lived in the western Poland city of Sosnowiec. After the Nazis invaded Poland, though, the father and two of his children scattered, leaving Nathan, then still in his teens, the only male in a household of four. Growing up quickly, he got decent work in the city's sanitation department and also gained the favor of certain German officials by managing to get them scarcities such as textiles and meat. For nearly three years Shapell's standing with these Germans not only kept his family safe but also allowed him repeatedly to help other Jews.

In the summer of 1942, however, Shapell's mother and hundreds of other Sosnowiec Jews were rounded up and incarcerated in a part of the city called Targowa. Frantic but able once more to tap the help of his Germans, Nathan got past Targowa's guards on the pretense that he was going in to survey the sanitation needs of the area. Making his way through crowds of desperate Jews, he finally found his mother, gave her food, and promised her help.

But he also realized that the sanitation arm band he wore might be the key to more rescues. Later that day he told the authorities that Targowa's sanitation needs were large, and secured permission to go into the area at least daily with a small crew. Over the next few days, he and his men entered just before a shift change for the guards, with each member of his crew wearing a sanitation arm band—and with a few more arm bands stuffed into Shapell's pocket. These he gave to male prisoners, who each day exited, trying to appear nonchalant, with the crews and their refuse-loaded carts. The discovery of this ruse would almost certainly have meant death for all concerned, but the guards on the new shifts never caught on.

Next Shapell focused on the huge pots of soup that were each day carried into Targowa and later taken out empty. Shapell and his men instead filled them up with small children (warned to total silence) and then boldly carried out the posts, as if they were simply helping with the day's chores. A half-dozen or so children, most thrust at the men by their parents, were rescued that way and released outside the gate. One, a small

girl of 5 or 6, looked up from the street where Shapell had set her and said, ''Where shall I go?'' He answered, ''Child, I don't know. Run, run.'' As he tried to talk about that moment recently, Shapell broke down, unable to finish.

In a week of arm bands and soup pots, Shapell did not manage to rescue his mother. He finally succeeded, though, on a chaotic day in which the Germans encircled all of Targowa's Jews with a gigantic noose of rope and prepared to load them up for transport. Shapell's mother escaped because Nathan, talking his way into Targowa, found her and made her lie down on a pile of dead bodies. He then contrived to get the job of removing the bodies for disposal and got his mother to safety.

By the summer of 1943, though, the Nazis' vicious campaign to make Europe Judenrein—free of Jews—had wrenched the family apart and sent each of its members to a work camp or a concentration camp. The hellhole of Auschwitz-Birkenau was Nathan's lot, but there his youth and relative vigor got him thumbed into line of people to work, not die. He was then tattooed with the number he still wears: 134138.

In the nearly two years of captivity, hunger, and oppression that followed, he continued to be sustained by wits, guts, and a steely resolve to survive. He smuggled food out of kitchens, hid when exposure would have meant death, and got himself classified as a carpenter though he could barely drive a nail. But there was a moment near war's end, at a work site called Gintergruber, when nothing else counted but luck. One day a prisoner in his work crew escaped. When none of the other prisoners would admit to knowledge of how he'd gotten out, SS troops lined them up—some 200 men, in ranks four deep. Shapell was in the front row. The SS counted down it, ordering the fifth man to step forward, and then the next fifth man, until ten prisoners were lined up for all to see. The ten were then shot. Shapell, in the 80% of the front line that survived, went back to work.

Shapell was later moved in a forced march to a camp called Waldenburg. Freedom arrived there on May 8, 1945. No German guards came that morning to make their daily head count, and in the afternoon the camp's commandant drove out for the last time, his eyes venomous as he looked back at the prisoners watching in disbelief. The Jews then swarmed out of the camp to scavenge for food, on the way encountering Russian soldiers who were still at war, even though Germany had surrendered the day before.

The world called them ''displaced persons,'' and in the next six years Shapell, 23 at the end of the war, became a leader in aiding homeless Jews who bore the label. His place of work was a small Bavarian town named Munchberg, where he established a model DP community. He oversaw the construction of houses and even set up a large home that took in Jewish children with no place to go. Wrote an American officer who had authority over Munchberg and knew himself fortunate to have crossed paths with this young refugee: ''I heartily endorse Mr. Schapelski as an energetic, efficient, trustworthy, and most capable man.''

For Nathan, Munchberg meant more than work well done. He was married there (to a Holocaust survivor) and was joined in the town by two siblings who turned out to have survived the war, Sala and David. (The remaining four members of Shapell's family are either known, or believed, to have died.) Eventually Nathan, David, and an Auschwitz friend of Nathan's who Sala married, Max Weisbrot, secured a permit to start a textile manufacturing and wholesaling business, and it did well.

So it was that when the three men make it to the U.S. in the early 1950s, they had some money. They went first to Detroit because a relative lived there. But Nathan didn't like Detroit, and they traveled in search of another landing spot, thinking that either supermarkets or homebuilding might be their future. They hit California, and for Nathan it was love at first sight. ''Just the trees,'' he says today, ''just the smell from the oranges and lemons. It was unbelievable, beautiful.''

Through a Detroit connection, they met one night with a young building contractor in Los Angeles, Morley Benjamin. Knowing their English to be inadequate, the three visitors brought with them a taxi driver hired to be a translator—but he kept falling asleep. The meeting came to nothing.

Some months later, though, having picked up more English, the three went back to Benjamin, and this time they struck a deal to build houses together. The Shapell group put in $600,000, and Morely Benjamin and a partner contributed expertise. In two suburbs of Los Angeles, Norwalk and Whittier, they built some 2,400 houses and sold them to veterans for $10,990 each, no money down. Nathan, the leader of this band, badgered the young builder he always called ''Mr. Benjamin' to teach him everything he knew about the business. Remembers Benjamin: ''Nathan was constantly in my office, constantly wanting to know. Once I said to him, 'Nathan, do not come back for at least an hour.''' But Benjamin says Shapell never asked the same question twice. He was, besides, a whiz with figures.

In 1955 the parties split up, amiably. Shapell, with his relatives, formed S&S Construction and proceeded to build anew in Norwald. He has always had a belief, he says today, that a prudent man should keep one-third of his money in cash and another one-third in good ''stuff,' and then if he wishes, put the other one-third at risk. But in 1955 he felt the Norwalk project required the commitment of everything he had. Out of it, though, came a small profit, enough to send S&S Construction on its way.

Since then the company now called Shapell Industries has built 64,000 houses and spread well beyond Lost Angeles. The company is known for high-quality building, for astute purchases of land, and for conservative financial behavior in an industry that tends to binge on leverage. Shapell himself dresses down from the elegant suits he wears in his office and ''walks'' his sites, doing hands-on quality control. He is not apt to stop those inspections soon: For three years a widower, he usually works at least six days a week and has no plans to retire.

In his business history, there is a period that caused him anguish. In 1969, when his company was doing about $30 million in sales and $3 million in profits, he took it public and was immediately sorry. Impatient by nature—''he has the attention span of a gnat,'' says an acquaintance—he could not abide dealing with securities analysts. He feels, moreover, that the homebuilding business, with its cycles, weather delays, and general ups and downs, is not well suited to a public market that craves consistency. ''If you are honest and reporting exactly what happens,'' Shapell says, ''Wall Street tells you goodbye.'' His company was itself a case history in volatility. In 1981, when interest rates skyrocketed, it lost nearly $10 million on revenues that exceeded $300 million—another period of acute anguish for Shapell. By 1983, through, the company was making $15 million on revenues cut by a third.

So in 1984, Shapell took his creation private, buying in the 28% of the company that the public owned for $33 million. Best money he ever spent, says Shapell: ''when we'd done the deal, I felt like a million pounds had been taken off me.'' It hardly ranks with the first, of course, but he calls that day his ''second liberation.''

EARTH DAY, 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, Earth Day helps us to remember that environmental issues know no political bounds and affect all of the people, plants, and animals of the world community. It is essential that the policies our Government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to maintaining clean air and pure water standards, we have a duty to act locally and globally to protect the environment for present and our future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

We must not forget the air we breathe, our most precious resource. Americans can clearly see, smell, and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I understand the need for clean air standards. So too, we must not neglect our efforts to purify our water. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

Moreover, the issue of global warming is one that affects us all. Without our intervention, global warming will find sea levels continuing to rise, an increase in heat-related deaths, increased allergic disorders, and other serious air quality programs.

By burning oil, coal, and natural gas to power our cars, heat our homes, light our cities, and through deforestation and clearing of land for agriculture, we are releasing greenhouse gases to the atmosphere more quickly than we can remove them.

Over the last century atmospheric levels of these gases have steadily climbed and are predicted to increase as global economies grow. The Intergovernmental Panel on Climate Change (ICC) estimates that global surface air temperature will increase approximately another 5 degrees in the next 100 years. The ICC also predicts that ''the balance of evidence suggest that there is a discernible human influence on global climate.'' With this in mind, we need to act now to protect our planet.

I invite my colleagues to join with Secretary of State, Madeleine Albright, in her pledge to announce ''A full court press to encourage meaningful developing country participation in the effort to combat global climate change''.

As chairman of the International Relations Committee, I understand the importance of using our leadership in the United States to assist other countries in developing and maintaining successful environmental programs. I

personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger, and national security to environmental degradation. In addition, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful incentive for ongoing environmental education, action, and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems. As you may know, along with several of my colleagues, I introduced H.R. 1256, which was approved by Congress to authorize the purchase of Sterling Forest. Added to existing parks, this purchase created a 15,000 acre area of greenery just 40 miles north of New York City. I am pleased to state that we have also received an additional $8.5 million funding for this important project. Along with Rep. Sue Kelly, I have requested funding for the Hudson Valley national heritage area, which would help preserve the history, culture, and traditions of our beautiful region. I am also proud to note that my 20th district of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We must not continue with the lax attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better day to commit to this than today, on Earth Day. Let us salute all of the people who observe Earth Day, in all ways, large or small.

REMARKS ON THE .08 BAC STANDARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to share with my colleagues an excerpt from the newsletter of the Conneaut Cellars Winery in Conneaut Lake, Pennsylvania. It was written by Mr. Joal Wolf, who is the proprietor of the winery. I believe this text eloquently articulates the arguments against the national .08 standard.

Recently neo-prohibitionists, social Do-Gooders, and short-sighted legislators (all in the business to scare you and make numbers look the worst possible) started their propaganda with nastier attacks due to the lack of attention in public. These attacks are direct at drinkers in general and unfortunately not at abusers and drunk drivers. They would like to duck the new reality, punish responsible drinkers, and blackmail states and local jurisdictions by withholding state highway funds (ISTEA) for not accepting a Blood Alcohol (BAC) level of 0.8%.

Decades of government data show that the number one cause of drunk driving incidents is the alcohol abuser who drinks excessively and then drives. Yet the proposed legislation inexplicably ignores this reckless menace and instead calls for laws that would make it illegal for a 120 lb. woman to drive after drinking two glasses of wine within two hours. According to the National Highway Traffic Safety Administration, the average BAC among fatally injured drunk drivers is 0.18%, and more than 80% of these drivers have at least 0.14% BAC. Federal government statistics show a very small percentage, not enough for casual effects, of accidents are caused by people with between 0.08 to 0.10% BAC. Fewer than 1.0% of fatalities involve drinking drivers (not drunks) with BAC under 0.10%.

Drunk driving versus drinking and driving—why bother with semantics when highway carnage is at stake? The real problem is the act of driving drunk. The crime should be when your ability is truly impaired, whether it is alcohol, lack of sleep, anxiety, anger, illegal drugs, and so forth.

IN MEMORY OF THE HONORABLE JAMES R. STRONG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SKELTON. Mr. Speaker, I wish to take a moment to speak about a man of distinguished civil service and professional integrity. The Honorable James R. ''Jim'' Strong, former Missouri State Representative and State Senator, recently passed away at the age of 77.

A native of Marshfield, MO, and a lifelong resident of the Jefferson City, MO, area, Strong graduated from Jefferson City High School in 1939. After studying at Jefferson City Junior College, Strong served in the United States Navy and was abroad the USS Phoenix at Pearl Harbor on December 7, 1941. He served in the South Pacific for the remainder of World War II.

After the war, Jim Strong became the cofounder of Strong Brothers Millwork and Lumber Company, and later co-owned other lumber companies. He also was involved in office and commercial real estate rental and was a cattle farmer for many years. He served on the Jefferson City Council from 1969 to 1972, and was elected to the Missouri House of Representatives in 1973. In 1982, Strong was elected to the Missouri Senate, and he was re-elected in 1986. He retired from public service in 1990.

In addition to his contributions as a public servant, Jim Strong participated in many community activities. He was a member and elder of the First Presbyterian Church and also held memberships or offices in the VFW Post 1003, American Legion Post 5, Pearl Harbor Survivors Association, Cole County Fair Association, Cole County Fair and Horse Show, Salvation Army Advisory Board, Jefferson City Chamber of Commerce, Jefferson City Jay Booster Club, Cole County Historical Society, Capital City Council of the Arts, Memorial Community Hospital Board of Governors, St. Mary's Health Center Advisory Board, Cole County Republican Club, Pachyderm Club, Conservation Federation of Missouri, Cole County Association for Mental Health, Cole County Volunteer Fire Department, Jefferson City United Way, Cole County Extension Service, Lions Club, Jefferson City Rotary Club, Jefferson City Jaycees, Jaycee Cole County Fair Association, Mayor's Bond Issue Advisory Board, and Jefferson City Planning and Zoning Committee.

Jim is survived by his wife, Sue, one son, two daughters, two sisters, one brother, eight grandchildren, and two great-grandchildren.

Mr. Speaker, Jim Strong was a true gentleman, and he displayed honesty and integrity throughout his public service career. I am certain that the Members of the House will join me in paying tribute to the fine Missouri legislator.

CONGRATULATIONS TO SCOTT JOHNSON, MICHAEL WALSH, LINDA COLEMAN, MATTHEW ETHEN, AND DIANE JACKSON

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson for being honored with the 1998 Excellence In Teaching Awards. These exceptional educators were honored for their unique contributions to the betterment of education.

Scott Johnson is a third grade teacher at Fresno Unified School District's Aynesworth Elementary School. He has been teaching for eighteen years. He has also taught fourth, sixth, and second grade classes. Scott has been in charge of the reading lab, E.S.L. teaching lab, and was a resource teacher for 6 years. As a member of the Fresno Zoological Society, he has volunteered for the past eight years in various fund-raising events. He has performed with the Fresno Childrens' Playhouse, bringing live theater to Fresno students. He has actively worked with his church's Children's Ministry and has been listed in the California State Department of Education's List of Exemplary Language Arts Teachers.

Michael Walsh is currently a sixth grade teacher at Fresno Unified School District's Roeding Elementary School. During his career, Michael Walsh has been a teacher at Rowell Elementary School, Slater Elementary School, and on special assignment at the Discovery Center. He has also served as a Teacher/Energy Coordinator at Easterby Elementary School, Elementary Science Specialist For the Fresno Unified School District, and Assistant Energy Coordinator for the Fresno Unified School District. He has a Bachelor of Arts degree from Arizona State University and has studied at California State University, Fresno, the University of California at Berkeley and Fresno Pacific College. Michael Walsh is also the author of the work titled ''Science Education.''

Linda Coleman is currently teaching at Fresno Unified School District's Yosemite Middle School. During her 25 years of teaching, Linda Coleman has served as a writing consultant, a teacher of physical education, and a teacher of language arts & science. Additionally, she is a coach for both volleyball and track and field at Yosemite Middle School. She received both her Bachelor of Science degree and teaching credential from California State University, Fresno and is an active volunteer in the community. Her volunteer activities include authoring Yosemite's first technology plan, member

of the School Improvement Plan Committee, Language Arts Representative, and WASA member of the Superintendents Advisory Committee.

Matthew C. Ethen is currently a Social Studies Teacher at Fresno Unified School District's Edison High School. Matthew Ethen has an extensive Military Background. He is a Commissioned Second Lieutenant in the Army ROTC and an Adjutant to the HHD 818th Transportation Battalion, where he was responsible for the training and welfare of 50 Army Reserves. He has also served as an Executive Officer, Captain, and Operations Officer. Outside his military service, he has served as a tutor, an assistant to a university professor, and a student teacher. Other responsibilities of his have included acting as an Educational Services Assistant for the Fresno Bee and an Educational Consultant for West Publishing Company. He has taught at Edison High School since 1991. Matthew Ethen earned his Bachelor of Science Degree at St. Cloud University and his teaching credential from California State University, Fresno.

Diane Jackson is currently the Principal of Fresno Unified School District's Bullard T.A.L.E.N.T. Elementary School. During her teaching career, Diane Jackson was a Language Arts Teacher at Orcutt Junior High in Santa Maria, a Resource Specialist at Fitch Middle School of Monterey, a Reading Specialist at Seaside High School of Monterey, and an instructor at Chapman University. Her administrative experience began in 1981 when she took on the position of Curriculum Coordinator for the Monterey Peninsula Unified School District. She moved on to become Elementary Principle of Crumpton Elementary School in Monterey from 1986–1989, Elementary Principal of Indianola Elementary School in Selma from 1989–1993, and a K–8 Principal in Coarsegold, California from 1993–1996. Diane Jackson earned her Bachelor of Arts degree in English at the University of California at Santa Barbara and a Master of Arts degree from California State University, San Jose.

Mr. Speaker, it is with greater honor that I congratulate Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson for being recognized with the 1998 Excellence in Teaching Awards. Their devotion and care for education serves as a model for all individuals involved in education. I ask my colleagues to join me in wishing Scott Johnson, Michael Walsh, Linda Coleman, Matthew Ethen, and Diane Jackson many more years of success.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KIND. Mr. Speaker, today is a great day for supporters of campaign finance reform. It appears that after long last the leadership of the House of Representatives has agreed to allow an open, honest debate on campaign finance reform. The will of the people has overtaken the reluctance of the leadership in this crucial debate.

I began delivering a daily statement on campaign finance reform after the House failed to pass legislation by July 4th of 1997. That was the date the President challenged Congress to pass comprehensive reform. Since I began my daily statements I have received overwhelming encouragement from the people of western Wisconsin who have told me that Congress must do something about the big money in politics. I am pleased that the leadership has finally given in to the demands of a majority of the members of the House who have advocated for real campaign finance reform.

This struggle is not over yet. We have received false promises before. I will continue to remind the leadership of their promise to allow an open and fair debate until that promise is kept.

I am pleased that the base bill for debate will be H.R. 2183, the Bipartisan Campaign Integrity Act. This is a bipartisan bill, worked out among freshman members the House. The freshman bill is an honest effort to craft a bill that will take the big money out of politics and give our elections back to the people. I hope the House passes this bill.

I thank the leadership for agreeing to end their stalling tactics and allow an open honest debate on campaign finance reform.

HONORING THE BAILEY-RICHMAN VFW POST'S 50TH YEAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to recognize the 50th anniversary of the Veterans of Foreign Wars Bailey-Richman Post No. 9588 in Monticello, New York. This VFW Post has been an invaluable asset to Sullivan County, assisting the veterans of our region and our nation as a whole.

The VFW Post No. 9588 was chartered April 4, 1948 in the memory of Erwin Richman and Ralph Bailey, both of whom lost their lives fighting for our nation in World War II. The Post, founded in the spirit of patriotism and honor, has fulfilled its legacy with dedication and hard work. It has served as a spiritual as well as a civic guide for the Sullivan County community. The Post's 28 Charter Life Members, 80 regular members, 44 Life Members and the 25 Past Commanders are all leading examples of bravery and selflessness. Their sacrifice to preserve America's principles and ethics have helped to ensure a new and promising future for all Americans.

Since 1899 the Veterans of Foreign Wars of the United States has fought for and protected veteran's rights. Their importance is undeniable, having assisted the concerns of Veteran's across the nation. Today, the Veterans of the Foreign Wars actively petitioned government to bring about beneficial change. The Bailey-Richman Post No. 9588 has supported the national effort as well as working with the community members to make a better life for our veterans.

In the ongoing effort to improve health care for our Veterans in the Hudson Valley Region, the V.F.W. has been indispensable. The Veterans of Foreign Wars has recognized the desperate need to improve the health care of our Veterans. Through their diligent and tireless efforts, the V.F.W. has exposed and highlighted the need for improved Veteran health care.

Mr. Speaker, I invite my colleagues to join with me in recognizing the fifty remarkable years of service of the Bailey-Richman Post No. 9588 and their contributions to our communities and our nation.

EARTH DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. DAVIS of Illinois. Mr. Speaker, in honor of Earth Day 1998, I challenge Congress to join with me in better protecting our children's health and leaving our children a legacy of protected natural resources.

Over the last 25 years, this country has made enormous progress on environmental protection. The health of American children has improved because (1) We have made significant progress in cleaning up the air our children breathe; (2) We have made significant progress in cleaning up our lakes and rivers in which our children swim, boat and fish; and (3) We have made significant progress on cleaning up the toxic waste sites around which millions of our children live. However, we still have a long way to go in order to protect and preserve our nation's natural resources so that your children and mine can enjoy its beauty and benefits tomorrow. Thus, I believe we need to recognize that it is not a question of whether we can afford to protect the environment, rather it is a question of whether we can afford not to.

I look forward to working with my colleagues to ensure that this year's budget provides funding to Restore clean water to our communities; Accelerate and make polluters pay for toxic waste clean up; and protect our national parks, wildlife refuges, and national forests.

EARTH DAY AND ELSMERE CANYON

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. McKEON. Mr. Speaker, I rise today to discuss a very significant environmental issue: Elsmere Canyon. I find it particularly appropriate that I am afforded the opportunity to speak today, Earth Day, on a subject that is important not just to me, but also to the community that I represent.

Let me provide a brief history on this matter, Mr. Speaker. Before coming to Congress, I had the honor of serving as the first mayor of the City of Santa Clarita, which was incorporated in 1987. While in that capacity, a situation came to my attention that galvanized our community. A solid waste disposal company had proposed building a landfill using a portion of the Angeles National Forest known as Elsmere Canyon. If approved, the largest landfill in the United States—with a capacity of 190-million tons—would have been constructed in Elsmere Canyon.

In the early 1980's Los Angeles County's population boomed. At the same time, many small landfills were closed without any alternative measure to deal with the increased

trash. As a result, Elsmere Canyon became a prime location for a new landfill to handle the country's trash. However, the choice of Elsmere Canyon had major shortcomings that were easily recognizable.

The first issue involved preserving the integrity of our National Forest System. The Angeles National Forest, which is visited by over 30 million people each year, is considered by Southern Californians to be our ''Central Park''. Using part of the forest for a landfill was, in my view, bad public policy. Second, the Elsmere landfill would potentially contaminate groundwater and displace endangered wildlife and plant life in the Angeles. Third, after the 1994 Northridge earthquake, whose epicenter was a mere eight miles from Elsmere Canyon, the presence of seismic activity presented additional concerns that had to be addressed.

Finally, I was deeply concerned Los Angeles County was already accepting trash from other counties in California. I cannot agree with the notion that new landfills should be built in order to accept other communities' trash.

Additionally, there are proven alternatives to landfills, such as recycling and environmentally-safe incineration programs, and we need to explore them. Instead of passing waste from one area to the next, we should investigate the potential of disposing of trash in other manners. This also would alleviate growing tensions between our communities regarding the transportation of waste.

In 1995, I was proud to introduce legislation prohibiting the Secretary of Argriculture from approving any land transfer of Elsmere Canyon for the purposes of creating a landfill. I was even prouder when this legislation was approved as part of the Omnibus Parks Act of 1996. This legislation was the result of a community coming together—environmentalists and business leaders, government representatives, and civic-minded individuals—to bring about this historic change.

Yet this fight is not over Mr. Speaker. The portion of Elsmere Canyon that is not owned by the Forest Service is still viewed by Los Angeles County as a potential site for a future landfill. As you might imagine, this would be a major blow to our community and one that I continue to work to prevent.

However, I am not here today just to speak words but to seek action. I have requested and am ultimately hopeful that Browning-Ferris Industries, which in late 1995 purchased the company that proposed the original Elsmere landfill, will donate its Elsmere parcel to the Angeles National Forest. Should this occur, the entire canyon would become part of the Angeles National Forest and would be preserved and enjoyed for future generations.

Mr. Speaker, I view Earth Day as an opportunity to remember the natural beauty and wonders that God has given us and what we can do to preserve those gifts. Elsmere Canyon truly is one of those gifts and I am proud to have done what I can to preserve this marvelous place. I am also proud of the work that my community has done to save this treasure. So as we celebrate Earth Day, I would like to take the time to remember the accomplishments of my community to make Earth a better place to live. I also would like to recall how these achievements were accomplished. Not through finger pointing or heated debate. Our community came together with a common goal. A goal to make our community, our state, our nation, and our earth a better place.

TRIBUTE TO THE COORS BREWING COMPANY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise today to pay tribute to a great American company, one that will be celebrating its 125th anniversary next month. The success of Coors Brewing Company is a great American story. When Adolph Coors arrived in this country in 1868, he didn't speak English, but he did know how to brew a great beer.

From 1873 until today, Coors has made its reputation on the lasting values of its founder. The great American values of tradition, commitment, quality, and innovation. Those values helped Coors grow from a tiny local brewery in Golden, Colorado into a world-class competitor producing more than 20 million barrels of beer each year. Today, Coors' familiar products are sold not only across the U.S. but in 45 foreign countries as well.

Through the years, Coors has been at the forefront of responsible community involvement, and today it is recognized as a leader in corporate citizenship. That's why Business Ethics magazine recently placed Coors in the top ten of its ''The 100 Best Corporate Citizens.'' Coors also have been cited numerous times for its outstanding record in attracting, hiring, and promoting minority Americans. It is what you would expect, given Coors record of investing hundreds of millions of dollars in economic development and other programs designed to strengthen Hispanic and African-American communities.

When you do business in Colorado, respect for the environment is, of course, a must. And Coors is a leader here too. Coors launched the aluminum recycling revolution back in 1959 when it began offering a penny for every returned can. Since 1990, the Coors Pure Water 2000 program has provided more than $2.5 million to support more than 700 environmental programs across the nation.

One of its most noteworthy accomplishments has been in developing and promoting effective programs to discourage abuse of its products. Coors has a record of encouraging responsible consumption of its products by adults—and only adults. Over the years, millions of dollars have been devoted to community-based education and prevention programs. Coors' ''21 means 21'' message has been one of the elements responsible for the steady decline in underage drinking and drunk driving that we in the United States have been fortunate to see in recent years.

Coors has set the standard for responsible advertising, and has led the industry with policies to ensure that its ads encourage moderation, and are directed only to those over the age of 21.

This week, I urge my colleagues to join me in a toast to the thousands of Coors employees, those who work at Coors breweries in Colorado, Tennessee and Virginia, and at Coors distributorships in every state of the nation: Congratulations on a job well done.

EARTH DAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, in commemorating Earth Day, I rise to pay tribute to Rachel Carson, whose courage and conviction in writing the 1962 acclaimed novel Silent Spring inspired a generation to action. She was the founder of the modern environmental movement, and her spirit was one of the driving forces behind the first Earth Day in April of 1970. I participated in that first Earth Day, as I have in each of them for 28 years, to demonstrate my support of the environmental gains we have made and to renew my commitment to those issues we must still resolve.

One of the most pressing issues that we are faced with today is that of global climate change, the effects of which can be seen in the unprecedented severity of climate changes ravaging the world. The global scientific community has established the seriousness of the problem through their landmark research in Antarctica.

In December of 1997 I participated in the Kyoto Round of the Global Conference on Climate Change, a process begun in 1992 at the Rio de Janeiro Earth Summit. The agreement which was reached in Kyoto outlines the important principles which need to be undertaken to slow the emission of greenhouse gasses, which are the primary contributors to the warming of our climate. On this important day we recognize the challenges that we must confront as a society to assure that the earth remains a livable place for future generations. We must take advantage of new technologies and fuel alternatives to reduce greenhouse gas emissions, and with these technologies assist developing nations to be environmentally responsible as they compete in the global marketplace.

Mr. Speaker, thirty-six years ago, Rachel Carson changed our thinking about the Earth. On this Earth Day, I urge my colleagues and the American people to honor her by embracing public policy which will continue to make our world a better place in which to live.

HONORING THE RETIREMENT OF COL. RICHARD MARTIN FROM THE CASTLE JOINT POWERS AUTHORITY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CONDIT. Mr. Speaker, I rise today with respect and appreciation to recognize one of my friends and constituents, Col. Richard D. Martin of Winton, California, in his retirement as executive director of the Castle Joint Powers Authority.

Colonel Martin, a former Wing Commander at Castle Air Force Base, has directed our successful reuse efforts from the beginning. In 7 years as director, he has led the effort which transformed Castle into one of the best examples in our Nation of successful conversion of military facilities into civilian use.

Castle Air Force Base closed in 1995. We now have more than 2,000 civilian employees with more on the way. In 1995, building after building was vacant. Now, most are leased and Castle is once again a vibrant economic machine. In 1995, no environmental remediation plan existed. Now, we are well on our way for restoring Castle to full public use. In 3 short years, we have turned the corner and we did it in large part because Colonel Martin was at the helm.

What could easily have become a drain on scarce public resources has instead become one of our region's greatest economic assets. More than any one other person, Dick Martin was responsible for this outcome.

He demonstrated leadership, vision, tenacity, creativity professionalism and loyalty throughout his tenure are director while facing incredible odds and challenges unique to transforming a military installation into one of the Department of Defense's base reuse success stories.

Our community owes him a great debt of gratitude. I ask that my colleagues in the House of Representatives rise in tribute to Dick Martin for what can only be described as an outstanding performance above and beyond the call of duty.

PRAISING THE VOLUNTEERS OF RADIO VISION, FOR 18 YEARS OF DEDICATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, it is my distinct pleasure to report that on Saturday, April 25, 1998, Radio Vision, of Orange County, N.Y. will cover its 18th annual Volunteer Recognition Day. Radio Vision is a closed circuit service for the blind and sight impaired of the Mid-Hudson region of South Eastern, N.Y. This radio service, for over 600 blind and visually handicapped listeners, provides its clients with news, novels, community happenings such as local sales and events, and a myriad of other informational and intellectually stimulating programming—all fully manned by volunteers.

Radio Vision offers invaluable aid to the blind. We often take for granted what a convenience it is to be able to watch the TV, or open the newspaper, to learn about the outside world around us. This is not an option for the blind or visually handicapped. Radio Vision offers the ability to learn about our environment just by turning on their radio. Radio Vision's purpose is to help the visually handicapped by specifically tailoring information in a unique format beneficial to them. Local and national news, shopping hints, new literature—and other sources of entertainment and information—are all made available to the sight impaired by Radio Vision through their radio.

Radio Vision has been a continual success for the past 18 years due to the diligent work and dedication of our volunteers. I am pleased to commend the over 105 volunteers who have given so much, of their time, their hearts, and their voices, in order to benefit others who need assistance. It is a truly selfless act and their efforts have greatly enriched the lives of many sight impaired people.

Mr. Speaker, I am pleased that I am given the opportunity once again this year to highlight the worthy deeds by the people of Radio Vision. I invite my colleagues to join with me in offering praise and thanks to these hard working volunteers. I offer Radio Vision my fondest thanks and best wishes for many more great years of making a difference.

TRIBUTE TO FLUHRER BAKERIES

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. RIGGS. Mr. Speaker, I would like to take this opportunity to pay tribute to a Northern California Institution at its 100th Anniversary: Fluhrer Bakeries, Inc.

Fluhrer Bakeries, the largest wholesale bakery north of San Francisco and south of Eugene, Oregon, is located in California's First Congressional District behind the ''Redwood Curtain,'' in the City of Eureka. Eureka is 265 miles north of San Francisco, California, and 100 miles south of the Oregon border. Its market area includes: Humboldt, Del Norte, Mendocino, Shasta, Trinity, Tehama, Siskiyou, Butte, Sutter counties in California, and Curry County in Southern Oregon.

Fluhrer bakes daily a full range of pan breads, hearth breads, rolls and buns. The company serves the retail trade, and also carries a full line of restaurant and institutional products.

Fluhrer Bakeries started out as Log Cabin Bakery in 1898. It was located at 621 5th Street, Eureka, California and was owned by Ira S. Mulford. The 1898 Eureka City Directory also lists the same address as his place of residence.

Log Cabin Bakery, under the direction of Arthur Hunting, was incorporated on February 15th, 1923. At one point, Log Cabin Bakery suffered a disastrous fire that demolished the bakery. They were able to continue baking through the generosity of the Casagrande Family, owners of the Humboldt Bakery. They were also able to bake at the Roma Bakery (later the Butternut Bakery) owned by the Pinochi Family.

Log Cabin Bakery moved into the present site in the early 1930's. This site was originally built to house a creamery.

On August 19, 1939, William ''Heine'' Fluhrer and his wife Margaret sold 6/10 interest in Fluhrer's Log Cabin Bakery to F.A. Schoenlen, W.T. Molloy, and Grover Hillman for the sum of $33,786.82. It was incorporated as Fluhrer Bakeries, Inc. Lucien ''Dick'' Koenig was brought in from Klamath Falls, as General Manager of the Eureka facility in 1937. Fluhrer Bakeries, Inc., at the time, consisted of a chain of bakeries including locations in Medford, Klamath Falls, Salem, Portland, Roseburg, Grants Pass, and Walla Walla, Washington.

On August 22, 1948, William ''Heine'' Fluhrer, along with three other State of Oregon Republican Party leaders, was killed in an airplane crash. The Eureka facility was eventually purchased by a group of investors led by Lucien ''Dick'' Koenig, the General Manager.

The Butternut (Roma) Bakery in Eureka was purchased by Fluhrer Bakeries, Inc. from the Pinochi Family on April 6th, 1955 for the sum of Ten ($10.00) and ''other valuable considerations.'' The Butternut, Roma, and Logger Loaf brands as well as the routes, and employees were incorporated into the Fluhrer system.

The Koenig family operated the bakery until 1973, and during their tenure instituted a number of improvements including the shipping building that was completed in 1962. Fluhrer Bakeries started the move to automation in the 1960's with the installation of a ''state-of-the-art'' Baker-Perkins Model 970 Single Lap Oven at the cost of $75,000. Further improvements included cooling conveyors, and other efficient machinery. Fluhrer Bakeries, Inc. was one of the first bakeries to use poly bags; now the industry standard.

As the result of a labor strike that closed down the bakery for 6 months, Fluhrer Bakeries, Inc. was sold to a partnership including Robert A. Dunaway and Darrel Norberry in 1973. Mr. Dunaway, a local attorney, gradually bought out his other partners and presided over the company until his death in 1989. The heirs of Mr. Dunaway sold the assets of the bakery to an investment group in August of 1990.

The current President of Fluhrer Bakeries, Inc. is Mr. Kerry R. Glavich who is a 4th generation Humboldt County native and a 1971 graduate of Eureka High School. Mr. Glavich started at an entry-level position in the production department and has worked for Fluhrer Bakeries, Inc. since 1974.

The Director of Sales and Marketing is Bert Cortez. Bert went through the local school system graduating from Arcata High School in 1976. He has worked for Fluhrer Bakeries, Inc. since 1991 after a 17-year career in the local supermarket business.

Alan Hillyard is the Bakery Operations Manager. He graduated from Del Norte High School in Crescent City in 1971. He has been with Fluhrer Bakeries, Inc. since 1985, starting at an entry-level position and working his way into his present position.

Linda A. Graham serves as the Financial Services Manager. She is a 1976 graduate (Summa Cum Laude) from St. Louis University with a B.S. Degree in Accounting. She has held CPA licenses in the States of Missouri, Washington, and Oregon. She joined Fluhrer Bakeries, Inc. in 1995.

Mr. Speaker, Fluhrer Bakeries is an American success story. Starting out as a small business operated out of a home, it has grown to become a well-respected regional company. As the company enters its second century, I wish it and all its employees continued success.

IN RECOGNITION OF RAY AND PAT MURPHY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to recognize my constituents Ray and Pat Murphy, a very active couple in my community who are celebrating their well-deserved retirement this Saturday, April 25, 1998 at Nativity of Our Lord Church Hall in Chicago.

Decades of dedication and hard work characterize the lives of Ray and Pat Murphy. The mother of two children, John and Margaret,

Pat Murphy is the true example of a hard-working wife and mother. In addition to her work as a volunteer in many political elections and her tireless support of causes that she strongly believes in, Pat also worked for more than 38 years with NAPA-Genuine Parts Company until her retirement three weeks ago, on April 3, 1998.

Ray Murphy deserves recognition for his hard work and dedication to our community. After working for the railroad, the Standard Unit Parts Company, the Checker Cab Company and the City of Chicago, Ray began a 22-year career with the Clerk of the Circuit Court of Cook County that ended on November 19, 1992. Only a month later, Ray took on yet another challenge and started working at the Cook County Sheriff's office, where he stayed until his retirement on February 27, 1998. In addition to his professional accomplishments, Ray is also the President of the Hamburg Athletic Association and is a member of the Irish Fellowship.

Mr. Speaker, it is people like Pat and Ray, hard-working and dedicated community members who make a difference in our lives and constitute the backbone of our society. Their strong family values and commitment to hard work and honest living is what this great country is all about. Their legacy is celebrated today and will certainly continue on with their children John and Margaret and their grandchildren Dennis, Amanda and Patricia.

Today I salute them and their wonderful contributions to their community in the city of Chicago and wish them continued happiness, health and success in their future endeavors. May they continue to pursue their love for travel and embark on many exciting and safe trips to their favorite destinations.

COMMEMORATION OF THE 83RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. HORN. Mr. Speaker, as we near the dawn of a new millennium, many people have begun reviewing the events of the past 1,000 years. In the year 1000, Europe was only just beginning to rise from the Dark Ages, but the advances of the Enlightenment were still centuries away. Life was still brutish and short, marked by random violence and terrible scourges. We like to look at history and see a steady improvement in the condition of mankind. We would prefer to believe that humanity today bears little resemblance to the near-barbarism that marked the last millennial change.

Sadly, as we narrow our focus and look back at the 20th Century, we see that many of the horrors that marked the 10th and 11th Centuries still exist in our world. This century has seen horrors on a scale that even the cruelest leaders of the beginning of this millennium could not have imagined. Tens of millions of people have been savagely murdered in this century. It is more disheartening that many in the present day continue to hide or diminish events of sheer terror.

In our lifetime, we have seen the genocide of Stalin, of Mao, of Hitler, of Pol Pot, and a large number of less known despots.

While the term genocide did not come into common use until after the Nazi-run Holocaust against the Jews, the practice is rooted in the efforts of the Turks to destroy the Armenian people 83 years ago. At that time, the Ottoman Empire began a movement that would ultimately kill more than 1.5 million Armenians and leave deep scars upon those who survived—scars that continue to exist today.

What is so disheartening is that not only did this travesty occur, but today the effort to cover up or diminish this awful event continues. Mankind is capable of forgiveness, but it requires an acknowledgment by the guilty party of that guilt and a desire for contrition. Unfortunately, the Government of Turkey wants to escape its guilt by blaming the Ottomans and has made no effort at contrition. This stands in stark contrast to Germany, which could have tried to shirk its guilt by blaming the Third Reich. It did not. It accepted responsibility for the truth. Turkey should do the same.

Turkey not only denies responsibility for its past action, but has continued efforts to cause hardship in Armenia by blocking U.S. assistance from reaching Armenia and generally trying to obstruct closer relations between the United States and Armenia. Turkey is our ally and has helped further U.S. and European security. It would be unfair to leave this unacknowledged, but it would also be unfair to ignore a serious issue that does affect our mutual relations. By accepting its responsibility, Turkey can help show that while horrible events still take place, mankind has advanced to the point that we acknowledge and atone for such awful actions.

Mr. Speaker, I want to extend my appreciation to the Members of this body who have done so much to prevent the world from forgetting the atrocities of 83 years ago, and to the many Armenian-American organizations throughout the nation—and in particular in California—for their good work on behalf of the Armenian-American community and to foster close ties between the United States of America and Armenia.

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM INTEGRITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. STARK. Mr. Speaker, I am pleased to join today with my California colleagues, Representatives HENRY WAXMAN, GEORGE MILLER, ROBERT MATSUI, ANNA ESHOO and TOM LANTOS; and with Representative SHERROD BROWN, the ranking Democrat on the Commerce Health and Environment Subcommittee, to introduce the State Children's Health Insurance Program Integrity Act of 1998.

This legislation is simply a technical correction to the Children's Health Insurance Program (CHIP) legislation passed by Congress last year—but it is an important technical correction. The bill would protect the integrity of state CHIP programs by eliminating the potential for direct conflict of interest problems caused by a health plan playing dual roles in a state CHIP program. Under this bill, a state would be prohibited from allowing a health plan to simultaneously administer and participate in the state CHIP program.

This legislation was developed in direct response to events that occurred during the Health Care Financing Administration's (HCFA) review and approval process of California's CHIP program (called Healthy Families).

Under California's program, the administrative vendor will perform a wide variety of functions including: providing trained staff on the program's toll free telephone lines, making eligibility determinations and redeterminations, collecting premiums, enrolling and disenrolling members, transmitting enrollment information and updates to participating health plans, administering the annual open enrollment process, and the list goes on and on. These are clearly functions over which a participating health plan has tremendous interest and will certainly attempt to influence in any system.

California's CHIP program design would have permitted a private health plan to serve as both the administrative vendor and a participating health plan. Initially, California did select a private health plan to be the administrative vendor of the CHIP program. That plan would have run the program (and performed all of the above-mentioned functions) while also participating as a health plan option for low-income children.

We firmly believe that a system of such a nature is inherently biased. And, at a time when there are numerous alternatives to selecting a health plan with a financial interest in that market, it is a bias that can be easily avoided.

Our concern regarding California's choice of the administrative vendor was alleviated when the private health plan pulled out of the contract and the State selected a non-health plan entity as the new administrative vendor. We introduce our legislation today to be sure that no other states attempt to develop biased programs.

Our reasoning for the need for such clarifying legislation is reinforced by looking at another provision in the Balanced Budget Act of 1997 (BBA). The BBA allows state Medicaid programs to choose private enrollment brokers to handle the day-to-day enrollment functions of their Medicaid programs. However, in allowing these enrollment brokers, the law clearly stipulates that the enrollment broker be free of any conflicts of interest. Specifically, the law requires that, ''The broker is independent of any such entity and of any health care providers (whether or not any such provider participates in the State plan under this title) that provide coverage of services in the same State in which the broker is conducting enrollment activities.''

Our new legislation would apply the same conflict-of-interest standard that exists in the Medicaid enrollment broker law to the CHIP law.

This is an important bill that would protect the integrity of CHIP programs around the country. And, we look forward to working with our colleagues for passage of the State Children's Health Insurance Program Integrity Act this year.

SALUTE TO EARTH ANGELS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. CLAY. Mr. Speaker, today we commemorate Earth Day—an important occasion that has raised our national consciousness about environmental protection. In celebration of this event, I would like to pay tribute to one of the most committed environmental groups in the United States today, St. Louis' Earth Angels.

The Earth Angels are a very special group of young environmentalists who are dedicated champions of our natural world. A grassroots group, there are now 150 Earth Angels working to preserve and protect the natural environment in our city. Many of the children who become Earth Angels come from homes of limited resources and few privileges. And they are courageously committed to improving their lives by helping to improve the quality of life in our community.

The Earth Angels have adopted a noble mission. They are working to preserve the natural life of our planet. These children have worked thousands of hours recycling garbage, planting trees and raising funds to help protect the environment. They created and recently expanded a Model Prairie Garden at the Delmar Landing Metrolink station and now are hard at work on their third butterfly garden established on a vacant inner city lot.

Over the years, the Earth Angels have received many national awards for their environmental achievements. Today the Earth Angels are receiving a ''Renew America Award'' from the National Awards Council for Environmental Sustainability (NACES), a coalition of 60 national environmental, nonprofit, government and business organizations including the National Audubon Society, Sierra Club, AT&T, National Geographic and the Smithsonian Institution. Later this month, the Earth Angels will receive the National Arbor Day Foundation's Annual Award for 1998 in the category of Environmental Education. And recently St. Louis' Earth Angels received a Giraffe award from the Giraffe Foundation of Washington State—an honor given to those who have ''stuck their necks out'' for the common good.

Mr. Speaker. The Earth Angels are truly among the finest citizens in the city of St. Louis. These children are wise beyond their years and are sure to become tomorrow's leaders. The Earth Angels have the highest respect for the living world. They observe Earth Day every day. The Earth Angels are hard-working achievers who have made many invaluable contributions to the St. Louis community—I am proud to salute these outstanding young people.

TRIBUTE TO LORA LUCKS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Lora Lucks, an outstanding individual who has dedicated her life to public service and education. She will be honored tomorrow evening for her outstanding contributions to the community at the Ninth Annual Scholarship Dinner Dance that will be hosted by the Association of Jewish Professionals, Inc. in New York.

Born and raised in Brooklyn and a graduate of Brooklyn College, Lora Lucks started her teaching career at Mark Twain Junior High School. Thirty one years ago she joined P.S. 48 in the Bronx where she started her supervisory career. For the past 22 years she has served as Principal at P.S. 48 and played a prominent role as a true educational leader.

In addition, Mrs. Lucks has been the Project Director of the Hunts Point Cultural Arts Center for the past 14 years. This after-school program nurtures the artistic talents and fosters a sense of pride and accomplishments in students within the South Bronx Community. Having forged a strong alliance with businesses, organizations, and foundations, Lora has been able to bring much-needed resources to the school and the children of Hunts Point.

Through her years of service she has been given several awards. In 1992 she was honored as the District 8 Supervisor of the year and in 1993 she was the recipient of the Reliance Award for Excellence in Education.

Mrs. Lucks is married and has two sons, Stuart and Robert, one grandson, Arie, and a daughter-in-law, Charlotte. Her husband, Solomon is a retired New York City educator and supervisor. He served as the chairman of the Technology Department at Bayside High School for 27 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Lora Lucks for her outstanding achievements in education and her enduring commitment to the community.

THE PEOPLE OF BAYONNE REMEMBER THE HOLOCAUST

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to thank the people of Bayonne, New Jersey for the commitment they have made to honor the victims of the Holocaust. On May 4, 1998, the Inter-Faith Clergy and the Bayonne Jewish Community Council will sponsor The Holocaust Memorial Observance Program at the City Hall Council Chambers of Bayonne to acknowledge the fifty-second anniversary of the liberation of the concentration camps of Europe at the end of the Second World War.

We must never forget that from 1933 to 1945, more than six million Jews were tortured and killed in the Holocaust.

I bring this event being held in Bayonne to the attention of my colleagues as a reminder that it has become the duty of us all, as citizens of a free and democratic society, to maintain an unwavering vigilance in order to ensure that the horrors of the Holocaust are never repeated. This responsibility is dedicated to the observance of Yom Hasboab, Holocaust Remembrance Day.

By honoring the memory of those slain in the Holocaust and by emphasizing the importance of remaining vigilant against bigotry and tyranny, the people of Bayonne are doing their part to ensure that such atrocities will never again be committed.

VINCENT A. BERGAMO'S OUTSTANDING CONTRIBUTIONS TO HARNESS RACING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GILMAN. Mr. Speaker, it is my honor to announce the well deserved retirement of Vincent A. Bergamo from the New York State Racing and Wagering Board. There will probably never be another individual who has accomplished or meant as much to the sport of Harness Racing as Vincent Bergamo has. Due to Vincent's career of hard work and dedication, harness racing has been improved for the better.

Having had the honor and distinction of working with Vince, I believe he exemplifies all that is great about this sport: he is dedicated, hard working and honest. Mr. Bergamo has served Harness Racing for 40 years and will be sorely missed.

Mr. Bergamo's distinguished career began in 1958 at the Monticello Raceway. However, his love for harness racing began long before. As a native of Goshen, NY, Vince early became acquainted with the sport. As a young man he worked as a stable boy for the Harriman Family and then for five years, while teaching history and math in Middletown NY, he worked summers as a judge at several race tracks. At the age of 23, Vince's love for the sport became a full time commitment, as he became the youngest Presiding Judge in the history of the Saratoga Harness Racing Track.

Throughout his distinguished career Vince fulfilled the presiding judge responsibilities at every track in New York State and at tracks in the state of Florida, Maryland, New Hampshire, and Pennsylvania. Known for being tough, but fair, Vince fostered an environment of true integrity and competitiveness in the sport wherever he went.

As one of its founding members, Mr. Bergamo has been devoted and responsible for saving and preserving the Goshen Historic Track, the oldest existing sporting site in the United States. The Goshen Historic Track was greatly endangered when the Harriman Family relinquished its title after nearly a century of ownership. Vince's exhaustive efforts, purely voluntary, on behalf of the track, directly led to its designation as a Historic Site in the National Register. Today, the men and women who serve on the Goshen Historic Track Board of Directors successfully keep the track alive and well, as a non-profit corporation.

During his illustrious career Mr. Bergamo has been the proud recipient of numerous awards and honors, including: 1994 William Houghton Memorial; 1993 Elected Trustee of the Harness Racing Hall of Fame and Museum; 1992 Presidents Medal of Harness Racing; 1991 National Amateur Lifetime Award; 1987 USHWA Distinguished Service; 1986 Recognized for 25 Years Historic Track with ''Bergamo Day''; 1986 Member of the USHWA; 1971 Founded C.K.G. Billings Series; 1961 Founded the Goshen Matinee Program.

Along with all of his accomplishments, Vincent A. Bergamo is also a family man, who has raised 10 children: 7 sons and 3 daughters. He is a dedicated man, whether it be to

his family or to the sport, and there will never be another quite like him. His years of selfless volunteering have earned him a long and plentiful retirement.

Mr. Speaker I invite my colleagues to join me in saluting a remarkable man on the conclusion of his great career, and in wishing Vince, his wife, and their family many years of good health and happiness in the years ahead.

TRIBUTE TO THE RETIRED SENIOR VOLUNTEER PROGRAM OF HOUSTON AND HENRY COUNTIES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. EVERETT. Mr. Speaker, I wish to bring to the attention of the House a very special group from my congressional district celebrating a milestone of public service to the people of Southeast Alabama.

I am speaking about the Retired Senior Volunteer Program of Houston and Henry Counties in the Alabama Wiregrass region. This month this organization celebrates 25 years of community volunteerism and selfless public service.

Founded locally in 1973, the RSVP provides meaningful volunteer opportunities for people who are retired or semi-retired. During the past quarter century, the RSVP's volunteers have impacted Houston County, Alabama with 2 million hours of service. If you were to convert that to a monetary value, it would exceed $10 million.

Federally funded by the Corporation of National Service and sponsored by the Zonta Club of the Dothan Area Incorporated, the RSVP is making a difference in the lives of many Alabamians. I am very proud to salute the RSVP of Houston and Henry Counties as they commemorate 25 years of helping others. I join all my colleagues in wishing them 25 more productive and beneficial years of community service.

EARTH DAY RECOGNITION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. GEJDENSON. Mr. Speaker, as a former member of 4–H while growing up in eastern Connecticut, I would like to take this opportunity to share with you the results of a recent national poll conducted by 4–H and Honda, which shows the American people are demanding more vigilance from the U.S. government and industry in safeguarding the environment.

According to the EarthView survey released this week, teenagers and baby boomers agree that government and industry are falling short of their environmental obligations and that time is running out to protect the Earth from permanent environmental damage.

Sixty-three percent of teens and 64% of boomers agree that government leaders are not concerned about the future impact of today's environmental problems.

Eighty-two percent of teens and 76% of boomers think government leaders should do more to control pollution from the oil and chemical industries, even if that increases the price of oil.

The American people have rejected the extreme policies of the anti-environmentalists in Congress. In fact, every poll conducted since the 1994 election, which includes questions about the environment, demonstrates the vast majority of the American people support the progress of the past twenty five years. Moreover, a majority of Americans continue to reject the false choice between the environment and economic growth. Public opinion aside, the Republican Party is committed to rolling back important protections which guarantee every American can enjoy a healthy environment. I have opposed these dangerous attacks on the House floor as well as a former member of the Resources Committee.

I remain committed to preserving the fundamental tenets of our most important environmental statutes. While we have made tremendous progress over the last generation, we must remain vigilant. The American people do not believe we have gone too far and that it's time to turn back the clock. We need to continue our efforts to improve water quality to ensure our children will be able to enjoy our precious natural resources like the Quinebaug and Shetucket rivers in eastern Connecticut and Long Island Sound. We must preserve endangered plants and animals for their aesthetic, economic and pharmacological benefits. National standards must be maintained to ensure every American, regardless of where they live, will receive certain basic protections and to guarantee taxpayers in our state do not see their investments rendered meaningless by actions of our neighbors. Finally, changes to major statutes must be fully debate before the American people and not brought about through backdoor tactics.

Finally, I would like to submit for the RECORD an op-ed piece by William Strauss and Neil Howe which appeared in USA Today regarding this survey. Be assured that I will continue to fight to preserve, and further, the gains of the past twenty-five years and I hope you will join me in the fight.

GRANDPA SURE WOULD LIKE THIS EARTH DAY

(By William Strauss and Neil Howe)

The original Earth Day, April 22, 1970, took place when the fabled ''generation gap'' between young boomers and their middle-age parents was at its widest. Back then, eco-activists openly loathed the pro-construction mind-set of the dominant ''can-do'' G.I. generation.

The times, they are (again) a-changin'. A new generational wave is about to break over the environmental movement as the boomers' own ''can-do'' kids come of age, according to a new poll.

ENTER THE 'MILLENNIALS'

Today's teens are the front ranks of the Millennial Generation, 1980s babies who are now populating American middle and high schools. Whereas their boomer parents were better talkers than doers, these Millennial kids are doers first, the poll says.

Millennials are no more like Generation X than inner-driven Xers were like boomers. Through the 1980s and early '90s, Gen X teens commonly viewed Earth Day not as boomer-style ''eco-awareness,'' but rather as an occasion to do something personal, local and manageable. They'd recycle, pick up litter or tidy up a park. All that was useful, but it narrowed the crusading spirit of the original Earth-Day activism.

Earth View, a new poll conducted by the National 4–H Council and Honda, compares the environmental views of 1,000 American teen-agers ages 13–18 with those of 1,000 of their parents, now in their 40s and early 50s. The poll reveals that the ''eco-awareness'' of Earth Days gone by soon may be supplanted by ''eco-action.''

Consider this. Three out of five boomer parents believe their own generation cares more about the environment than their kids do. Talking isn't doing, though. Millennials agree that their parents' generation cares as much about the environment as they do. but they see their own generation as far more inclined to take concrete action.

Where boomer parents are somewhat more likely than their kids to have donated to eco-causes or to have boycotted polluters' products, more Millenials have actually cleaned up or measured pollution, the poll shows.

Today's teens are more willing than their parents—or than teens a decade ago—to dig into their pockets. Seven in 10 say they would support shelling out 50 cents more per gallon for gasoline to make the air cleaner. Nearly eight in 10 would pay 50 cents more per compact disc to fund plastic-recycling programs.

Where the Earth Days of the '70s reflected a distrust of technology—recall the burying of automobiles—the Earth Days of the next century are likely to celebrate it. Aging boomers and Millennials overwhelmingly agree that technology can play a major role in safeguarding the planet.

ACTIVISM REVIVED

More than their parents, today's teens feel an urgency about the environment. Yet the Earth View poll also shows them to be more optimistic that they can do something about it. Fully 86% believe that it's their generation—and only 9% believe that it's boomers—whose actions today will matter most in 20 or 25 years.

If current trends continue, eco-activism early in the next century could become a modern version of what it was in the 1930s. That's when uninformed workers from the Civilian Conservation Corps cut trails, planted trees, and built enormous flood-control and power-generation edifices.

And who were those civic doers whose attitudes remind us of today's teens? The same G.I. Generation that won World War II—and then came home to create suburbia and give birth to the boomers.

The boomers' own environmental visions may be achieved by their children, whose attitudes resemble the boomers' parents. Yet it's the G.I. generation's grand constructions that the original Earth Day activists so often condemned. How ironic.

Neil Howe and William Strauss are co-authors of Generations, 13th-Gen and The Fourth Turning.

A TRIBUTE TO ST. JOHN'S UNIVERSITY CHAPTER OF SIGMA DELTA PI

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to epsilon Kappa. St. John's University's Chapter of sigma Delta Pi, the National Collegiate Hispanic Society which, for seventy-seven years has been promoting Hispanic culture and language in the United

States. In light of the act that we are honoring Hispanic heritage and culture, I am choosing to make this tribute in my native language Spanish.

Hace exactamente setenta y siete años en Berkeley, California, se creó una asociación honoraria para reunir estudiantes universitarios sobresalientes en literatura y cultura tanto española como hispanoamericana para formar parte de esta cofradía dedicada a promover el pasado y presente glorioso del mundo hispánico: lo español, lo indígena y lo africano. A partir de ese momento, su propósito ha sido preparar nuevas generaciones para que se sientan orgullosas de sus raíces e iniciar a estudiantes de otras culturas a apreciar lo maravilloso de lo nuestro.

Es muy importante tomar en consideración los ataques en contra de comunidades étnicas como la nuestra, que quieren preservar su identidad a través del lenguaje y cultura. Me estoy refiriendo a la legislación que comunmente es reconocida como ''English Only'', que fue presentada en la Cámara de este Congreso para establecer el inglés como idioma oficial de este país. Si esta legislación hubiese sido aprobada, nos habría prohibido hablar nuestra lengua en esta Cámara de Representantes o en cualquier sitio público. Es importante que organizaciones como Sigma Delta Pi continúen con su esfuerzo en preservar la cultura hispana y, de esta manera, complementen a la cultura general de este país.

Successful organizations like this cannot promote themselves alone. They need the guidance and vision of talented leaders like Professor Marie-Lise Gazarían-Gautier, a renovate scholar in literature at St. John's University, Coordinator of the Graduate Spanish Program and Moderator of Epsilon Kappa. St. John's Chapter of Sigma Delta Pi. Dr. Gazarían is affiliate with universities in Paris-France, Moscow-Russia, and Santiago the 1945 Chilean Nobel Prize Laureate. She is also author of several books, among them: ''Gabriela Mistral: La maestra de Elqui''. In addition, she serves as Foreign Correspondent for several literary journals abroad and has hosted a nationwide series on ''Contemporary Hispanic Fiction'' produced by WCBS–TV and St. John's Television Center. In 1996 she was appointed Judge of the Selection Committee for the Poet Laureate from Queens. She currently serves as Vice President for the Northeast of Sigma Delta Pi.

Mr. Speaker, I ask my colleagues to rise with me today in honor of the seventy-seventh anniversary of Sigma Delta Pi and the invaluable contribution its chapters are making throughout the Hispanic Culture and society throughout the United States. We wish Sigma Delta Pi continued success and recognize St. John's University's Chapter, Epsilon Kappa, for its outstanding work in promoting Hispanic culture in America.

HONORING MISS ERNA ELDER ON HER RETIREMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize a great teacher, Miss Erna Elder, on her retirement from St. Mark's Lutheran School in Steeleville, Illinois.

She has shared her many talents with her community for the past 42 years. Miss Elder joined the St. Mark's staff in the fall of 1957 and taught both the first and second grade classes. For twenty-four of the past forty-two years she also served as the school's secretary during the summer months. In 1979, Miss Elder also served as the Secretary-Treasurer of the Southern Illinois District Teacher's Conference. During the 1986 school term she served as the acting Principal.

Miss Elder served St. Mark's in many other capacities over the years, such as Walther League Counselor, basketball scorekeeper and several committees benefiting the St. Mark's community. She has also had the pleasure of watching St. Mark's grow from having just five class room teachers for grades 1–8 to eleven teachers for Pre-Kindergarten through grade 8.

Miss Elder is an alumnus of St. Mark's having attended grades 4–8. She is a graduate of Sparta High School. From there she went on to receive a Bachelor of Science Degree in Education from Southern Illinois University in Carbondale where she majored in Elementary Education.

In 1992, Miss Elder received the honor of being named to Who's Who Among America's Teachers. Over the years, Miss Elder has taught 846 students. As the first grade teacher for the majority of her 42 years of dedicated service to St. Marks she has influenced many young lives.

I ask my colleagues to please join me in congratulating Miss Erna Elder on her retirement after many devoted years of service to the children of St. Marks and the entire community.

TAX LIMITATION AMENDMENT APRIL 22, 1998

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. PACKARD. Mr. Speaker, today we will have the opportunity to vote on a piece of legislation which will make it more difficult for the government to raise taxes. The Tax Limitation Amendment is good for American taxpayers because, ultimately, it will allow hard-earned wages to stay where they belong—in the hands of those who earn them.

If this amendment to the Constitution is passed, a two-thirds majority vote of the House and Senate will be necessary before any tax increase is imposed on the American public. Mr. Speaker, isn't this exactly what our forefathers intended when they included the concept of ''no taxation without representation'' in the Declaration of Independence?

Fourteen states already require a supermajority in order for their state legislatures to raise taxes. These states have proved that tax limitation does work—when taxes are limited, big government spending remains low and economies and the job base flourish.

Tax limitation already exists in the House of Representatives, but only through the end of this Congress. Let's preserve this statute, which works for government and works for taxpayers. Mr. Speaker, I urge my colleagues to listen to the American public, to regulate taxes and to support the Tax Limitation Amendment.

WORKING TOWARD ECONOMIC SELF DETERMINATION: A NEW AGENDA FOR AFRICA

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. KILPATRICK. Mr. Speaker, I rise today to inform my colleagues and concerned citizens of an important event taking place in the 15th Congressional District of Michigan. On Friday, April 24, 1998, I will join the Constituency for Africa, Africa World Expo Inc. and the Detroit Minority Business Opportunity Committee in hosting ''A New Agenda for Africa: Augmenting Business Opportunities with Africa,'' a conference designed to help build successful trading partnerships between small and medium-sized American businesses and Africa. The conference, to be held in Detroit, Michigan, follows two monumental events in the history of this country's relationship with Africa: this body's passage of the Africa Growth and Opportunity Act and President Clinton's groundbreaking visit to six African nations.

On March 11, 1998, Congress voted 233 to 186 to support the African Growth and Opportunity Act. This bill sets forth a much-needed new U.S. economic and trade policy toward the countries of sub-Saharan Africa, encourages closer economic cooperation with this region, and supports debt reduction for the poorest African countries. This legislation was developed on a bi-partisan basis with the 48 Presidents and ambassadors of the sub-Saharan African nations themselves. Last December, I had the honor and privilege of participating in a Presidential mission on economic cooperation to six countries in sub-Saharan Africa. This bill complements, rather than supplants, continued, effective aid to Africa. Aid to Africa has been cut by 25 percent; the passage of this bill is but beginning toward establishing economic self-determination and self-sufficiency for sub-Saharan Africa.

The conference will feature a number of experts on African trade issues, and will spotlight American business operators who have successful ventures in sub-Saharan Africa. Conference participants will hear first-hand accounts of the trade environment in sub-Saharan Africa from Mamadou Seck, Senegalese Ambassador to the United States; Koby Koomson, Ghanaian Ambassador to the United States; Mr. Banji Milambo, an economist with the Republic of Zambia; The Honorable Ackim Nkole, Deputy Minister of the Republic of Zambia, Dr. Ng'andu Bwalya, Director General of the Zambia Investment Center and Mr. Gerry Munyama, commercial officer for Namibia. It is my honor and privilege that these ambassadors and experts have taken the time to educate all Americans about trade and business opportunities in Africa.

I warmly welcome these and all of the participants for this important conference and encourage American business owners to consider Africa as they enter our increasingly-global economy. I thank the Speaker for allowing me to enter these remarks in the CONGRESSIONAL RECORD.

MAKING FISCALLY RESPONSIBLE POLICY PERMANENT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KOLBE. Mr. Speaker, for years, in scores of town hall meetings I have conducted throughout my district, an overwhelming majority of my constituents have told me consistently that balancing the federal budget and making our tax system fairer rank among their top priorities.

That's why I am so pleased that this year, for the first time in a generation, we will achieve a balanced budget. Indeed, the Congressional Budget Office, is now actually projecting a surplus by year-end. This is great news. But what's to guarantee that Congress, in future years, will continue to maintain fiscal discipline and live within its means? What's to prevent Congress from returning to the ruinous tax-and-spend policies of the past?

Today, the House will vote on the Tax Limitation Amendment. I am proud to be a cosponsor of this important, bipartisan resolution, which would make it unconstitutional for Congress to raise taxes without first achieving a two-thirds supermajority vote in both Houses.

According to a poll conducted just last month, a supermajority of the American taxpayers supports a supermajority requirement for Congress to raise taxes. And just last week, when I spoke to the Tucson Metropolitan Chamber of Commerce, my assertion that Congress should vote to impose this restriction on itself drew loud applause.

Legislatures in fourteen states, including my home state of Arizona, have already instituted this fiscally responsible provision. And the evidence is clear that tax limitation amendments work. Studies have shown that states with this supermajority provision have not only reduced the growth of taxes and spending, but also increased economic growth and employment, compared to states that have no tax limitation provision.

The Tax Limitation Amendment would enshrine the principle of tax limitation, and the supermajority requirement, in permanent law, while providing the right mix of discipline and flexibility for Congress. It would make it much more difficult for Congress to increase discretionary spending without undermining its authority to deal with legitimate economic and military emergencies.

The House of Representatives already is on record for tax limitation. House rules now require a supermajority vote is increase income taxes. But this only applies to the House, and—because it is only a rule, not a law—it is only for this Congress. There is no guarantee that future Congresses will adopt similar rules. To make tax limitation permanent, we must pass this amendment.

IN RECOGNITION OF THE CARIBBEAN AMERICAN CHAMBER OF COMMERCE AND INDUSTRY'S 13TH ANNUAL ENTREPRENEURS OF THE YEAR AWARDS GALA

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. OWENS. Mr. Speaker, I rise today to honor the Caribbean American Chamber of Commerce and Industry, Inc. (CACCI) and the honorees of the 13th Annual Entrepreneur of the Year Awards Gala. The special event will be held in Brooklyn, New York on April 23rd, 1998. Mr. Roy Hastick, Sr., President and CEO of the Caribbean American Chamber of Commerce and Industry, Inc.; Mr. John Imperiale, Dinner Chairman; Mr. Richard Jackson, Chairman of the Board for the Chamber; and other organizers of the event have tirelessly dedicated themselves to developing an event that will celebrate the accomplishments of a few outstanding entrepreneurs in New York City.

The CACCI is a statewide, not-for-profit organization incorporated in the State of New York in 1985 to promote economic development among Caribbean-American/African-American and other minority entrepreneurs. During the many years of dedicated service to the business community, the Chamber of Commerce, Inc. has aggressively and compassionately pursued opportunities to ensure the survival of Caribbean/African American and other minority entrepreneurs. The Chamber's contributions to the economic development have increased their level of influence in today's competitive business climate.

Over the past several years, the Caribbean American Chamber of Commerce and Industry, Inc. has received numerous awards for its strong advocacy role. In 1998, the Chamber of Commerce was awarded the National, New York State, and New York City Small Business Advocate of the Year awards. More recently, the Chamber received the Martin Luther King Jr. Humanitarian Award, the Ronald H. Brown Business Service Award, the U.S. Small Business Administration Award for Distinguished Service, and the New York State Federation of Hispanic Chamber of Commerce ''Chamber of the Year Award.''

I salute the fifteen honorees who have made significant achievements in their respective professions and who deserve recognition for their devotion to our Caribbean-American/African American community. The individuals that will be honored at the special event include the following: Denzel Bacchus, President of Exotic Caribbean Products; Clifford P. Charles & Kenneth A. Charles of Charles and Charles Certified Public Accountants; Grace Claxton-Johnson, President of Johnson Home Care Services, Inc.; Julia Lystra Collis, Owner, President and CEO of Aristocrat Manor; Ricot Duputy, President of Radio Solliel D'Haiti; Rosner Jean George, President of Irvington Manor Catering Hall; Dick Gidron, CEO/Founder of Dick Gidron Ford; Herman Hall, Publisher of *Everybody's Magazine;* Lowell Hawthorne, President of Golden Krust Bakeries, Inc.; Daniel Passrello, General Manager of Kings Plaza Shopping Mall; Balfour Peart, Manager of Worldwide Sales; Ellis Watson, President of ETS Air Shuttle; Zamal Sanker, CEO of Caribbean Daylight; and Josephine Infanti, Executive Director of Hunts Point Local Development Corporation.

The honorees of this year's awards dinner represent national and international models for the promotion of economic opportunity and leadership in the business community. They have displayed a level of determination and commitment to economic development that must serve as a source of inspiration in other cities. These community leaders represent an unwavering commitment to job creation by recognizing the positive impact that equal opportunity in employment has on the quality of life for many residents of the city and the State of New York. It is these unique and special qualities as individuals and business professionals that warrant their recognition. I am proud to be involved with such an accomplished group of individuals. I am certain that my colleagues will join me in honoring these remarkable individuals.

I commend the Caribbean American Chamber of Commerce and Industry, Inc. mission to ensure diversity in the American business sector. I further commend the Chamber for their impressive showcase of professional excellence. Mr. Hastick, Mr. Imperiale, and Mr. Jackson have committed their lives to developing closer political and economic ties between persons in New York and in other nations. I look forward to broadening and deepening my friendship with the Caribbean American Chamber of Commerce and Industry, Inc. in the years ahead for the benefit of the people of Brooklyn and New York.

TRIBUTE TO CHIEF GARY JOHANSEN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Ms. HARMAN. Mr. Speaker, I rise today to recognize Police Chief Gary E. Johansen on his retirement from the Palos Verdes Estates, California, Police Department after ten years of dedicated service.

Gary joined the Pleasanton, California, Police Department in 1977 after a career as a high school instructor. His experience as a teacher greatly enhanced his law enforcement career and the communities he served. He was active in teaching in the fields of traffic accident investigation and drug enforcement. He was a patrolman, motor officer, sergeant in patrol and training, lieutenant in patrol and administration and captain in managing the investigation's division.

In 1988, Gary was appointed Chief of Police in the City of Palos Verdes Estates. During his tenure he guided the Department through difficult financial times while improving both training and equipment. He established the DARE Anti-drug program in local schools, oversaw installation of Computer Aided Dispatch, reduced response time on police calls, increased the number of Neighborhood Watch Groups, and worked on community outreach to resolve local conflicts in schools or among residents.

Chief Johnson has continued to teach in both school and police environments. He holds a Bachelor and Masters Degree from California State University in Fresno, is a

graduate of the POST Command College and holds an Executive Certificate from California Peace Officers Standards and Training.

My close friendship with Chief Johansen began in tragedy. He provided strength and courage to his officers, staff and families after a masked gunman charged into a hotel room during a training session and murdered two of his officers. His example helped sustain a shocked and grieving community. Gary's retirement to his home in Bend, Oregon, will leave a grateful community in his debt.

IN RECOGNITION OF EARTH DAY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. KIND. Mr. Speaker, today, we celebrate Earth Day. From its humble grass-roots beginning, Earth Day has grown to an international event. Events are planned in all 50 states and in the continents of Africa, Asia, Europe and North and South America.

Proudly, my home state of Wisconsin can claim some credit for this worthwhile event. Former Governor, U.S. Senator and Earth Day founder Gaylord Nelson championed environmental issues during his 18 years in Washington. Of all Senator Nelson achievements, he will always be remembered for his progressive environmental record.

In 1963, Senator Nelson urged then-President John F. Kennedy to give national visibility to the importance of protecting the environment by taking a nationwide conservation tour. At every stop he would spell out, in dramatic fashion, the serious and deteriorating condition of our environment and discuss a comprehensive agenda to begin to address the problem. No President had ever made such a tour. While Earth Day was still seven years off, President Kennedy's conservation tour awoke the nation's attention to this issue.

After 28 years, Senator Nelson and other environmental advocates of his day may be proud of what Earth Day has grown to become. Since the first Earth Day celebration, this country has passed a number of important environmental measures—the Clean Air Act, the Clean Water Act, the Endangered Species Act, Conservation Reserve Program to name just a few. Thousands of acres of wetlands have also been restored and nearly extinct species have been saved. Wisconsin can clearly see the positive effect of these important laws every time we enjoy the beauty of the Mississippi River and its tributaries.

As a nation and a world, we must not rest on our past achievements. In the next 35 years, America's population is expected to grow from approximately 266 million people to nearly 350 million. This growth brings development which may encroach upon many of the environmental accomplishments we have attained. With new found freedom and economic prosperity, many other nations of the world also project increased populations and environmental concerns as their industrial bases expand.

As members of Congress, we have a responsibility to ensure the protection of our environmental resources. I urge all my colleagues, Democrats and Republicans alike, to remember the efforts of Senator Nelson and others of his generation by joining me in passing legislation that protects the nation's and world's natural resources.

HONORING THE 150TH ANNIVERSARY OF THE ILLINOIS & MICHIGAN CANAL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WELLER. Mr. Speaker, I rise today to honor the 150th Anniversary of the Illinois & Michigan Canal. At its 150th birthday, the I&M Canal is one of the best-kept secrets of American history. In 1848, when the I&M Canal connected the Great Lakes and the Mississippi, it created a water highway between New York harbor and the Gulf of Mexico. The Canal opened the floodgates to an influx of new commodities, new people, and new ideas. The I&M, and the railroad and highway lines that soon paralleled its connection between Chicago and LaSalle, became the great passageway to the American West. At a stroke, the opening of the I&M Canal gave Illinois the key to mastery of the American mid-continent.

The dream of the canal had animated every vision and underlaid every plan for Illinois for 200 years before. As it was being built, the Canal's commissioners laid out a canal port called Chicago that would grow into a great metropolis. Creative Illinois investors patented new agricultural and industrial machines that would make this the richest economic zone the world had ever seen. That people from all over the world flocked to the region, lending their intelligence and their muscle to building the most populous inland American state, and Chicago the greatest city of the American heartland, is directly traceable to the 97-mile canal that linked the Great Lakes to the Illinois and Mississippi rivers.

The Illinois & Michigan Canal did not do the whole job by itself. But it started the ball rolling. In the wake of the canal, Chicago got its first street plan, attracted its first generation of merchants, created its board of trade and system of commodities trading. The railroads would complete the work, but only on the basis of what was pioneered by the canal.

In 1984, Congress recognized the I&M Canal's historic significance and future potential by designating the nations' first Heritage Corridor. Private citizens, business and government leaders are cooperating in unprecedented park, trail, and historic preservation projects. After years of economic decline, the newly revitalized Canal Corridor is now becoming a splendid living history museum of American enterprise, technological invention, ethnic diversity, and cultural creativity. The I&M Canal's mix of open space conservation, historic preservation and economic development is fast becoming a national model for regional planning and tourism promotion. The heritage of the I&M Canal is becoming a catalyst for Northern Illinois' future economic health and an inspiration for future generations.

A HISTORIC DAY FOR THE CITY OF MILWAUKEE AND ITS THOUSANDS OF IRISH-AMERICAN RESIDENTS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to take a moment to recognize a historic day for the city of Milwaukee and its thousands of Irish-American residents.

Tomorrow, April 23, several officials who negotiated the ground-breaking Northern Ireland peace accord will be in the Common Council Room at Milwaukee's City Hall. The news conference is a precursor to the officials' participation in the ninth annual University of Wisconsin-Milwaukee George F. Kennan Forum in International Affairs. This year's forum, entitled ''Prospects for Peace in Northern Ireland,'' was arranged long before the peace talks reported progress this spring and culminated in the Good Friday Agreement peace accords announced on April 10.

The officials attending the UWM Forum on International Affairs include: W. David Trimble, leader of the Ulster Unionist Party; Anthony Cary, counsellor political at the British Embassy in Washington, D.C.; and Irish Consul General Frank Sheridan of Chicago. Other confirmed speakers include Bronagh Hinds, of the Northern Ireland Women's Coalition of Belfast; Mitchell McLaughlin, Head, Island Wide Sinn Fein Organization of Belfast; Bridd Rodgers, Chairperson of the SDLP Negotiations Team.

The Good Friday Agreement ended twenty-one months of grueling talks and tense negotiations and one last 32-hour marathon session between Northern Ireland's political leaders. The settlement plan offers a hope for peace among sectarian groups that have waged a war of terrorism against each other for nearly thirty years.

Under the settlement plan, self-rule would be restored to Northern Ireland for the first time in 26 years and new institutions would be created to provide the minority Catholics with a greater voice and to meet the majority Protestant wishes that Northern Ireland remain a part of Britain. The settlement plan also calls for the strengthening of relations between Northern Ireland and the Irish Republic.

Although some factions have voiced opposition to the settlement plan, the hope for peace continues to grow as the May 22 referendum date approaches. On that day, the people of both Northern Ireland and the Republic of Ireland will have the opportunity to vote for peace.

I think President Clinton said it best when he said ''After a thirty year winter of sectarian violence, Northern Ireland today has the promise of a springtime of peace.''

Milwaukee has long participated in the practice of healing and developing understanding among Irish youth. Since 1980, Milwaukee area families have participated in The Ulster Project, which brings Catholic and Protestant teen-agers between 14 and 16 years of age, at no cost, to the United States to live with Catholic and Protestant families with children of the same age. The Belfast teens, nominated by church and school officials in Northern Ireland, are selected for participation

based on leadership potential. The American teens and their families are recruited, screened, and selected based on their willingness and ability to accommodate the addition of another teenager to their household for the one-month long project.

The Ulster Project is important because it teaches young people the skills of conflict resolution in an environment far from the politically charged atmosphere of Northern Ireland. The teens participate in an intensely programmed and professionally supervised month of educational, ecumenically spiritual and social activities that promote interaction and reflection. The teens are also required to perform weekly community service tasks and are allowed time to have fun with the new friends they make from both America and their homeland.

The Ulster Project provides the teens with an alternative to the ''them against us'' mind set that has permeated the politics of Northern Ireland for thirty years and that, until recently, had prevented reason from prevailing in the peace talks. The Ulster Project teaches a ''them and us'' approach of inclusion and discussion and resolution. Teens returning to Northern Ireland after participating in the Ulster Project have been able to view the conflict in a different light and change their perceptions of Catholics or Protestants. The Ulster Project has become a real and effective factor in turning young people away from continuing the conflict and towards working for peace.

There are many more Ulster Projects across the United States that have provided the same opportunities to teenagers from Northern Ireland. The American people have deliberately gotten involved in the effort to restore peace to all of Ireland and their efforts have paid off. President Clinton also recognized the importance of peace in Northern Ireland and devoted the resources of his administration to working to resolve the conflict in Northern Ireland and he has been credited with keeping the talks going which lead to the peace settlement.

The Milwaukee community is obviously excited to host the key players from the Northern Ireland peace talks. And, to finally see the prospect of peace manifested in the peace agreement is an accomplishment in which the Irish in Milwaukee, and around the nation, can surely take pride.

A TRIBUTE TO THE COLORADO EMS FOUNDATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate the 350th anniversary of the American fire service, a history steeped in tradition about individuals risking their own lives to save the lives of others. As Chairman of the Congressional Fire Services Caucus, I applaud the work of individuals and organizations, both past and present, who have preserved our communities and protected them against the threat of fire and other dangers.

Protecting communities against fire exacts a toll on fire departments, whether they are paid or volunteer. We, as private citizens, should feel a sense of duty to help our first responders be properly trained and equipped to perform their work. For 350 years, they have responded to our calls without failure. As fire protection becomes a more expensive undertaking, the need for additional community support becomes more imperative.

This goes beyond public financing. The private sector can play a major role in augmenting local government efforts. Recently, I learned of an organization in the state of Colorado that awards grants and other types of aid to improve the readiness of first responders. Since its inception in 1996, the Colorado EMS Foundation has awarded hundreds of thousands of dollars to Colorado-based fire departments and EMS providers, allowing them to purchase state of the art equipment that will help save lives and reduce property damages caused by fires.

The Colorado EMS Foundation is primarily funded by one family, the Dixons. They are private citizens committed to a safer Colorado. The Executive Director of the Foundation, Robert W. Dixon, is a paramedic and former volunteer firefighter. His experiences exposed the Dixon family to the problems many fire departments face regarding inadequate equipment, instilling in them a desire to help our domestic defenders. When I hear of stories about private sector initiatives supporting first responders, I want them to be heard by others.

I commend the Dixon family for their efforts in Colorado. I hope that others across the country hear of their work and follow their lead. The American fire and EMS services need more people like the Dixons, individuals who realize the challenges facing emergency responders and who are willing to take it upon themselves to make a difference and come to their aid.

TRIBUTE TO LAUREL ELEMENTARY SCHOOL FIFTH GRADE STUDENTS AND TEACHERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Laurel Elementary School fifth grade students and their teachers. Recently, I was invited to be a guest reader at the school's Read-Aloud Day, an all-volunteer effort to demonstrate to children the importance of reading. My time with the students was very rewarding and one of my favorite experiences as a Congressman.

Laurel Elementary School, whose motto is, ''Learning Together for a Better Tomorrow,'' opened its current building in 1993, retaining the original school's name which was on Laurel Street. The staff is committed to and accepts the responsibility for providing a comprehensive academic experience which challenges all students. The staff and community work collaboratively to provide a safe and nurturing learning environment. They are determined that all students will learn essential skills to become successful, lifelong learners.

The ability to read is one of the most critical keys to a person's success and happiness, so I am pleased that Laurel Elementary School is fostering a love of reading. As the son of two public school teachers and the father of four children, I greatly value quality public education. It is my goal for all children to obtain the background knowledge necessary to achieve mature literacy and succeed.

The Fort Collins Read-Aloud Day has been held for the last eight years and is organized to promote community awareness of the importance of reading. This year, more than 100 volunteers are giving their time to local schools. I am honored to have been invited to participate at Laurel Elementary School.

CONGRATULATING THE STATE OF ISRAEL ON ITS 50TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mrs. MORELLA. Mr. Speaker, I am pleased to take this opportunity to congratulate the State of Israel and all of the people of Israel as they celebrate the 50th anniversary of their nation's independence.

The desire of the Jewish people to establish an independent modern State of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the City of Jerusalem and in the land of Israel, and was finally realized with the assistance of the world community following the slaughter of six million European Jews during the Holocaust.

The people of Israel rightly take great pride in having rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, terrorism, international ostracism, and economic boycotts. Furthermore, under these difficult circumstances, the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free, fair and open elections, the rule of law, and other democratic principles and practices.

Because of our shared experience in building new nations and recognizing the fundamental liberties of our people, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect. In addition, the American people have shared an affinity with the people of Israel and regard Israel as a trusted ally and an important strategic partner.

I extend my warmest congratulations and best wishes to the State of Israel and her people for a peaceful, prosperous, and successful future.

FAUQUIER COUNTY HONORS SENIOR VOLUNTEERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. WOLF. Mr. Speaker, this Saturday, April 25, will be a special day in Fauquier County in the 10th District of Virginia. A very special

volunteer recognition luncheon will be held at Fauquier High School in Warrenton sponsored by the Board of Supervisors of Fauquier County.

That event will conclude the county's National Volunteer Week activities in two special ways. First, and most importantly, it will honor more than 30 very dedicated senior citizens who have given selfishly of their time and energy for many years to help make their community a better place in which to live. Second, it will be the first county-wide recognition event to be cosponsored by the community-at-large and the newly established County Volunteer and Information Assistance Center.

Mr. Speaker, what is so wonderful about this recognition is that the citizen volunteers who will be honored are 80 years of age or older, and many are still very active volunteers. They support the Hospital Auxiliary, the Red Cross, and the Senior Center. Their services have ranged from helping to provide food and clothing, to supporting blood donation drives, to tutoring and mentoring, to visiting and helping the sick and shut-ins. They are people who have contributed in so many ways to creating the wholesome, caring, and sharing community the citizens of Fauquier County enjoy.

I know our colleagues would join in saluting these extraordinary people and thanking them for their spirit of volunteerism. They have shown us that helping neighbors by volunteer efforts knows no age barrier. They are folks who continue to be an inspiration and example for all to follow.

We join in honoring the following senior volunteers: Virginia T. Allison, Ethel Bailey, Hazel Bell, Ruth H. Brittle, Florence Mabel Cooper, Mary E. Culver, Everett Danley, Addie V. Desantis, F. Byrd Greene, Isabelle H. Hilleary, DeNiece O. Johnson, Viola F. Latham, Alice M. Mann, Grace Miller, Ann C. Nelson, Blanche C. O'Connell, Mary H. O'Shaughnessy, Andrew C. Parrish, Lewis A. Payne, Luther R. Payne, Alice Pullen, Mattie F. Rector, Annie R. Rogers, Alyce G. Russell, Dorothy V. Rust, Refa M. Ryan, Anne Brooke Smith, Lawrence W. Sudduth, Nina P. Thorpe, Helen Warren, Barbara E. Waterman, Elsie C. Woodzell, and John Zirnheld.

BOSNIA

SPEECH OF

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. MURTHA. Mr. Speaker, I include the following speech by retired General George Joulwan, who was Supreme Allied Commander in Europe from 1993–1997 and the overall commander for NATO's forces in Bosnia.

This is one of the best assessments of the situation there that I have heard.

What a great introduction! Thanks. And though I do not need to tell this group, you are indeed fortunate to be represented in Washington by Congressman Jack Murtha. Not only is he devoted to his district in western Pennsylvania, but he is absolutely dedicated to the security of our Nation. In my 7 years as a CINC, as commander-in-chief of US forces in both Central and South America and in Europe, Middle East and Africa—no other Member of Congress was more supportive than Jack Murtha. He cares deeply about this country and he cares deeply for the young men and women who wear the uniform of our country. I want to thank him personally for his support—and on behalf of the millions of troops I was privileged to command.

Let me also say a special word about Mrs. Murtha. She, too, cares about both Country and Community. Her dedication to the Girl Scouts of America here in Johnstown is indicative of her concern for the youth and future leaders of our Country. Thank you—for your interest, commitment, and concern. I might add that another reason I am here is that I am the father of three daughters—all three were in the Girl Scouts. And that included girl scout troops when we were stationed in Europe. The Girl Scout experience instilled poise, self esteem and character into my daughters. It was a wonderful foundation on which to build as one matures. All three are graduated from college—Penn State, I might add—and all three are married. And I have two granddaughters who soon also will be girl scouts. So it is indeed a pleasure to be here.

So I am pleased to be here with people who truly care about young children and our country. And I thank you for all you are doing. And it is in that spirit that I want to talk to you tonight. As a former Supreme Allied Commander in Europe and as a father and grandfather.

My purpose tonight is to discuss a true success story for the United States and Europe—Bosnia. Bosnia is important to the United States and to NATO and the world because it symbolizes a new era in preventive defense—that is to prevent conflict rather than to fight a war. And that concept is important to you here in Johnstown who suffered more from casualties in the Gulf War than any other district in America. Bosnia is also important because even though American leadership is crucial, Europeans are providing the bulk of the troops—to include Russia. And Bosnia is important because with success in Bosnia a new security arrangement is possible for Europe. A security arrangement for the 21st Century built on democratization and free enterprise; on mutual trust and confidence and on freedom, justice and liberty. This is what General Marshall envisioned in the Marshall Plan of 1947. 50 years later we have the opportunity to realize Marshall's dream. That's why we must get it right in Bosnia. And the main message I want to leave with you is the absolute need for clarity of mission and purpose by our political authorities anytime we commit young American men and women in harm's way. And as we are on the verge of a new phase in Bosnia, my purpose this evening is to share with you my thoughts on the way ahead.

I will do so as one who was closely involved with the Dayton Accords and as one who was overall responsible for the NATO and military operations in Bosnia. As one who strongly believes in the importance of US leadership and involvement in not only fighting and winning our nation's wars but being proactive in preventing deadly conflict. And as one who sees a genuine opportunity for peace, stability, and a better life for all the people of Bosnia. To achieve this stability we along with our NATO allies and partners have taken risks for peace in Bosnia—and continue to do so today.

It is interesting that as we meet tonight, planners from 36 countries are meeting at my former headquarters in Mons Belgium to determine the force structure for the next phase. I started this process nearly three years ago and it works. Indeed European forces will comprise nearly 80% of the new force for SFOR after June of this year. And U.S. forces will drop from 8,500 to about 6,000. But the issue that still needs to be answered is ''to do what?''

When the President agreed to keep American troops in Bosnia beyond June of 1998, he did so ''in principle'' pending clarity on the missions to be assigned to the follow-on force. The President was right to do so. As the vanguard of NATO, U.S. troops are essential to the consolidation of the gains that have been made since Dayton and to the nurturing of peace and stability in the Balkans. It is doubtful whether the peace will hold without the presence of outside military forces. Now the President needs to assure the American people, Congress, and, more important, the troops, that the mission and tasks to be performed after June are spelled out before the final decision is made to keep American forces on the ground in Bosnia. Not to do so can result in failure and unwanted casualties.

As one who had the responsibility for providing military advice on the implementation force (IFOR) and the stabilization force (SFOR) to the President as well as the 16 nations of NATO, I suggest that a comprehensive dialogue take place for the next phase of the operation. When I briefed the President and his advisers in the oval office in November 1995, I recommended the following conditions be met for the commitment of US troops: clarity of mission and purpose, unity of command, robust rules of engagement and timely political decisions. The President agreed with the comprehensive military plan based on those conditions as did the 16 nations of NATO. As a result, when the NATO-led force deployed to Bosnia in December of 1995 and the US troops crossed the Sava River, we did so with great confidence and determination because the mission was clear and the troops were well trained for the tasks assigned. Despite dire predictions, the multinational force was successful in accomplishing all tasks assigned and without, to date, one hostile death casualty. That's 855 days! That's because we did it right. And we need to do it right in the next phase of the operation beyond June 1998.

Given the conditions mentioned above, what then should be the issues for the post June 1998 commitment of US forces to Bosnia? The key question that must be answered is the specific mission of the follow-on force. In November 1996 when the decision was made to down size IFOR from 60,000 to an SFOR of 30,000, I had several sessions with NATO and US decision makers on the missions to be performed. To determine the size of SFOR I asked the 16 ambassadors of NATO's North Atlantic Council three questions. Do you want SFOR to hunt down and arrest indicted war criminals? Do you want SFOR to perform civil police functions? And do you want SFOR to forcibly return refugees to their homes? The answer to all three questions was no. Indeed the written political guidance of 26 November 1996 from the Council reflected this intent of NATO's political authorities. If the answers were yes then I would have recommended additional troops and training. Those same questions need to be addressed now before a decision is made to extend the mandate beyond June. The answers to these questions must provide clear political instructions so that the senior military leadership can give the best advice to our political authorities on the force required to do the tasks assigned, the resources needed, and the risks involved. Most important, such guidance will provide the framework to train the force to the tasks. And it is training that is absolutely paramount for our forces in Bosnia—train to mission enhances mission success and minimizes casualties.

Clarity of mission is also needed because SFOR is a multinational operation. 36 nations contribute forces. Over 75% of the SFOR is from nations other than the United States. Indeed NATO's Partnership for Peace initiative is bearing fruit in Bosnia. There is a Russian brigade conducting joint patrols in the American sector; I had a Russian general on my staff as my deputy; Ukrainian troops are in Mostar; and Polish soldiers work along side those from Scandinavian countries. As a result of our success to date in Bosnia, mutual trust and confidence is being developed between former adversaries. An unprecedented number of treaties are being signed between countries that for centuries have been bitter enemies. NATO is now ready to admit three new members—Poland, Czech Republic, and Hungary. Stability and democracy are taking root in Eastern and central Europe. But the path for long term security in Europe goes through Bosnia.

It is in this larger context that Bosnia is important. NATO's credibility and relevance are on the line in Bosnia. Therefore the tasks and missions need to be understood and debated now. And we must get it right not only for the military but primarily for civilian implementation as well. Again, let me be more specific.

Under the Dayton accord the military force provides a secure environment for the international police force (IPTF), the UN High Commissioner for Refugees (UNHCR), and other UN and international agencies to operate. It does so by ensuring the military and paramilitary forces of the former warring factions do not engage in hostilities, conducts over a hundred patrols a day, monitors 600 heavy weapon storage areas, and within capabilities provides assistance to civil agencies. On the latter task the support has been significant; 60 bridges have been built, 2500 kilometers of road paved, four airports opened, and significant support provided to the High Representative and international organizations. Three elections held in Bosnia in the past two years were successful in large part due to IFOR and SFOR support. Another question that must be answered therefore, is to what extent the new military force will support civilian tasks in Bosnia. The military force required to carry out those tasks is significant. While I accept the need for soldiers to provide a secure environment for civilian agencies, it is also important for civilian agencies to have a sense of urgency in meeting the goals set forth in Dayton. There were 11 annexes in the Dayton Agreement—only one applies to the military, the other 10 are the responsibility of civilian agencies. As we enter the next phase clear milestones should be established and met by civil agencies and organizations. An integrated civil-military plan must be developed for all facets of the Bosnia mission. I say this because the military can create an absence of war; but only the civilian agencies and the ethnic groups themselves can bring true peace. And one of the critical areas that needs to be addressed now is that of the police.

If the political authorities in Washington and Brussels want the new military force to assume other tasks such as internal police functions, then Washington and the North Atlantic Council need to clearly state that mission. Surely there is a requirement for a robust functioning police force in Bosnia. Crime and corruption are rampant. Custom violations are the norm. Citizens are intimidated and refugees are denied returning to their homes. But is the military force the right organization to do police actions? Temporarily seizing radio towers is one thing; arresting citizens and shooting rubber bullets into an unarmed mob is yet another. The President made the point in his December speech when he called for a ''self-sustaining secure environment in Bosnia that will allow us to remove our troops''. *I agree*. Therefore, a key issue for discussion before our troops are committed beyond June is what is the future security plan for Bosnia that will meet the President's objective?

Right now a capability gap exists between the heavily armed troops of SFOR and the unarmed international police task force (IPTF). In two years the IPTF has never exceeded 2000 police from over 20 nations and funding has been very difficult to obtain. What the President needs to insist on is a more robust role for the international police and a sense of urgency is establishing a multiethnic police academy that graduates 500–800 professional police every three months. Not to do so only ensures that the military force will slide down the slippery slope and become policemen without adequate training and rules of engagement. And without a long-term security plan, the probability increases that US and NATO forces will remain for a very long time in Bosnia. But there is an alternative—an armed international police force.

The armed international police force could come from several of our allies and partners and perform the critical policing functions until sufficient local police trained by the IPTF graduated from the police academy. France, Belgium, Italy and Germany have highly regarded paramilitary police forces. Organized in battalions, properly armed and equipped, these paramilitary police are exactly what is needed for the next phase in Bosnia. Many of these organizations are now under the ministers of defense in their respective countries and routinely work side by side with the military. The armed international police force should come under the command and control of the military command in Bosnia and thereby preserve the principle of unity of command. An integrated staff would ensure tasks were understood and assigned to the right organization.

With an armed international police force, the capability gap between the unarmed IPTF and the heavily armed NATO force is filled. The armed international police force could operate within the secure environment of the military force and with the local police assist in crowd control, return of refugees, and other police functions. With an armed international police force in place plus a sense of urgency in graduating professional local police from an IPTF monitored police academy, then it is possible to see an eventual end to a large military presence in Bosnia. Of course, some officials within our own government would prefer to give police tasks to our soldiers—and so would several of our allies. If that is the case—and if the President agrees—then the administration should clearly make known the police function requirement before the decision is final to extend the force beyond June 1998. But soldiers generally make poor policemen. Law and order need to be institutionalized with the support of an armed international police force. However, if the President and the Alliance want to give the military police functions then let's get the mission clear now and not back into it after June.

Another issue that requires discussion is the role of the follow-on force in hunting down and arresting indicated war criminals such as Radovan Karadzic and General Mladic. Certainly these indicated war criminals need to be brought to justice before the international tribunal at The Hague. Right now the NATO-led force is restricted in what actions it can take in actively conducting operations against those accused of brutal atrocities in this war. Those restrictions were imposed by the 16 nations of NATO. Indeed, Dayton places responsibility for bringing war criminals to justice on the parties who signed the agreement—Presidents Milosevic, Tudgman and Itzebegovic. But SFOR will do all within its mandate to bring indicated war criminals to justice as was done recently in Prejidor and Vitez. However, if the political authorities want the military multinational force to hunt down and arrest Karadic and Mladic then that guidance must be given in the written mandate from the North Atlantic Council of which the United States is a leading member. Given that clarity, the military authorities will generate the force, request the resources, identify the risks, develop actionable intelligence, and when the political decision is made will execute the mission.

As I said, clearly war criminals belong before the International Tribunal in the Hague, Netherlands. And I strongly believe we need to be proactive in doing so. In fact in November 1996 I presented a plan to the head of the International Tribunal Judge Goldstone and his successor Judge Arbor on how NATO could assist in apprehending indicated war criminals and stay within its mandate. The plan called a force of police or military other than SFOR; formed and trained outside Bosnia; and committed to arrest indicted war criminals to include Karadic and Mladic whenever there were actionable intelligence. SFOR would form the outer ring of protection for this apprehension force and coordinate the action. Last March we began planning and training for the first operation under the new plan. The targets were two war criminals identified in sealed indictments—that is the war criminals did not know they were indicated and subject to apprehension.

Since the two suspected war criminals were in the British sector, the United Kingdom had the lead. We began an intensive intelligence collection effort to locate the two suspects. I spend a great deal of time coordinating with the Secretary General of NATO to ensure that clarity of mission and the political guidance were sufficient. Indeed, I briefed the President of the United States in Madrid in July. I told both that if there was any reaction by the Serbs to attack SFOR I would immediately respond with air strikes. Both agreed. The only deviation from prior guidance I made was that the military would determine the time and place for apprehension. This was to protect the troops and to improve our chances for success with minimum civilian casualties. Once we had good intelligence the force was formed and trained in June in the UK; deployed to Bosnia on July 9; conducted its mission on July 10 and withdrew on July 11. In this encounter one of the indicated war criminals drew a pistol and fired at the British soldiers wounding one of them. The British returned fire and killed the indicated war criminal. Thus are the hazards of conflict. If we had listened to the media and other critics who thought you could send two soldiers to a cafe where the indicated criminals were drinking coffee—tap them on the shoulder and arrest them we would have two dead soldiers. I value our soldiers lives to risk them so foolishly. We did it right in Prejidor. And subsequently, it was done right in Vitez and just last week again in the British sector. If the political authorities want SFOR to do more in the next phase then make it clear in the written guidance. This assures political, as well as, military accountability. No more Somalis!

The long range security plan the President has called for also should include the evolution and role of the militaries in Bosnia. National institutions in addition to entity security structures need to be developed. A national level Minister of Defense and joint

staff and commanders should be the objective. NATO's Partnership for Peace (PfP) initiative could be used to encourage the development of national security institutions. The three ethnic groups have all expressed interest in joining their neighbors in the PfP program. In time, NATO and 27 partner nations could be exercising, conducting seminars, and building trust and confidence with a multiethnic military in Bosnia. With a continuing NATO PfP presence in Bosnia the need for a large armed NATO force could be significantly reduced over the long term. Indeed the Partnership for Peace initiative could be used as an incentive for Sarajevo, Zagreb and Belgrade to join the rest of Europe in accepting the basic principles of respect for international boundaries, human rights, and democratic norms. This is an effective means by which to transition to what the President called a ''self-sustaining secure environment'' in Bosnia.

Let me briefly summarize: It is important that the missions and the tasks for the follow-on force in Bosnia be clear before the final decision is made. That an armed international police force be formed to work with the NATO force and the IPTF to develop a ''self-sustaining security environment in Bosnia''. That clear political guidance be given on hunting down war criminals, police functions, and forcibly returning refugees. That the Partnership for Peace initiative be offered as an incentive for Sarajevo, Belgrade and Zagreb to join their neighbors in Europe in respect for borders, human rights, and democratic principles. To provide this clarity now creates the best conditions for success in Bosnia.

Ladies and gentlemen, much has been accomplished over the past two years in NATO's first operational mission since its inception. Optimism has replaced pessimism; hope has replaced despair for the people of Bosnia. The United States and its partners have demonstrated their ability to respond to the new threats that confront the Euro-Atlantic community and the world. Within the framework of NATO, American political and military leadership have been instrumental in providing the resolve and resources to create the conditions for success in Bosnia. This has been done with candor, compassion, vision and clarity. And our troops, along with those of 36 nations to include Russia, have performed superbly for over two years. It truly is one team with one mission! A new security framework for conflict prevention in Europe will result with the success of this multinational force. But it is important that the United States stay engaged—not as the world's policeman, but the world's leader.

The President is right to stay the course in NATO. But this important mission requires thoughtful consideration before final approval. It must be based on well considered tasks for all those who continue the tedious and potentially dangerous work of building the foundation for a lasting and truly self-sustaining peace in Bosnia.

Ladies and gentlemen, I was a 2d lieutenant in Germany when the Berlin Wall was being built and a LTG Corps Commander in the famous Fulda Gap when it was torn down. I saw Germany reunited and Russian troops depart from Central Europe. As Supreme Commander, I witnessed NATO's transition in mission and structure to a new NATO but one built on the rock solid foundation of the past-shared ideals and values, and mutual respect and confidence. Indeed, these are exciting times! There is unprecedented opportunity for peace stability and prosperity in a Europe that has seen two World Wars and millions of death in this Century. We can enter the 21st Century with great hope for our children and our grandchildren. It has been my privilege to serve my Country for 40 years to create this opportunity for peace and freedom. We must not fail. And with the help of patriotic citizens as we find here in Johnstown, Pennsylvania, I know we will succeed. I urge you to stay involved and interested in world affairs, to commit yourselves to make the world a safer, better place. I know you will. God bless you for your support of our troops and of our great nation. Thanks for what you're doing for the young people of Johnstown. And thank you for keeping Jack Murtha in the Congress of the United States.

Retired General George Joulwan was Supreme Allied Commander, Europe from 1993–1997 and the overall commander for NATO's forces in Bosnia.

EARTH DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is Earth Day, a day to celebrate environmental stewardship, care for the land, preserving America's scenic beauty, and responsibly managing our precious natural resources and values. Like most Americans, I am committed to achieving the highest standards of environmental protection and wise use of our resources.

I know that we cannot have a strong, prosperous America if we do not preserve our natural resources. I also know that prosperity and a clean environment is not an ''either-or'' proposition. We can have both if we are true to a few core American values of: accountability for results, personal and community responsibility, honest dialogue and effective use of our entrepreneurial spirit through sound science and technological advances.

It is clear that responsible values and stewardship lay the foundation for a better environment and a stronger economy. I am pleased to submit the remarks of Thomas J. Donohue, the President and CEO of the U.S. Chamber of Commerce on Earth Day for the RECORD. I applaud Mr. Donohue and the U.S. Chamber for their efforts to promote a better environment through industry and innovation.

A BUSINESS VIEW OF EARTH DAY '98: TIME FOR A NEW GENERATION OF ENVIRONMENTAL SAFEGUARDS

My very first day on the job as the new president and CEO of the U.S. Chamber of Commerce fell on September 1 of last year, which just happened to be Labor Day. We marked that occasion with a vigorous series of speeches, media interviews and other activities. Some thought that was kind of curious. They weren't used to seeing business step forward on Labor Day to speak out about policies affecting workers.

Now, as America prepares to observe Earth Day 1998 this Wednesday, I suspect that again, many will wonder what business has to offer on a day typically reserved for reflections, predictions—and yes, accusations—by those associated with environmental causes.

In fact, business normally hides on Earth Day. It's an understandable reaction, given the eagerness of some environmentalists to vilify business as the malevolent, profit-hungry force behind all our environmental problems.

Well, I want Earth Day 1998 to be remembered as the occasion when business came out of hiding and moved off the defensive.

We have progress to report and a good story to tell. We also have a warning to sound and a constructive proposal to make. Above all, as the institution that has brought unparalleled prosperity to our country—and, which over the last decade has spent at least one trillion dollars to clean the air, water and land—we have earned the right to be heard. And we will be.

And so today, I would like to: First, report on the tremendous environmental progress this nation has made and why. Second, explain why new regulatory proposals pushed by the EPA and the administration, as well as the global environmental community, will stall further environmental cleanup—and, hurt our society's ability to pay for it. And third, discuss a new approach to environmental management going forward.

I. THE STATE OF THE ENVIRONMENT—1998

To best determine how to move forward on environmental policy, Americans need to fully understand just now far we've come.

The environment is much cleaner and safer than 30 years ago. It is an impressive story. Let me give you the highlights:

Water

Since the inception of the Clean Water Act in 1972, 93% of businesses are in significant compliance with the law.

Point source pollution has been reduced dramatically. More than 1 billion pounds of toxic pollution have been prevented from entering the nation's waters each year due to the wastewater standards put in place over the past generation.

More than 64,000 major industrial permits—agreements between companies and the government—are now in place to control discharges.

As of 1996, the business community's annual investment in clean water reached $50 billion.

Air

Air quality has also improved dramatically. Since 1970, emissions of lead have virtually disappeared, emissions of particulate matter have decreased by 78%, and total emissions of six common air pollutants have declined by an average of 24%. Since 1980, sulfur dioxide emissions from electric power plants have been cut in half.

These improvements have occurred even as the U.S. economy, as measured by GDP, grew by 104%, the population rose by 29%, and the number of motor vehicle miles driven increased by 121%, according to EPA.

The business community's annual contribution to cleaner air as of 1994 is $25 billion.

Land

Prior to 1976, solid and hazardous waste in the United States went literally unmanaged—other than private and municipal haulers picking up household waste. It was estimated that there were over 17,000 open dumps.

Little attention was paid to hazardous waste either and the health impacts were unknown. The first law that was enacted to regulate the transportation, treatment, storage and disposal of hazardous waste, the Resource Conservation and Recovery Act (''RCRA''), was supported by industry, to prevent any one state becoming a dumping ground for the waste from other states.

Today there are no known open dumps being allowed to operate in the United States. As for hazardous waste, its improper disposal is virtually non-existent.

What accounts for such substantial progress in cleaning the water, air and land? The simple, easy and wrong answer is that government is responsible because it forced businesses, consumers and communities to act. Speaking for business, there were times

when companies had to be nudged or even pushed into action. But on other occasions business led the way. And, in two critical respects, it was business that gave our nation the resources and the tools to succeed. I'm talking about unparalleled economic prosperity and the world's best technology.

It is only because of the wealth created by our enterprise that we have been able to invest at least a trillion dollars into making the United States one of the cleanest environments on earth. Without a strong economy and without the advances in science and technology, we would have the horrendous pollution problems of the developing world. Clearly, the stronger the economy, the cleaner the environment.

You will not see *this* business organization asking the American people to sacrifice environmental quality for the sake of economic prosperity—our message is you cannot have one without the other. A growing economy pays the bills for environmental cleanup. And a clean, healthy environment spawns profitable new industries and technologies—technologies we can export—adding immeasurably to the health, productivity and quality of life of workers and their families.

With our technological base, it is business that developed the tools to enhance environmental protection at less cost to government, taxpayers and consumers. Environmental technology is a key growth sector of the economy—nearly 1.3 million Americans are employed by more than 50,000 private environmental technology companies nationwide.

II. THE WRONG APPROACH GOING FORWARD: NAAQS, GLOBAL WARMING, ENVIRONMENTAL JUSTICE

Cleaner air, cleaner water, cleaner land—the existing system of permits and controls has scored all of the easy gains on each of these fronts. But now, the law of diminishing returns has kicked-in. For example, although 90% of gains achieved in water quality enhancement occurred between 1972 and 1990, we are spending $50 billion annually on pollution control investments and complying with thousands of pages of new EPA regulations, to achieve little additional protection of health and the environment.

Some laws have never gotten off the ground. The Superfund law is a prime example of a complicated law, lacking common sense and designed solely to punish. That approach has never worked and never will work.

Let's just look at the facts. Superfund has been around since 1980. Of the 1200 sites on the National Priority List, only about 200 of them have been cleaned up and that was at a cost of $32 billion. Depending on what study one relies on, somewhere between 50% and 70% of the money expended on this dysfunctional program has been spent on transactional costs—on lawsuits, lawyers and consultants.

The regulatory trend has been toward more stringent controls, more prescriptive standards of performance, and new fines and penalties—even when compliance is high. The concept of ''compliance'' has come to mean adherence to a rigid process, rather than achieving environmental outcomes. Clearly, this top down, command-and-control approach has outlived its usefulness.

Environmental regulators should be looking at new approaches for scoring gains that are increasingly complex, incremental and hard to come by. Unfortunately, they seem to be leaping headlong in the opposite direction—toward more bureaucratic control, even on a global scale. Where common sense, cooperation and pragmatism should prevail, they seem content to rely on the most provocative sound bite, the scariest headline and the squishiest science.

NAAQS—For example, EPA's new clean air rules clearly illustrate just how far Washington regulators can stray from reality and common sense. Just as businesses and communities were working to reach the very ambitious clean air standards set in 1990, EPA simply changed the definition of clean air and moved the goalposts, throwing everyone's good faith plans and programs into doubt. Many of EPA's own scientists have questioned the basis for thee new rules which, through regulatory sleight-of-hand, could well quadruple the number of areas thrown out of clean air compliance, thus crippling their economic development plans.

On top of all that, EPA has proposed new haze regulations that further complicate the ability of businesses and communities to meet environmental mandates.

Global Warming—Then there's the issue of global climate change. Before we allow a group of nations under the banner of the United Nations to impose what would be, in effect, a $30,000 tax on each American household over the next twenty years, we need to make sure that the sky is really falling this time around. Let me explain.

In the 1930's this nation experienced its first global warming scare—that's right, I said the 1930s! Then, as now, temperatures rose for several years in a row and artificial gases were alleged to be the cause. Then, as now, there were cries that human activity was destroying the earth.

The only problem was that by 1940 it started getting colder. By 1977 we experienced the coldest winter of the century. Some environmentalists said we were entering a new ''Ice Age.''—and Congress even held hearings to bemoan the fact that the earth seemed to be getting colder and colder.

By the mid-1980's the forecast had changed—the weather was getting warmer and the cries of ''Global Warming'' were renewed.

Science is on both sides of the issue. To me that suggests we need a reasoned debate—not the kind of approach taken by Interior Secretary Bruce Babbitt who when discussing global warming, accused business of being ''un-American.''[1] Nothing sells like fear, but this kind of scapegoating does not exactly foster a positive dialogue.

As a business leader I caution the United States not to commit to actions that will sink our economy while doing little to protect our environment. We should not allow the United Nations to control our domestic policy or usurp our national sovereignty. That is what Kyoto would do since much of the developing world would be exempt from the treaty's harsh edicts. Instead of dividing the world into winners and losers, why not adopt a win-win approach with a strong emphasis on the export of our environmental technologies to dirtier developing nations?

Environmental Justice—Now, let me also discuss a proposal that ought to disturb all Americans who are interested in creating a more broadly based prosperity that leaves no one behind.

On February 5, 1998, EPA issued an interim Guidance Document on so-called Environmental Justice. Under EPA's doctrine, the federal government establishes a new procedure under which individuals, in low-income or minority areas, can bring lawsuits against states and local governments and can demand that these governmental agencies impose special conditions on facilities operating in those areas. In fact, EPA can even require that companies located in these areas undertake actions to mitigate impacts of industry that may have operated in the area for decades. This would add great cost to companies that might not have even been there when the land was polluted.

For the last decade Congress has enacted laws to create empowerment zones and enterprise communities to help minorities and welfare recipients get into private sector jobs. Congress has created tax benefits, job training, tax-exempt bond financing, loan guarantees, block grants, technical assistance and help with locating private sources of capital to encourage companies to locate in low income and minority communities.

Environmental Justice as proposed by the Administration is not only contrary to these efforts to create new jobs in low income and minority areas; it is a policy that will drive existing good paying jobs out of those areas.

The Administration ought to reexamine its policy. It is already having a terrible effect on economic opportunity. For example, EPA is trying to stop the Shinteck project in Louisiana, a $700 million state of the art PVC plant. In communities outside of Chicago and Philadelphia, under the guise of environmental justice, surrounding residents are trying to bankrupt facilities costing several hundred million dollars apiece. Who wants this justice that deprives low-income workers and minorities good paying jobs, a solid tax base in their communities, and investment?

This is not justice—it's economic, social and environmental insanity. Businesses will be left with no other option than to move jobs and opportunities out of the areas that need them the most. The only beneficiaries of this misguided policy will be the plaintiff's attorneys who will enjoy yet another windfall of lawsuits.

III. A NEW GENERATION OF ENVIRONMENTAL MANAGEMENT

The reality is that the major threat to environmental progress is the tired laws and regulatory programs that have brought us as far as they can but which will actually inhibit future advances. Today we have a regulatory approach that no longer provides the trust that is necessary for the proper management of our environment. The regulated community and many in the states do not trust EPA. EPA does not trust the regulated community or the states. Business does not trust the environmentalists and the environmentalists do not trust anyone.

And so American business is today asking the Clinton administration to join us in honoring Earth Day 1998 in a truly significant way—by embracing a new approach to environmental management which expends resources on priority health risks rather than perceived or unproven risks that have emotional appeal. What are the key elements of this approach?

First, *clear and realistic goals should be set*—with the emphasis on results, not paperwork and bureaucracy. Present laws and regulations have us bogged down in minutiae—we literally cannot see the forest for the trees. Setting goals would help in allocating resources and would deliver a bigger bang for the buck. It would also expose the confusing patchwork of overlapping—even conflicting—laws, regulations, and guidelines;

Second, *only the best science and most effective technologies should be used when making decisions and establishing action plans.* The inflexible language of environmental statutes and rules often prohibit agencies and regulated businesses from taking advantage of new technologies. For example, an experimental project at Amoco's Yorktown, VA refinery found that EPA regulations made the company spend $95 million on required cleanups when alternate ways not only would have been more effective, but would also have cost only 15% of that.

Next, *cost-benefit analysis, risk assessment, and other analytical tools must be deployed* to help us prioritize environmental cleanup resources. EPA provided cost-benefit estimates for fewer than half of its 430 planned major rules for 1998.

Next, we need *customized tools and strategies for preventing pollution at specific sites.* This is a case where one size fits nobody. In order to do this, we need to break down legal barriers that currently inhibit diverse approaches to environmental management.

Finally, federal regulators should view *state and local government and the private sector are allies, not adversaries.* Businesses, farmers, homeowners, and state and local government should be enlisted in this effort as partners, because those closest to the resource manage it the best. This requires a shift in the Washington-knows-best attitude.

CONCLUSION

Going forward, we need an environmental policy that values performance over paperwork. We need regulations based on hard numbers, clear goals and sound science. We need realistic targets and maximum flexibility as to how companies and communities can reach these targets. We need a new spirit of cooperation between EPA, the regulated community and the states. And we must fully encourage and embrace the promise of technology. Its role in future environmental progress and U.S. economic leadership cannot be overstated.

Adopt this program and business will continue to deliver a cleaner environment, just as we have done for nearly three decades.

On Earth Day two years ago, EPA Administrator Carol Browner said ''the past 25 years have left us with a complex and unwieldy system of laws and regulations and increasing conflict over how we achieve environmental protection. The result of this history? An adversarial system of environmental policy. A system built on distrust. And too little environmental protection at too high a cost.''

I couldn't agree more. And so I will seek the earliest opportunity to meet with Ms. Browner, Vice President Al Gore and his ''reinventing government'' team to give both the regulators and the regulated a chance to put all their cards on the table—to seriously and realistically discuss how we can proceed in the future to build on the solid environmental gains we've made in the past. And since the states play such a key role in implementing environmental rules, I believe the governors, through the National Governors Association, should be involved in these discussions as well.

Working together, we can fashion the tools needed for a new millennium of environmental stewardship, one that won't sacrifice our economy or our environment. A prosperous economy pays the bills and develops the technologies for a clean environment. A clean environment makes all the hard work that goes into economic growth worthwhile—because it affords us all a healthy and enjoyable quality of life. It's time to bridge that gulf that has separated these two great goals for so long. It's time to see economic opportunity and environmental quality as indivisible parts of the same great dream—the American dream.

Mr. Speaker, environmentalism for the next century should focus on core American values and produce tangible results, rather than bureaucratic command-and-control regulation. As Thomas Donohue of the U.S. Chamber of Commerce points out, personal responsibility is the key to the new environmental stewardship. It is the efforts that adequately involve local communities, stakeholders and the American public that promise a cleaner environment, a stronger economy, and a brighter future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 23, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

2:00 p.m.
Judiciary
To hold hearings to examine Department of Justice prosecution trends.
SD–226

APRIL 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine possible problems relating to the Year 2000 computer conversion.
SR–253

10:00 a.m.
Budget
To hold hearings to examine Japan's economic difficulties and their potential United States impact.
SD–608

Judiciary
To hold hearings on proposed legislation to reform bankruptcy law provisions.
SD–226

Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD–430

Small Business
To hold hearings to examine environmental compliance tools for small business.
SR–428A

2:00 p.m.
Judiciary
To hold hearings on S.J. Res. 44, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United States Agency for International Development.
SD–192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the Department of Commerce's Federal research and development needs.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 326, to provide for the reclamation of abandoned hardrock mines, S. 327, to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and S. 1102, to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, and to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands.
SD–366

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine satellite reform, focusing on regulation policy and deregulation.
SR–253

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

Judiciary
To hold hearings to examine opportunities for the blackmarket to raise tobacco prices.
SD–226

Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD–430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

APRIL 30

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural transportation issues.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

Commerce, Science, and Transportation
To hold hearings on the nominations of James M. Loy, USC, to be Commandant, and James C. Card, USC, to be Vice Commandant, both of the United States Coast Guard.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To resum hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD–430

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Airport Improvement Program.
SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD–226

MAY 5

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD–366

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 94 and H.R. 449, bills to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada.
SD–366

MAY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural trade policies.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD–192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Department of Agriculture's Year 2000 compliance.
SR–332

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

MAY 21

2:00 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy- based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S3375–S3467

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1965–1970, and S. Res. 212–214. **Pages S3428–29**

Measures Reported: Reports were made as follows:

H.R. 2676, to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, with an amendment in the nature of a substitute. (S. Rept. No. 105–174) **Page S3428**

Measures Passed:

Congratulating the U.S. Army Reserve: Senate agreed to S. Res. 213, congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of Strom Thurmond, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years. **Pages S3465–66**

Commending the Grand Forks Herald: Senate agreed to S. Res. 214, commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize. **Page S3466**

Education Savings Act for Public and Private Schools: Senate continued 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, taking action on amendments proposed thereto, as follows: **Pages S3375–S3407, S3410–23, S3426**

Adopted:

Frist Amendment No. 2294 (to Amendment No. 2293), in the nature of a substitute. **Pages S3379–83**

By 50 yeas to 49 nays (Vote No. 91), Gorton Amendment No. 2293, to provide for direct awards of education funding. **Pages S3375–85, S3418–19**

By a unanimous vote of 99 yeas (Vote No. 92), Hutchinson Amendment No. 2296, to express the sense of Congress that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms. **Pages S3390–96, S3419**

By 52 yeas to 47 nays (Vote No. 94), Ashcroft Amendment No. 2300 (to Amendment No. 2299), in the nature of a substitute. **Pages S3403–07, S3420**

Rejected:

By 49 yeas to 50 nays (Vote No. 93), Murray Amendment No. 2295, to express the sense of Congress regarding reductions in class size. **Pages S3385–93, S3396, S3419–20**

Pending:

Coats Amendment No. 2297, to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children. **Pages S3396–98, S3422–23**

Levin/Bingaman Amendment No. 2299, to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training. **Pages S3399–S3407, S3420–22**

Landrieu Amendment No. 2301, to provide funding to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence. **Pages S3414–18**

Kempthorne Modified Amendment No. 2302 (to Amendment No. 2301), to provide for student improvement incentive awards. **Pages S3417–18, S3426**

Levin Amendment No. 2303 (to Amendment No. 2299, as amended), to replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase in the lifetime learning education credit for expenses of teachers in improving technology training. **Pages S3420–22**

Senate will continue consideration of the bill and amendments pending thereto, on Thursday, April 23, 1998.

Nominations Received: Senate received the following nominations:

William Davis Clarke, of Maryland, to be Ambassador to the State of Eritrea.

George Williford Boyce Haley, of Maryland, to be Ambassador to the Republic of the Gambia.

Katherine Hubay Peterson, of California, to be Ambassador to the Kingdom of Lesotho.

Laurence J. Cohen, of the District of Columbia, to be General Counsel of the National Labor Relations Board.

A routine list in the Foreign Service. Page S3467

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

John C. Truesdale, of Maryland, to be General Counsel of the National Labor Relations Board, which was sent to the Senate on April 2, 1998. Page S3467

Messages From the House: Page S3426

Measures Referred: Pages S3426–27

Communications: Page S3427

Petitions: Pages S3427–28

Executive Reports of Committees: Page S3428

Statements on Introduced Bills: Pages S3429–42

Additional Cosponsors: Pages S3442–43

Amendments Submitted: Pages S3445–57

Authority for Committees: Page S3457

Additional Statements: Pages S3457–65

Record Votes: Four record votes were taken today. (Total—94) Pages S3418–20

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6 p.m., until 9:30 a.m., on Thursday, April 23, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3467.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the ballistic missile defense program, receiving testimony from Lt. Gen. Lester L. Lyles, USAF, Director, Ballistic Missile Defense Organization.

Subcommittee will meet again on Wednesday, April 29.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nomination of Donna Tanoue, of Hawaii, to be a Member and Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, after the nominee, who was introduced by Senators Inouye and Akaka, testified and answered questions in her own behalf.

ADVANCED TELECOMMUNICATION SERVICES

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine how to promote and deliver advanced telecommunication services, including satellite technology, broadband services, and network applications, to consumers in accordance with Section 706 of the Telecommunications Act of 1996 which directs the Federal Communications Commission to lift any regulatory barrier that is preventing companies from investing in and deploying high-speed data technologies to the public, after receiving testimony from Ellwood R. Kerkeslager, AT&T Corp., Jeffrey A. Eisenach, Progress and Freedom Foundation, David Finkelstein, SkyBridge Limited Partnership, Erik R. Olbeter, Economic Strategy Institute, and Timothy J. Regan, Corning Incorporated, all of Washington, D.C.; Charles J. McMinn, Covad Communications Company, Santa Clara, California, on behalf of the Association of Local Telecommunications Services; and Joseph R. Zell, U S West Communications, Denver, Colorado; and Russell Daggatt, Teledesic, Kirkland, Washington.

VIRTUAL MANUFACTURING

Committee on Commerce, Science, and Transportation: Subcommittee on Manufacturing and Competitiveness held hearings to examine current applications of virtual manufacturing which is the use of information technology to understand, diagnose, and control certain manufacturing processes, and its impact on the future of American industry, focusing on the applications of digital and robotics technologies in its design, production, and control processes, receiving testimony from Robert Spitzer, Boeing Company, Seattle, Washington; and Daniel J. VandenBossche, Chrysler Corporation, and Eric Mittelstadt, FANUC Robotics North America, Inc., both of Auburn Hills, Michigan.

Hearings were recessed subject to call.

CHILD CARE ACCESS

Committee on Finance: Subcommittee on Social Security and Family Policy held hearings to examine issues relating to child care access, affordability, and supply in America and the impact of welfare reform on State and Federal child care programs, and a related measure S. 1577, to provide additional tax relief to families to increase the affordability of child care, receiving testimony from Senator Dodd; Mark V. Nadel, Associate Director for Income Security, Health, Education and Human Services Division, General Accounting Office; Rhode Island Lieutenant Governor Bernard A. Jackvony, Providence; Rochelle

Chronister, Kansas Department of Social and Rehabilitation Services, Topeka; Christine C. Ferguson, Rhode Island Department of Human Services, Cranston; Robert P. Hallenbeck, ECS, Inc., Exton, Pennsylvania; Donna Kline, Marriot International, Bethesda, Maryland; Donna T. Munday, UNUM Corporation, Portland, Maine; Jolene Ivey, MOCHA Moms, Cheverly, Maryland; Susan Muenchow, Florida Children's Forum, Tallahassee; Beverly Smith, Child Welfare League of America, Hyattsville, Maryland; Paula Broglio, Adelphia, Maryland; and Susan Elizabeth Dutcher, Edmond, Oklahoma.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of G. Edward DeSeve, of Pennsylvania, to be Deputy Director for Management, Office of Management and Budget, and Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy, after the nominees testified and answered questions in their own behalf. Mr. DeSeve was introduced by Senator Specter.

NOMINATION

Committee on the Judiciary: Committee concluded hearings on the nomination of James K. Robinson, of Michigan, to be an Assistant Attorney General for the Criminal Division, Department of Justice, after the nominee, who was introduced by Senators Abraham and Levin, testified and answered questions in his own behalf.

CHEMICAL AND BIOLOGICAL TERRORISM

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held joint hearings with the Select Committee on Intelligence to examine Federal efforts in dealing with chemical and biological weapons threats to America, and the implementation of the Antiterrorism and Effective Death Penalty Act (P.L. 104–132), receiving testimony from Janet Reno, Attorney General, and Louis J. Freeh, Director, Federal Bureau of Investigation, both of the Department of Justice.

Hearings continue tomorrow.

NOMINATION

Committee on Veterans Affairs: Committee ordered favorably reported the nomination of Togo D. West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.

SOCIAL SECURITY REFORM

Special Committee on Aging: Committee concluded hearings to examine the impact of a proposal to invest Social Security trust funds in the stock market, focusing on a General Accounting Office report, ''Implications of Government Stock Investing for the Trust Fund, the Federal Budget, and the Economy'', after receiving testimony from Barbara D. Bovbjerg, Associate Director, Income Security Issues, Health, Education, and Human Services Division, General Accounting Office; Bruce K. MacLaury, Brookings Institution, Washington, D.C., on behalf of the Committee for Economic Development; Alicia H. Munnell, Boston College, and James S. Phalen, State Street Corporation, both of Boston, Massachusetts; Olivia S. Mitchell, Wharton School of the University of Pennsylvania, Philadelphia; and Louis D. Enoff, Enoff Associates, Ltd., Sykesville, Maryland, former Commissioner, Social Security Administration.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 3702–3714; were introduced. **Page H2236**

Reports Filed: H.R. 1309, to provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas (H. Rept. 105–489);

H.R. 3603, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999 (H. Rept. 105–490);

H. Res. 408, providing for consideration of H.R. 1252, to modify the procedures of the Federal courts in certain matters (H. Rept. 105–491); and

Conference report on S. 1150, ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs (H. Rept. 105–492). **Pages H2171–H2205, H2236**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gillmor to act as Speaker pro tempore for today. **Page H2123**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend Adrian Condit of Ceres, California. **Page H2123**

Committee on Transportation and Infrastructure: Read a letter from the Chairman, Committee on Transportation and Infrastructure wherein he transmitted copies of resolutions adopted by the Committee on March 24, 1998—referred to the Committee on Appropriations. **Page H2128**

Hydrographic Services Improvement Act: The House passed H.R. 3164, to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration. **Pages H2129–32**

Agreed to the Traficant amendment that requires the compliance with the Buy America Act, expresses the sense of Congress that entities receiving assistance should purchase American-made products and requires a notice from the Secretary of Commerce to recipients of assistance to that effect; and prohibits contracts with any person who falsely labels products or equipment as ''Made in America''. **Page H2132**

Earlier, agreed by unanimous consent that it be in order for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 3164 and that consideration proceed according to the following order: (1) The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI or section 303(a) of the Congressional Budget Act of 1974 are waived. (2) General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. (3) After general debate the bill shall be considered for amendment under the five-minute rule. (4) In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1. Each section shall be considered as read. Points of order for failure to comply with clause 5(a) of rule XXI or section 303(a) of the Congressional Budget Act of 1974 are waived. (5) During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the Congressional Record. Amendments so printed shall be considered as read. (6) The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. (7) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. (8) The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H2128**

Tax Limitation Congressional Amendment: By a recorded vote of 238 ayes to 186 noes, Roll No. 102, and two-thirds required for passage, the House

failed to pass H. J. Res. 111, proposing an amendment to the Constitution of the United States with respect to tax limitations. **Pages H2135–64, H2170–71**

Earlier, the House agreed to H. Res. 407, the rule that provided for consideration of the joint resolution. Pursuant to the rule, the amendment specified in H. Rept. 105–488, the report accompanying the rule was considered as adopted. **Pages H2133–35**

Recess: The House recessed at 3:56 p.m. and reconvened at 5:37 p.m. **Page H2170**

BESTEA Conference Appointment: The Chair appointed additional conferees from the Committee on Commerce for consideration of provisions in the House bill and Senate amendment to H.R. 2400 relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed to conference: Representatives Bliley, Bilirakis, and Dingell; provided that Representative Tauzin is appointed in lieu of Representative Bilirakis for consideration of sections 1407, 2103, and 3106 of the Senate amendment. **Page H2205**

Senate Messages: Message received from the Senate appears on page H2123.

Amendments: Amendments ordered printed pursuant to the rule appear on page H2237.

Quorum Calls—Votes: One recorded vote developed during the proceedings of the House today and appears on pages H2170–71. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 8:42 p.m.

Committee Meetings

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services held a hearing on SSA and on Corporation for Public Broadcasting and National Education Goals Panel. Testimony was heard from Kenneth S. Apfel, Commissioner, SSA; Robert Coonrod, President and CEO, Corporation for Public Broadcasting; and Ken Nelson, Executive Director, National Education Goals Panel.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Energy and Power approved for full Committee action the following bills: H.R. 3532, Nuclear Regulatory Commission Authorization Act for Fiscal Year 1999; H.R. 2217, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project No. 9248 in the State of Colorado; and H.R. 2841, to extend the time required for the construction of a hydroelectric project.

REFORMULATED GASOLINE PROGRAM

Committee on Commerce: Subcommittee on Health and Environment held a hearing on the implementation of the Reformulated Gasoline Program in California, focusing on H.R. 630, to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State. Testimony was heard from Representative Tauscher; Richard Wilson, Acting Assistant Administrator, Office of Air and Radiation, EPA; Robert Gee, Assistant Secretary, Office of Policy and International Affairs, Department of Energy; and public witnesses.

CLINICAL TRIAL SUBJECTS

Committee on Government Reform and Oversight: Held a hearing on Clinical Trial Subjects: Adequate FDA Protections? Testimony was heard from Michael A. Friedman, Deputy Lead Commissioner, FDA, Department of Health and Human Services; and public witnesses.

OVERSIGHT—GOVERNMENT PERFORMANCE AND RESULTS ACT

Committee on Resources: Held an oversight hearing on the Government Performance and Results Act. Testimony was heard from the following officials of the GAO: Barry T. Hill, Associate Director, Energy, Resources, and Science Issues, Resources, Community and Economic Development Division; and Joel Willemssen, Director, Civil Agencies' Information Systems, Accounting and Information Management Division; and the following officials of the Department of the Interior: Robert J. Williams, Acting Inspector General; and John Berry, Assistant Secretary, Policy, Management and Budget.

JUDICIAL REFORM ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1252, Judicial Reform Act of 1998. The rule waives points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act (prohibiting consideration of legislation, as reported, providing new budget authority, changes in revenues, or changes in the public debt

for a fiscal year until the budget resolution for the year has been agreed to).

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by striking section 9 (and redesignating succeeding sections accordingly). The rule provides that each section of that amendment in the nature of a substitute shall be considered as read. The rule waives points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI (prohibiting nongermane amendments) or section 303(a) of the Congressional Budget Act.

The rule further provides that Members who have pre-printed their amendments in the Congressional Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hyde and Representatives Coble, Chabot, Frank of Massachusetts, Nadler, Jackson Lee and Delahunt.

BASIC SCIENTIFIC RESEARCH—FEDERAL FUNDING

Committee on Science: Held an oversight hearing on the Irreplaceable Federal Role in Funding Basic Scientific Research. Testimony was heard from public witnesses.

NSF BUDGET AUTHORIZATION

Committee on Science: Subcommittee on Basic Research held an oversight hearing on the National Science Foundation Fiscal Year Budget Authorization. Testimony was heard from the following officials of the NSF: Neal F. Lane, Director, NSF; and John E. Hopcroft, Member, National Science Board.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Committee on Small Business: Subcommittee on Government Programs and Oversight held a hearing regarding the Small Business Innovation Research Program. Testimony was heard from Susan E. Haley, Deputy Director, Small and Disadvantaged Business Utilization, Department of Defense; Susan D. Kladiva, Acting Associate Director, Resources and Science Issues, GAO; Kesh Narayanan, Director, Industrial Innovation Group, NSF; Wendy Baldwin, M.D., Deputy Director, Extramural Research, NIH, Department of Health and Human Services; Daniel O. Hill, Assistant Administrator, Technology, SBA; Charles F. Cleland, Director, Small Business Innovation Research Program, USDA; and public witnesses.

SURFACE TRANSPORTATION BOARD REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Surface Transportation Board Reauthorization: State of the Railroad Industry. Testimony was heard from public witnesses.

WATER RESOURCES DEVELOPMENT ACT—PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on proposals for a Water Resources Development Act of 1998. Testimony was heard from Representatives Matsui, Doolittle, Visclosky, Pomeroy, Shaw, Fowler, Herger, Weldon of Florida, Frost, Kind, DeLauro, Dooley, Weller, Pallone, Calvert, Salmon and Lee.

Hearings continue April 28.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Ordered reported amended the following bills: H.R. 1023, Ricky Ray Hemophilia Relief Fund Act of 1997; and H.R. 3546, National Dialogue on Social Security Act of 1998.

Joint Meetings

IDEA REGULATIONS

Joint Hearing: Senate Committee on Labor and Human Resources concluded joint hearings with the House Committee on Education and the Workforce to examine the Department of Education's development of the regulations necessary to implement the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105–17), after receiving testimony from Judith E. Heumann, Assistant Secretary of Education for Special Education and Rehabilitative Services; Martha Feland, Cabot School Board, Cabot, Arkansas; Frank P. Clark, James, Smith, Durkin & Connelly, Hershey, Pennsylvania; Brian A. McNulty, Colorado Department of Education, Denver; and Patricia McGill Smith, National Parent Network on Disabilities, Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D370)*

S. 419, to provide surveillance, research, and services aimed at prevention of birth defects. Signed April 21, 1998. (P.L. 105–168)

COMMITTEE MEETINGS FOR THURSDAY, APRIL 23, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine fraud and abuse in the Federal food stamp program, 9 a.m., SR–332.

Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration, 9:30 a.m., SD–138.

Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture, 9:30 a.m., SD–124.

Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases, 11 a.m., SD–192.

Committee on Commerce, Science, and Transportation, Subcommittee on Aviation, to hold hearings to examine the Department of Transportation's policy regarding unfair exclusionary conduct in the aviation industry and the competitive implications of consolidation among U.S. airlines, 2 p.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield, 2:30 p.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings to review the proposed Clean Air Act regional haze regulations, 9 a.m., SD–406.

Committee on Finance, to hear and consider the nominations of Thelma J. Askey, of Tennessee, Jennifer Anne Hillman, of Indiana, and Stephen Koplan, of Virginia, each to be a Member of the United States International Trade Commission, and Patrick A. Mulloy, of Virginia, to be an Assistant Secretary of Commerce, 10 a.m., SD–215.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to hold hearings to examine the practice of ''slamming'', which is the unauthorized switching of long-distance telephone companies, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, to hold joint hearings with the House Committee on Commerce's Subcommittee on Health and Environment to examine proposals to increase bone marrow donation and transplantation, 2:30 p.m., SH–216.

Committee on the Judiciary, Subcommittee on Technology, Terrorism, and Government Information to continue joint hearings with the Select Committee on Intelligence, to examine chemical and biological weapons threats to America, 2 p.m., SD–226.

Select Committee on Intelligence, to continue joint hearings with the Committee on the Judiciary's Subcommittee on Technology, Terrorism, and Government Information, to examine chemical and biological weapons threats to America, 2 p.m., SD–226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E638–39 in today's Record.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and Judiciary, on International Organizations and Peacekeeping, 10:30 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Corporation for National and Community Service and the Federal Mediation and Conciliation Service, 10 a.m., and on the U.S. Institute of Peace, the Federal Mine Safety and Health Review Commission and the National Council on Disability, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Congressional witnesses, 9 a.m., and 3 p.m., H–143 Capitol.

Committee on Banking and Financial Services, hearing on H.R. 219, Homeowners' Insurance Availability Act of 1997, 9:30 a.m., 2128 Rayburn.

Committee on the Budget, Task Force on Budget Process, hearing on Budgeting for Federal Insurance Programs, 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Digital High Definition Television: Coming Soon to a Home Theater Near You, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on the American Worker Project: Emerging Trends in the High-Tech Workplace, 1:30 p.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to mark up pending business, 9:30 a.m., 2154 Rayburn.

Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on ''The Kyoto Protocol: Is the Clinton-Gore Administration Selling Out Americans?'' 11:30 a.m., 2154 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on ''Combating Terrorism: The Proliferation of Agencies' Efforts,'' 1 p.m., 2247 Rayburn.

Committee on International Relations, to mark up H. Con. Res. 220, regarding American victims of terrorism, 10:30 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific and the Subcommittee on International Economic Policy and Trade, joint hearing on Japan's Role in the Asian Financial Crisis, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up H.R. 3150, Bankruptcy Reform Act of 1998, 10 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on H.R. 1690, to amend title 28 of the United States Code regarding enforcement of child custody orders, 10 a.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 3445, Oceans Act of 1998, 1:30 p.m., and to hold an oversight hearing Arctic Snow Geese: Is the Arctic Ecosystem in Peril? 2 p.m., 1334 Longworth.

Subcommittee on Forests and Forest Health, to mark up the following bills: H.R. 2886, Granite Watershed Enhancement and Protection Act of 1997; H.R. 3467, California Spotted Owl Interim Protection Act of 1998; H.R. 1021, Miles Land Exchange Act of 1997; and H.R. 3381, Gallatin Land Consolidation Act of 1998, 10 a.m., 1324 Longworth.

Subcommittee on National Parks and Public Lands, hearing on H.R. 3625, San Rafael Swell Heritage and Conservation Act, 9 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the impact of recent alliances, international agreements, DOT actions, and pending legislation on air fares, air service, and competition in the airline industry, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the research and treatment of war-related illnesses; and to review the VA's sexual trauma counseling program, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Patient Appeals in Health Care, 10 a.m., 1100 Longworth.

Subcommittee on Oversight, hearing on oversight of current tax law related to health insurance, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Future Imagery Architecture, 11 a.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, to hold joint hearings with the House Committee on Commerce's Subcommittee on Health and Environment to examine proposals to increase bone marrow donation and transplantation, 2:30 p.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Thursday, April 23

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2646, Education Savings Act for Public and Private Schools.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 23

House Chamber

Program for Thursday: Consideration of H.R. 1252, Judicial Reform Act of 1998 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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