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House of Representatives

The House met at 9 a.m.

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

With all the striving and energy that we use to make our mark, we pray, Almighty God, that we would also slow our pace and listen to Your still small voice that speaks to us in our hearts and in our minds. Just as we learn to speak, so may we learn to listen; just as we declare our ideas, so may we reflect on what others teach us; just as we hear the voices around us, so may Your gracious word speak to us in the depths of our souls, redeeming, forgiving, uniting us in faith and hope and love. May Your blessings, O God, become new to us each morning and be with us all the day long. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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 had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2071. An Act to extend a quarterly financial report program administered by the Secretary of Commerce.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. One minutes will be at the end of legislative business today.

PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 525, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 525

Resolved, That the Committee on the Judiciary shall review the communication received on September 9, 1998, from an independent counsel pursuant to section 595(c) of title 28, United States Code, transmitting a determination that substantial and credible information received by the independent counsel in carrying out his responsibilities under chapter 40 of title 28, United States Code, may constitute grounds for an impeachment of the President of the United States, and related matters, to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. Until otherwise ordered by the House, the review by the committee shall be governed by this resolution.

SEC. 2. The material transmitted to the House by the independent counsel shall be considered as referred to the committee. The portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds, shall be printed as a document of the House. The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee. Material so released shall immediately be submitted for printing as a document of the House.

SEC. 3. Additional material compiled by the committee during the review also shall

be deemed to have been received in executive session unless it is received in an open session of the committee.

SEC. 4. Notwithstanding clause 2(e) of rule XI, access to executive-session material of the committee relating to the review shall be restricted to members of the committee, and to such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

SEC. 5. Notwithstanding clause 2(g) of rule XI, each meeting, hearing, or deposition of the committee relating to the review shall be conducted in executive session unless otherwise determined by an affirmative vote of the committee, a majority being present. Such an executive session may be attended only by members of the committee, and by such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

The SPEAKER. Pursuant to the order of the House of Thursday, September 10, 1998, the gentleman from New York (Mr. SOLOMON) is recognized for 2 hours.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, and pursuant to the order of the House of September 10, 1998, I yield 60 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, as we start off, I want to commend the Speaker for his statement yesterday from the chair asking that the House conduct itself in the highest decorum possible. It was eloquent on your part and was concurred in by the Minority Leader Mr. GEPHARDT. We would remind Members of that. We have a copy of that at the desk should Members want to refresh their memory.

Mr. Speaker, House Resolution 525 provides for a deliberative review of the House Judiciary Committee of the communication from the independent counsel and also provides for the appropriate release of that communication.

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

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



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Mr. Speaker, I think I speak for many Members this morning in saying that this is a day which we hoped in our careers in public service would never come. I came here with you 20 years ago and I certainly, and I know you did, hoped such a day would never come.

There certainly is no joy in bringing forward this kind of a resolution. Only a sense of the gravity of our task ahead and our mindful and constitutional responsibilities make us do this.

Mr. Speaker, as the Members and the public are well aware by now, the independent counsel delivered a communication to the House of Representatives on Wednesday, September 9, and it was pursuant to the independent counsel law, which is the law of the land. That law requires, in pertinent part, that an independent counsel shall advise the House of Representatives, and this is quoting from the law, "of any substantial or credible information" which the independent counsel receives himself or herself, "which may constitute grounds for an impeachment," and that is the law of the land.

Of course, the Constitution vests the sole power of impeachment with this House of Representatives in Article I of section 3 of the Constitution and the "sole power to try all impeachments in the Senate."

Mr. Speaker, this communication from the independent counsel, it embarks this institution on a grave and a profound process in uncharted waters. In that spirit, the majority and the minority leadership have consulted on numerous occasions about this communication, and the chairman and ranking members of the Committee on the Judiciary and the Committee on Rules have discussed proposals for the sensitive handling and access to this material.

It has not been easy to come to an agreement. The resolution before us is the product of that bipartisan consultation, but more so, on a fair attempt to meet the concerns of all of the Members of this House; and we know that on both sides of the aisle we are divided on how to handle this issue, and that became very evident during the 4-hour hearing that we had last night in the Committee on Rules.

When this communication arrived at the Capitol, the Speaker immediately directed the material to be secured by the Sergeant at Arms, and no Members or staff have seen that document. Although there are press reports this morning asserting what might be in the communication, the House does not know what is contained in these documents at this moment, and that is the way that it should be. However, it is the understanding of the Committee on Rules that the communication does contain the following: 445 pages of a communication which is divided into three sections; an introduction, a narrative, and so-called "grounds"; and it is accompanied by another 2,600 pages of supporting material that is con-

tained in the appendices which may contain telephone records, videotapes, testimony and other sensitive material, including the 17 boxes of other supporting information.

The method of the dissemination and potential restrictions on access to this information is set forth in this resolution. The resolution provides that the Committee on the Judiciary with the ability to review the communications to determine whether grounds exist to recommend to the House that an impeachment inquiry be commenced. The resolution provides for an immediate release of approximately 445 pages, again comprised of an introduction, a narrative, and a statement of so-called "grounds." This will be printed as a House document and available to the Internet and other Web sites today as soon as technologically possible, which will be hopefully about 2 hours after this resolution passes the House.

The balance of the material will be deemed to have been received in executive session of the Committee on the Judiciary, but will be released from that status by no later than September 28, 1998, and will be released piecemeal as the Committee on the Judiciary determines relevant. Material released will immediately be printed as a House document and available to Members and the public, obvious new information, between now and September 28th.

The resolution further provides that additional material compiled by the Committee on the Judiciary during the review period will be deemed to have been received in executive session unless, of course, it is received in an open session of the Committee on the Judiciary, although, Mr. Speaker, access to that executive session material will be restricted to Members of the Committee on the Judiciary and such employees of the committee as may be designated.

Finally, the resolution provides that each meeting, hearing or deposition of the Committee on the Judiciary will be in executive session unless otherwise determined by that committee. That is up to their discretion.

□ 0915

The executive session may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, and after consultation with the ranking minority member. The resolution before us attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material and the need to protect innocent people.

Mr. Speaker, the testimony before the Committee on Rules last night indicated that among Members, on the question of access to the material and release of it to the public, and this is important to note during this beginning part of the debate, that there were Members on the Democrat side who raised concerns about releasing the 445-page text today, and still other Demo-

crats who raised a parliamentary inquiry on Wednesday when the communication was read to the House demanding full and complete access.

There was the senior member of this body, the Dean of this entire body, the gentleman from Michigan (Mr. JOHN DINGELL) who insisted on that. Other Members on our side of the aisle insisted on that. Still another Democratic member proposed a resolution last night in the Committee on Rules requiring full disclosure of the entire communication immediately. He at that time wanted us to substitute and make that amendment in order, which we did not do.

This resolution is an adequate middle ground. It recognizes the public's right to know, and hence, for Members and their constituents to engage in a dialogue about all of this material. It also acknowledges the Committee on the Judiciary's proper role of sifting through all the material, while placing the burden in favor of more release rather than less. It is anticipated that the Committee on the Judiciary will require additional procedural or investigative authorities to adequately review the communications in the future.

It is anticipated, therefore, that these authorities be the subject of another resolution which will be consulted with the Democrat minorities on the two committees over the next 4 or 5 days, and that that resolution will be before the House sometime mid-week, and then on the floor of the House towards the end of the week, if necessary.

If this communication from Independent Counsel Starr should form the basis for future proceedings, it is important to note that Members will need to cast public, to cast recorded, and extremely profound votes in the coming weeks and months. Therefore, we should ensure that every Member of this House have enough information about the contents of the communication to cast informed votes and be equipped to explain those votes on this most mighty of constitutional obligations to their constituents.

Mr. Speaker, I want to point out, again, just to clarify, this resolution does not authorize or direct an impeachment inquiry. Sometimes the press gets this confused, and they are stating that it does. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historical proper place to examine these matters, to review this communication and make a recommendation to the House as to whether we should commence an impeachment inquiry. That is what this resolution before us today does.

Mr. Speaker, the constitutional process which may be initiated by this review is not about punishment nor is it about personalities. It is an effort to protect a constitutional office and to ensure it is not besmirched. The safety

of constitutional government is too precious in this world. We are looked at all over this world as the exemplary democracy, and we must always keep it that way, so the Framers of our Constitution designed an inherently cumbersome process which would require cooperation among political parties, and that is what we are here today to do. It is in that spirit in which we bring forward this resolution today.

Again, I would just urge Members to observe the proper decorum as we debate this very profound issue over the next 2 hours.

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

Mr. Speaker, today is a very, very solemn day for the House of Representatives. Mr. Speaker, the Constitution bestows several very important responsibilities on the House. All of them have great consequence. We have the power to raise taxes, we have the power to declare war, we have the sole power of impeachment. Today we find ourselves considering a resolution to release portions of the Independent Counsel's report.

Two days ago Independent Counsel Kenneth Starr delivered to this Capitol building a 445-page report, several thousands of pages of appendices, and 17 boxes of additional materials. No one has seen what is in the materials sent up by the Independent Counsel. It is most likely to contain Mr. Starr's opinions, transcripts from dozens of witnesses, tapes, telephone conversations, and other very, very important material.

Mr. Speaker, once these boxes are opened, innocent people could be hurt, reputations could be destroyed, ongoing criminal investigations could be jeopardized. Members of the House should begin this process of releasing the information and acting on it as soberly and as fairly as possible.

There is general agreement that the 445-page referral is to be made to the public as soon as this resolution is adopted. There is no problem there. The dispute revolves around what to do with the remainder of the supporting materials.

Let me say again, Mr. Speaker, as to the 445-page referral, including an introduction, a narrative, and the statement of grounds, there is widespread agreement to make that public today. The concern is on who will review the appendices of the 17 boxes of materials to make sure that no innocent people are unfairly jeopardized.

In his letter of transmittal, the Independent Counsel, Ken Starr, stated, "Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential."

Mr. Speaker, we were heartened, very heartened, when the Speaker reached an agreement with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Illinois (Chairman HYDE), and the ranking member, the gentleman from Michigan

(Mr. CONYERS), on how this material would be released.

According to this bipartisan leadership agreement, the supporting materials should be treated as if they had been received in executive session and released only to the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from Michigan (Mr. CONYERS), for their initial review. The purpose of this restriction was to expedite review while at the same time limiting the possibility of harmful leaks. Mr. Speaker, I think that was absolutely the right thing to do.

Another important part of the agreement was to limit the content of today's resolution to the subject of how the material should be released. No mention of authorities to be granted to the Committee on the Judiciary would be contained in this resolution.

That, Mr. Speaker, was the agreement, but last night my colleagues in the Committee on Rules changed that deal. They decided to release the supporting materials to all 35 Members of the Committee on the Judiciary, and to let the materials sit there not for 10 days, as had been agreed upon, but for 17 days. Mr. Speaker, I feel that this information will leak out drip by drip, day by day, day after day.

They also added the section directing the Committee on the Judiciary to examine matters beyond the scope of the Independent Counsel's report with new depositions and new hearings.

Mr. Speaker, what is important here is not the details of how we release the Independent Counsel report. The issue is that we reached an agreement with the Speaker, with the minority leader, with the chairman and the ranking member of the Committee on the Judiciary. We relied upon that agreement. That agreement has been unilaterally altered. Mr. Speaker, I would say to my colleagues that if we cannot rely on an agreement dealing with this kind of matter, how can we rely on other important matters that we are going to face?

Mr. Speaker, I sincerely hope that in the future, when agreements are reached, we can rely on all sides to honor those agreements.

Mr. Speaker, when each of us took office, we put up our right hand and we swore to uphold the Constitution. In Article 1, Section 2 of the Constitution states that the House of Representatives shall have the sole power of impeachment. With that power, Mr. Speaker, as we all know, comes a very, very grave responsibility to the American people, to the American President, and to the American electoral process. So let us fulfill our responsibilities soberly. Let us fulfill our responsibilities fairly.

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

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

Mr. Speaker, let me cite from the rules of the House, and my good friend,

the gentleman from Boston, Massachusetts (Mr. JOHN JOSEPH MOAKLEY), my ranking member, is more aware of the rules than I am. Let me cite 2K(7) of Rule XI.

It says, "No evidence or testimony taken in the executive session may be released or used in public sessions without the consent of the committee," by recorded vote. Mr. Speaker, those are the rules of the House. Any violation of that rule is subject to ethical discipline.

Let me further just say that I have served on the steering committee of the Republican side of the aisle in appointing Members to committees for the last 17 years, as many of the Members there have, the minority leader, the gentleman from Massachusetts (Mr. JOE MOAKLEY) and others.

We choose people to serve on these committees because of their professional backgrounds, because of their demeanor and their knowledge of law. Every single member of the 35 members of the Committee on the Judiciary are entitled to the same information as any one member of that committee, and we should keep that in mind.

As to the dissemination of material, I want to read just briefly a section of the resolution before us. It says that, "Notwithstanding clause 2(e) of rule XI, access to executive session material of the committee relating to the review shall be restricted to Members of the committee and to such employees of the committee as may be designated by the chairman, after consultation with the ranking member."

That means, yes, under the rules of this House, every member of every committee is entitled to anything that is submitted to that committee. But in writing the rule the way we did, no one stops the committee and stops my good friend, the gentleman from Illinois (Mr. HYDE) or my good friend, the gentleman from Michigan (Mr. CONYERS) from appealing to the Members on their side of the aisle about letting the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) go through the material, sort through it, and then call in the other Members. I know our members are going to be more than cooperative, and I would assume that the members on the gentleman's side are, too.

So in effect, we are accomplishing exactly what the Speaker had in mind and the minority leader, and certainly this chairman of the Committee on Rules, who sat through every single one of those meetings where we negotiated what we were going to put in this resolution.

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

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for yielding. I am not disputing the rules. All I am saying, an agreement was made and an agreement was broken. It is not a proper way to start out this hearing.

Mr. SOLOMON. I am not going to cite members on the gentleman's side of the aisle who were in those meetings. Whenever we left those meetings, we always had to go back and discuss with our colleagues, whether it be Democrat or the Republican leadership, and I do not like the word "deals", but there were no agreements made on anything.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HENRY HYDE), the chairman of the Committee on the Judiciary.

To Ronald Reagan, my great hero, and to George Bush, the former President, I recommended this Member to be appointed to the Supreme Court of the United States of America, and I am very proud today that they did not take my recommendation at that time, because we need him desperately in the position he is in today.

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

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

To my good friend, the gentleman from Massachusetts (Mr. JOE MOAKLEY), let me just add my spin on this situation, to use an unhappy word. This has been a moveable feast. The situation has changed from hour to hour, as everybody gets their input on how to do this.

What we are talking about is reserving from immediate distribution supporting materials which we have been advised by the Independent Counsel contain matters of a private, confidential nature, and there may be innocent people involved who do not have a central or even a peripheral relationship to the matter in chief. We are simply trying to do the decent, responsible thing by checking those over before they are released.

□ 0930

We will release them, but there may be some materials in there that we can agree on a bipartisan basis ought not to be released. We do not know. But whether the gentleman from Michigan (Mr. CONYERS) and I do it, or whether the entire Committee on the Judiciary does it, I could live with either operation.

Mr. Speaker, I just say it is terribly hard to tell a Member of the Committee on the Judiciary that they may not look at certain materials that were sent over by the independent counsel.

So I do not think it is a terribly serious dispute. I hope the gentleman does not talk about breaking agreements. As I say, these have been fluid all along until we finally got to the Committee on Rules. I just hope the gentleman does not feel that there was any violation of trust. I do not want to start out that way. The gentleman from Michigan (Mr. CONYERS) and I are not only doing this in a bipartisan way, but in a collegial way, and we are going to keep that serious effort going.

Mr. Speaker, 166 years ago when our country was in its robust childhood the great historian Thomas Macauley wrote, and I quote, "Laws exist in vain for those who do not have the courage and means to defend them."

We are here because circumstances and our Constitution have thrust upon us an onerous duty, one that requires us to summon the courage and the means to defend the rule of law. Do not forget, please, when all the distractions and diversions and definitions have been pronounced, at the end of it all, we are about one mighty task: to vindicate the rule of law.

We are also met to defend the sacred bond contained in our oath of office, the bond that links the Members of Congress, the officials of the executive branch and our Federal judges to the people of the United States, to those who have given their lives for this country and to the American people of the future.

In taking the solemn oath to defend the Constitution, we have pledged a trust that imposes a heavy responsibility. We have pledged a trust to those patriots who sleep across the river in Arlington Cemetery and in American cemeteries around the world. We have pledged that their defense of freedom and the rule of law will not have been in vain.

Mr. Speaker, may I presume to remind us all of the oath we swore when we became Members of Congress. We raised our right arms and we said:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Traditionally, an oath means a solemn calling on God to witness to the truth of what one is saying. We all well know the story of Sir Thomas Moore who was beheaded in the Tower of London for refusing to take the oath of supremacy that acknowledged Henry VIII as head of the Church of England. In the great drama of his life, "A Man for all Seasons," Sir Thomas tells his daughter, "When you take an oath, you hold your soul in your hands, and if you break that oath, you open your fingers and your soul runs through them and is lost."

Mr. Speaker, I believe with all my heart that each of us who took that oath of office took it seriously and we will conduct ourselves so that when this ordeal, and it is an ordeal, is over we will have vindicated the rule of law and brought credit to this institution in which we are privileged to serve.

We have also pledged a trust to the Americans of the 21st century. We have pledged to hand over to them intact and unsullied the rule of law in constitutionally ordered democracy. And we have pledged a trust to our fellow Americans, with whom we share this moment in our history, our neighbors

who have sent us to this Congress, to serve the common good through the rule of law.

Ninety-four years ago in a message to Congress, President Theodore Roosevelt defined the principle that must guide our deliberations in the days and weeks and months ahead: "No man is above the law and no man is below it, nor do we ask any man's permission when we require him to obey it." That principle really defines the solemnity of this moment.

We are sometimes too cavalier in our attitude toward the rule of law. It is something that we take for granted. Yet we live in a century which, in blood and tears, in pain and sorrow, has vindicated the contention of the Founders of this Republic and the Framers of its Constitution that the rule of law is the only alternative to tyranny or to the anarchy that eventually leads to tyranny.

The long, hard march of humanity toward the promised land of freedom has been marked by the constant struggle to vindicate the rule of law against the tyranny of power. Whether our reference point is the Ten Commandments or the code of Hammurabi, Justinian's Code or the Magna Carta, the Constitutional Convention of 1787 or the United Nations Charter of 1945, in each case humanity has made progress on its journey through history when the rule of law has triumphed over privilege or power as the arbiter of human affairs and the method to resolve conflict.

The fact that the gradual expansion of the rule of law has invariably resulted in human progress is not an accident of history; it is a reflection of human nature. For the rule of law is an expression of the spiritual nature of the human person created with intelligence and free will, a moral agent capable of freedom and capable of ordering freedom to the pursuit of goodness, decency, and justice.

Every member of our committee, indeed every Member of this Congress, is a servant of the rule of law which in this instance means we are servants of the Constitution of the United States of America.

To paraphrase Theodore Roosevelt, none of us is above the Constitution, none of us is below the Constitution, and none of us is required to ask permission when we require ourselves and all those who have also sworn a solemn oath of fidelity to the Constitution to obey it.

Because we are servants of the Constitution, because we too are subject to the rule of law it enshrines. No partisanship in the matters before us will be worthy of us. Americans pride themselves on living under the oldest written constitution in the world continually in force. That historic accomplishment simply did not happen. In defense of the Constitution, American men and women have sacrificed their lives in every corner of the globe.

In defense of the Constitution, the American people have made enormous sacrifices in time and in treasure.

In defense of the Constitution, Americans have forgotten they were black, brown, yellow or white, that they were Catholic, Jewish, Muslim, Orthodox or Protestant, that they were Democrats or Republicans. They have remembered that they are Americans, inheritors of a precious tradition of the rule of law and trustees of that tradition before the eyes of the future.

The Constitution remains viable not only because the document itself is venerable and its provisions wise. The Constitution remains viable because the American people continue to affirm and defend the principle of the rule of law which animated the document and gave it its moral ballast and its moral compass. We, the servants of the people, their elected representatives, can do no less.

Thus, we too are under judgment in these proceedings: the judgment of the people, the judgment of history, the judgment of moral law. Let us conduct ourselves in this inquiry in such a way as to vindicate the rule of law.

Let us conduct ourselves and this inquiry in such a way as to vindicate the Constitution. Let us conduct ourselves and this inquiry in such a way as to vindicate the sacrifices of blood and treasure that have been made across the centuries to create and defend this last, best hope of humanity on Earth, the United States of America.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, this is the second time in the century that the question of impeachment has come before this House of Representatives. I had the honor of serving on the Committee on the Judiciary when the Watergate impeachment question was before the House some 25 years ago. The gentleman from Michigan (Mr. CONYERS) was on that committee, and we are fortunate to have his experience to bring us to the point where we can be fair in judging the conduct of the President of the United States.

Indeed, we are fortunate to have a person like the gentleman from Illinois (Mr. HYDE), who is respected on both sides of the aisle, who is not tempted by politics, but is moved by what is in the best interest of the people of the United States, and more importantly, the protection of this Constitution which is not just for us, but the legacy that we have to leave to our children.

Mr. Speaker, we now will be wrestling with some serious questions as to moral standards, and it is unfortunate that many times people have found that they have a lower standard for themselves than they have for the President of the United States. But it

is abundantly clear that we are not here just to determine his personal habits, that is, the President of the United States, but we are to respect the fact that he has been elected by the people of the United States to serve for another 4 years.

So the question of fairness is what surrounded the Committee on the Judiciary under the leadership of Peter Rodino, and it will be that question of fairness that we will be judged by, if not day to day, then certainly by the November elections.

We should never forget that he has been the captain of our ship for 2 years and this journey is supposed to take legally 4 years. During this time, we have gone through some perilous economic times. We have gone through deficit spending into a balanced budget and indeed a surplus. We have gone through a period where more people are working, more people are saving, more people are living better.

So the American people want to make certain that when we judge the conduct of the President of the United States, we judge him not by a political standard, not by an individual standard, but a standard of fairness that takes into consideration that he was not appointed, he was not selected, he was elected as President of these United States.

As we get closer to the November elections, in recognizing just by being political animals, there will be a temptation for us to allow our politics to get involved with our constitutional responsibilities. It will be tragic if this happens. But remember, as we judge the President of the United States, the people of the United States will also be judging us.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

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

Mr. CAMPBELL. Mr. Speaker, before a vote on the floor on a Committee recommendation to proceed with an impeachment resolution, or upon the Committee's failure so to recommend after a reasonable time, any Member of the House should be entitled personally to review all executive-session material. Otherwise, that member would be required to decide on the impeachment question, whether yea or nay, without having all the information the Independent Counsel deemed relevant to send to the House. Today's rule, strictly construed, might not permit that access if the Judiciary Committee votes not to permit such access. However, this rule will expire in its effect at the end of this session, and no one anticipates a vote on the impeachment question before we must pass a new rule to govern our proceedings in the next Congress. Until we are called upon to make a vote on that fundamental question, I have no problem with the Judiciary Committee's exercise of discretion in deciding what material, out of concern for innocent third parties, should be held in executive session.

When we pass the rule to govern our later proceedings, however, we should take care

not to exclude from any Member access to material necessary to inform that member's judgment.

Mr. SOLOMON. Mr. Speaker, in order to equalize the time, we are going to reserve our time for a few minutes.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from New York (Mr. SOLOMON) whether he has any speakers remaining?

Mr. SOLOMON. Mr. Speaker, we have a lot of speakers, but we have only about 35 minutes or so remaining. I think the gentleman from Massachusetts has more than 50 minutes. We would like to equalize the time.

The SPEAKER. The gentleman from New York (Mr. SOLOMON) has 36½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 51½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

□ 0945

Mr. BONIOR. Mr. Speaker, we gather in this Chamber today with a solemn responsibility. At its core, that responsibility is to do what is right, right by the American people, right by our Constitution, right by our country, and right by justice.

What the President did was wrong. Now the Congress has a report on his actions from Prosecutor Starr. I believe the American people have a right to see this report. But we must remember these are allegations by a prosecutor. By its very nature, it is a one-sided report.

The American people have a right to see all the facts, and Congress has a responsibility to consider all the facts. We have an obligation to conduct this process in a manner that is fair, judicious, and upholds the principles of our Constitution.

What we are about to embark upon is a very difficult task. Only a few times in our Nation's history has this House had to walk this very difficult road. Where should we turn for guidance?

There have been times in the recent past when we have been asked to judge a leader. In the 1970s, Congress had to judge a President. The President's lawyers met with the Committee on the Judiciary and had access to the evidence for seven full weeks before the information was released to the public.

In the 1980s, Congress investigated the Iran-Contra affair. The independent counsel's report was kept under seal for 5 months as President Reagan's attorneys prepared his response.

In 1996, the Committee on Ethics and this House passed judgment on our own Speaker. In that case, the gentleman from Georgia (Mr. GINGRICH) was allowed 6 days to review the allegations and prepare a response, 6 days.

In each case, the accused was allowed an opportunity to review the allegations in preparing a response to the American people. That is only fair. It is common sense. It is what our sense of justice dictates. The American people understand that.

Just last year, this House revised its own ethics rules to give an accused Member 10 days to prepare a response before allegations are made public. Why should this House not allow the President a minimal time to review the allegations against him before they are posted on the Internet, printed in the papers, and put out over our airwaves?

Earlier this week, the Republican leadership expressed its commitment to move forward in a bipartisan fashion. Yet, today, we discover that those commitments that were made in the spirit of fairness and responsibility have been eroded one by one.

This resolution is not guided by precedent. It is not guided by a proper sense of fairness. The Republican leadership has reneged on its commitments. This is a troubling beginning to a process that should guide us as we take on the highest constitutional principles.

But I do believe the American people have a right, the American people have a right to see this report. I hope this beginning does not portend a widening partisan divide at a time when we must stand together and seek the truth and do what is right.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the Republican Party.

Mr. DELAY. Mr. Speaker, I rise in support of this legislation, and I really commend the leadership of the gentleman from New York (Mr. SOLOMON), chairman, for putting it together.

I was very much moved by the statements of the distinguished chairman of the Committee on the Judiciary, a gentleman that we all know will do an incredible job in keeping this from being a partisan process.

This resolution starts the process of examining the report of the independent counsel. We demean the job, the office and the law of the independent counsel when we call him a prosecutor. This counsel is charged to exculpate the President as well as to investigate the President, not to distort what he finds.

The President of the United States has had over 8 months knowing what is coming in this report. In fact, if he started back in January and told the American people the truth, we would not be here today. So he has had his spin-meisters and his attack dogs out for 8 months.

He knows what is in this report, because he probably debriefed everybody that appeared before the Grand Jury. The President's spin-meisters have tried to hold him above the law, the rule of law that the chairman was talking about.

Now he wants 48 hours to be informed before the American people. The President is no better than any other American, and every American will see this as soon as possible. But we cannot get there until we pass this resolution. We could not even give it to the President for 48 hours unless we passed a resolution

saying so. We have to accept the report.

In order to fulfill our constitutional responsibilities and the only way to uphold the wisdom and the structure and the stability of the Constitution as so ably outlined by the chairman is to have the American people to have a moral foundation to support that Constitution.

This is a moral crisis, a moral debate that we are about to enter. If the President is going to force us to go through this trauma, every one of us here must accept that responsibility.

We must understand that there is an age-old remedy for wrongdoing that is exhibited actually by the Constitution. But philosophers, religious people as far back as we know man goes has exhibited that remedy, and that is contrition, confession, and cleansing. We are at the cleansing part.

Contrition is when you recognize that you have done wrong, humbled yourself by knowing that you have done wrong. Confession is when you tell the truth about what you have done. The cleansing part is accepting the consequences for your actions and being honorable enough to accept those consequences rather than the spin, the whole spin, and nothing but the spin.

We are forced to fulfill the cleansing part of the Constitution. I think every Member in this House, Democrat and Republican, will rise to the level that the oath of office that we took exhibits and honor that oath and fulfill our responsibilities to the Constitution of the United States.

This is a wonderful institution. It will rise above everything that is going on outside this chamber. It will exhibit what the Constitution gives us the responsibility to do.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, the conduct of the President over the last 8 months and before will be judged in this proceeding. What is at issue here this morning is not his conduct but the fairness of the resolution before us, which is manifestly and grossly unfair.

It is manifestly unfair because it denies the President the privilege we have given to every other person accused, as the gentleman from Michigan stated, the ability to see the accusation before it is released publicly so he can prepare a response.

It is grossly unfair because, with respect to the 2,200 pages of evidence and the 17 boxes of other evidence, the entire Committee on the Judiciary is going to see it, to decide what must be kept confidential and protecting privacy of third parties.

That means 50 people are going to see it. It is going to leak out. Those privacy rights are going to be violated. That is ensured by this resolution.

It is grossly unfair because, during the 10 or 20 days that that is going to

be done, while the world will see salacious details, the President will not be allowed to look at those documents. There is no reason why he should not. There is no delay entailed.

But this resolution is doing everything it can to make the President's defense as difficult as possible and to make it very likely that all the details that the special prosecutor himself says should be protected for privacy reasons will leak out, because 50 people in this town cannot keep a secret.

For a practical problem, if 50 people have to have time between now and September 28, how is anybody going to look through those 80,000 or 90,000 pages to decide what should be kept secret? They are not going to have time enough with two copies.

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

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

Mr. MILLER of California. Mr. Speaker, the vote we take today to release the Starr report without the opportunity for the President to review and formulate his simultaneous response is fundamentally unfair.

The charges alleged in this report are very grave. The admitted actions of the President are both serious and sober. But no matter what charges are made, the President is entitled to a fundamental fairness at every step of the process. This first step, the wholesale release of one-sided allegations and evidence to the media and the Internet violates that fairness.

Every person in this chamber understands the ramifications of the instantaneous release of harmful information in both our political and justice system, the inability of any later considered response getting any type of equal attention.

Surely there can be no harm in giving the President an opportunity to review the material before a proper and full public disclosure of the Starr report.

The release of this information may very well be the first step in commencing the process of impeachment against an elected President of the United States of America. The fairness of that process should be preserved at every level. This rule fails to do so.

The public is clearly entitled to this information, but it is our obligation to provide for its responsible release.

The President must be held accountable both for his admissions of wrongdoing and for any proven charges of illegal behavior, but he must be accorded the rights and the fairness that this highest of constitutional responsibilities requires of each of us.

The Committee on Rules has failed the first test of our Constitution, the test of fundamental fairness.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume just to respond to the previous speaker.

Mr. Speaker, yesterday, Independent Counsel Lawrence Walsh, the Iran-

Contra independent counsel stated in an in-depth interview that the President and his lawyers are, without question, aware, and I am quoting, of almost all of the material contained in the 445 pages that we will be releasing today.

He further said that the President's lawyers already have prepared their public relations response and have days in which to prepare any kind of legal response to any inquiry that the Committee on the Judiciary might make.

I mean, this is obvious to every Member. Every Member of this body has a right to this public document, as does the President. If the President wants the first hard copy to be printed this afternoon, I am sure that the Speaker would be glad to give it to him so he does have it in advance.

No one is going to know what is in here for the next several hours, and certainly they will certainly have time to go through it.

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

Mr. MOAKLEY. Mr. Speaker, I would inquire as to the remaining time for the gentleman from New York (Mr. SOLOMON) and myself.

The SPEAKER. The gentleman from Massachusetts (Mr. MOAKLEY) has 44½ minutes remaining. The gentleman from New York (Mr. SOLOMON) has 32 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, I intend to support this resolution, but I am very disappointed by what will not be accomplished today by the adoption of this resolution.

Let me share with my colleagues some of my own observations from the 6-plus years that I served in this body's Committee on Ethics. There are two key ingredients to a successful discharge of our obligations that are missing today.

First, there must be true bipartisan efforts. One side cannot and should not dictate to the other. Mr. Speaker, a truly inclusive, bipartisan approach will require patience and good negotiating skills, for our caucuses are not monolithic. But we must work in a bipartisan way, and we are not doing that with this first resolution.

□ 1000

Second, there must be basic fairness to the person who is accused. The person should have had access to the material that we have before it is made public. That is a matter of basic fairness. Sure, the President will have a response, but he should not have to speculate as to what we have. He should have had access to it first so that he is not blind-sided by information that may come out later. That is not being fair.

We have a grave responsibility to carry out, and we must develop a proc-

ess that will allow each of us to reach the right conclusions. We can do better than how we have started today.

Mr. Speaker, I have talked to both my Democratic and Republican colleagues, and I know that we can successfully carry out our obligations. I urge us to do better in the days and weeks ahead.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Speaker, under our constitution, the House of Representatives has the sole power of impeachment. This is perhaps our single most serious responsibility short of a declaration of war. Given the gravity and magnitude of this undertaking, only a fair and bipartisan approach to this question will ensure that truth is discovered, honest judgments rendered, and the constitutional requirement observed.

Our best yardstick on whether we are meeting those standards, whether we are yielding fair results, is to look at the historical experience, to look at the precedents. Twenty-four years ago this House went through a gripping, grueling experience where a Democratic House investigated a Republican President. And I think that if we hold the procedures adopted at that time as our yardstick for fairness, we will be able to measure whether or not we are meeting the bipartisan necessity of these procedures.

I have heard wonderful rhetoric today and yesterday about the need for bipartisanship. Regretfully, the behavior embodied in the resolution before us falls short of the standard set 24 years ago. It is not as good, it is not as fair as what occurred 24 years ago. At that time my predecessor in office, and my then boss, Congressman Don Edwards, insisted that the President of the United States, Richard Nixon, have complete due process; that he have the ability to see all of the evidence; that his lawyers have the ability to cross-examine and to see everything way before it was revealed.

In this case we have a rush to put allegations that have been compiled over 4 years onto the internet without giving the President 24 hours to review it. I fear for our country if we cannot do better than this.

Mr. MOAKLEY. Mr. Speaker, I yield 2 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, 168 years ago a famous author, Alexis de Tocqueville wrote, and I quote, "America is great because America is good. And when America ceases to be good, America will cease to be great."

How true that is. Today's debate is not just about Bill Clinton. It is not just about the Presidency. Today's de-

bate is about America's greatness. And the founders fully recognized that by setting a much loftier and higher standard on the chief executive. They did not write high crimes and other felonies. They wrote high crimes and misdemeanors. Misdemeanors. A matter of truth and trust.

The American people must be able to trust the President. From Wall Street to Social Security, from Main Street to Moscow, from the United Nations to China, the President must be trustworthy. America is great because America is good.

I would have liked to have seen the considerations of the great Member the gentleman from Massachusetts (Mr. MOAKLEY) taken into consideration, but it will not stop me from voting for this resolution.

I have been here for a number of years, and I want to give compliment, after watching the testimony of our great chairman, the gentleman from Illinois (Mr. HYDE), and our great ranking member, the gentleman from Michigan (Mr. CONYERS). I have faith in them and faith in the Congress.

America is great because America is good, and we must hold to those high standards. I support the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DRIER).

As my colleagues know, I am soon to retire, and the Speaker has already committed to my replacement. The gentleman from California is an outstanding vice chairman of our committee who will do a wonderful job as my replacement.

Mr. DRIER. Mr. Speaker, I appreciate my friend for yielding me this time, and I thank him for his stellar leadership.

As has been said by most of my colleagues, this is a very solemn time and a very difficult time for Democrats and Republicans alike. Obviously, for the American people as well. It is very important that we be fair, and I am troubled by some of the statements that I have heard that are challenging this issue of fairness.

Mr. Speaker, let me say that in 1978 a Democratic Congress passed the independent counsel statute. That made major changes since the Watergate hearings of 1974. Three times since 1978 that independent counsel statute has been passed. Most recently it was reauthorized by a Democratic Congress, and it was done when President Clinton was in office.

I think it is important to note that we are complying with the rule of law under the independent counsel statute. It says, "An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives that may constitute grounds for an impeachment." That is exactly what is happening here. We are complying with the rule of law.

We very much want to deal with this in the most bipartisan way possible.

Last night in the testimony the gentleman from Illinois (Mr. HYDE) said we want to have a bias for openness. And it is very clear, based on the number of hits that we had when the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), gave me the privilege of announcing the web site of the resolution that we are considering today and his opening statement from last night. The gentleman from New York has just informed me that we had over 25,000 hits on that.

We have had Democrats and Republicans say we want this information out now. I think many of us are having the phones, I know I am, ring and ring saying get this information out now. But, at the same time, we are doing our darnedest to ensure that no one is hurt by this process. And that is why in executive session, in executive session, the full Committee on the Judiciary, based on the request by many Democrats and Republicans, will have the opportunity to go through the appendices and the supporting information.

Mr. Speaker, it is very apparent to me that while there is not total agreement, there is, in fact, strong bipartisan agreement for what it is that we are proceeding to do here during this very difficult and challenging time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

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

Mr. GEPHARDT. Mr. Speaker, we enter a period of great importance for our people's House of Representatives and for our country. As has been said, next to declaring war, nothing we do here rises to the importance of this decision.

I will vote for this rule today, but I must report that I am disappointed in the way we arrived at this rule and in the result. And, more importantly, I am disappointed in our initial attempt, which I still have faith in, to try to reach bipartisan and nonpartisan agreements on how we go through this process.

The Speaker has said, and I believe his word, that he wants this to be nonpartisan. The gentleman from Illinois (Mr. HYDE) has said that he wants it to be fair and nonpartisan, and I believe his word. But at the end of the day yesterday we were told that there were some on the other side that could not go along with ideas that I believe many in the Republican leadership thought were reasonable ideas.

Let me say what I think should have been in this rule. First, I believe that the President deserved 24 or 48 hours to read these allegations and conclusions before it was made public and sent all across the Nation and the world. We give Members that courtesy when Members are charged with wrongdoing. We have given other Presidents that

courtesy. And I believe, in all fairness, this President deserves that basic fairness. What could possibly be lost by another 24 or 48 hours before this were made public?

Secondly, the independent counsel himself told us that there is information in parts two and three in this evidence that could be highly sensitive and injurious to innocent individuals. Now, I know that in the rush to get all this out we can all forget the rights and the reputation of innocent individuals. I simply ask all of us to put ourselves in the shoes of the people that could be injured by the leaking of this information.

And I would also remind Members that already this morning material is being leaked in the media. Details have found their way already into the media that supposedly come from this information. Why do I not have faith and confidence that we can hold the material that we should hold?

I take the gentleman from New York (Mr. SOLOMON) at his word. I realize our rules say that we should not give this out if we have been charged to not give it out. I pray and hope that all of our Members, Democratic and Republican, will live with that admonition and will not leak this material out injuring the reputation of innocent people. Surely we can rise to this occasion.

Now, there are many tests ahead. This is the first step of what could be a long process. And I guess my lesson from today is that it takes all of us, not just some of us, in order to make this process work. This is a body of 435 human beings, and we are called on to be better than sometimes our natures allow us to be.

This is a sacred process. This goes to the heart of our democracy. This is not a second election. This is not politics. This is not spinning. This is not polling. This is not a lynch mob. This is not a witch-hunt. This is not trying to find facts to support our already-reached conclusions. This is a constitutional test.

Alexander Hamilton, in the Federalist Papers, said, when speaking of impeachment, "There will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence and guilt." We are all partisans. We are all in politics. We all believe strongly in our views and we all want our views to be realized by this House. But that is not what this is about.

I ask my Members to reach inside themselves in these days ahead, when we are tested, as we will be tested, to be nonpartisan, to be fair, to be objective.

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And I ask my friend on the other side of the aisle to do the same. I will come and I ask our Members to come more than halfway to reach nonpartisan agreements, to make this a fair process. I pray that we can do this.

I am in awe of what we do here. I am so proud to be a Member of this body, because we stand for democracy and the rule of law that no one is above and no one is below. I am in awe of what we achieve here without violence. We must do this right. And I beg the Members, every one of you, to bring out the best in us to do this right. Our children and our grandchildren will know if we did.

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

Mr. Speaker, it is not appropriate for you as the Speaker to address the House from the chair. But I am sure I speak for you and we speak for the leadership on this side of the aisle in concurring with the latter part of the statement by the very distinguished minority leader. And let me assure him that we implore of our Members on this side of the aisle that they will obey the rules of this House, both morally and ethically. And if any of them on this side, as well as that side, leak information that is in violation of this House, I will assure you that I will use every power I have as chairman of the Committee on Rules, and I know you will, as Speaker, to enforce that rule to the highest degree to discipline any Member that would leak any information on this subject out of executive session.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the very distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding.

Mr. Speaker, I just want to very briefly reply to some of the criticisms that have been made of this resolution.

The phrase "fundamental fairness," which of course has a ring to it, has been used and contentions are that we have violated fundamental fairness by not giving the President an advantage by having him get either days ahead of time or hours ahead of time the report. I do not think that is a breach of fundamental fairness.

The time has come for the American people, for the Members of this Congress, to get this report. The President will get copy number three. He will get it as soon as we get it and as soon as the American people get it. He is not caught by surprise. He is the party of the first part. He knows what is in the report better than anybody on the planet.

But to give the spin machine an opportunity to be the first impact on the American people before we, the Members, have seen this report is not bipartisanship, it is foolishness.

We are acting as a grand jury. The grand jury does not take the object of the grand jury and give them all the evidence in the proceedings and say, now you go ahead and make your case. That is not the way a grand jury operates. And we are operating as a grand jury.

Now, I pledge that the very same courtesy that Mr. Nixon had will be extended to this President and his staff,

that he will have his people present during executive sessions that we have. We will, under controlled circumstances, want to hear from him and his submissions exactly, exactly as Mr. Nixon had, no less and no more. I pledge that to you, in the interest of fundamental fairness.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I did not serve here during the Watergate era. But in the 20 years I have been here, I have been greatly involved in ethics issues, serving on the Committee on Ethics for 8 years and leading on perhaps the most important bill of my career, the Ethics Reform Act of 1989.

I can only reflect on those years as an era in which partisanship increased exponentially, the bitterness that has occurred here, the take-no-prisoners mentality that has infected this place. Within the last week, two of our colleagues in the majority have been dragged into this, unfortunately to their detriment; their private lives spread before the public.

If we are going to succeed in the task that the Founding Fathers have given us, we are going to have to overcome this tendency, this propensity to make partisanship our watchword here; we are going to have to reverse this trend.

We have had the debate between openness and the rights of the individual. It is an age-old one. And we have come down on the side of openness, because I think we believe, frankly, that the process will not work any other way.

We are not where we were with President Nixon 25 years ago. The Washington Post, NBC, are telling us this morning what is in this report. With all due respect to the gentleman from Illinois (Mr. HYDE), and great respect is due, it is not the committee we fear. The information is in the public domain, and frankly, the public believes they know everything there is to know about this already.

So I believe we have perhaps a more difficult task than any Congress that ever proceeded us when we take up this issue. In an age of all-news radio, talk shows, and cable news television and the Internet, instant review of information is the norm. History is pronounced with 10 minutes' time, not even 10 years of reflection. So we, as an institution, have got to take up this more difficult task in a different way.

I urge my colleagues to go home this weekend, to take a deep breath, to insulate themselves from the whims of uninformed public opinion, to take seriously their responsibility to listen to both sides—including the President when he can get his side out—as well as the prosecutor, who obviously has an ax to grind.

There are people on both sides of the aisle who have already made up their minds, but I hope there are not many in this case. I reflect on the words of

our good friend and former colleague, Peter Rodino, when he said, "We were, in effect, asked to substitute our judgment for the judgment of millions of people who had voted overwhelmingly in a previous election, and for me it was a really horrible thought to be in that position."

That was, of course, the man who was said to be inadequate to the task of judging President Nixon, who became a national hero as a result of the effective job he did as chairman of the Judiciary Committee. We have got to take the same approach. It is a horrible thought to be in this position. But we have got to show objectivity, to put partisanship and bitterness behind us, and not be affected by the whims of uninformed public opinion.

We must make this judgment here, keeping in mind that our political fate is not as important, individually or as parties, as the way history will judge how we take up that responsibility.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. McDERMOTT. Mr. Speaker, I will vote no on this, not because I do not want it released, but because I believe that the process is unfair from the very outset.

In this morning's paper, before the vote, already the report is out. Now, we saw 2 days ago the pomp and circumstance, a great truck rolled up here that came from the special prosecutor and was handed to the leadership of this House. There are only two places that leak could have come from, the first page of the Washington Post. I mean, give me some other explanation.

Secondly, it is unbelievable that after 6 years of investigation, the President of the United States cannot be given 1 hour by the Committee on Rules last night to review this before it goes public.

Now, we did not do that to any Member of the House in the Ethics Committee. Every Member saw the report before it went public. We did not do that to Mr. Nixon.

My colleagues heard the gentleman from California (Ms. LOFGREN) talk about what went on 24 years ago with the President of the United States. This day feels to me like we are taking a step down the road to becoming a political lynch mob. We are in so much hurry to get this done so it can be in the Saturday, Sunday news cycle and have our mint juleps at 5 o'clock, we are going to find a rope, find a tree, and ask a bunch of questions later. It will be too late for fairness.

We can go back and get another rule, a fair rule that would give the opportunity to the President and, secondly, to protect those people that even Mr. Starr says needs to be protected, for heaven's sake. He did not recommend we rush out here and do this at 100 miles an hour.

I think that this House is acting way too fast for any kind of fairness. Everyone here knows the public is going to get this. I urge my colleagues to vote no.

Mr. Speaker, I include for the RECORD the article on page 1 of today's Washington Post by Susan Schmidt and Peter Baker.

ALLEGED DECEIT IS OUTLINED

(By Susan Schmidt and Peter Baker)

Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for impeachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents.

The report, delivered to the Capitol on Wednesday and scheduled to be made public today, asserts that Clinton committed perjury during his January deposition in the Paula Jones lawsuit when he denied having sex with Lewinsky and then again during his grand jury testimony last month when he acknowledged a physical relationship while insisting his previous statements were "legally accurate," the sources said.

The report, they said, recounts in sometimes lurid detail about a dozen sexual encounters with the former White House intern and outlines evidence of deceit by the president, including lying to aides, knowing they would then give false testimony to Starr's grand jury. The retrieval of presidential gifts from Lewinsky to avoid a subpoena and job assistance provided to her by Clinton associates are portrayed as elements of obstruction of justice, according to the sources.

Invoking Watergate-era language, Starr also makes the argument that Clinton abused the power of his high office, in part by waging court fights to impede the grand jury investigation, actions that might not be criminal but could be interpreted by Congress as impeachable offenses.

Details of the first president impeachment report in 24 years began to emerge yesterday while an edgy Washington awaited its formal release. As Clinton continued his contrition campaign by apologizing privately to Senate Democrats and Cabinet officers, a high-level presidential delegation to Capitol Hill failed to gain access to Starr's evidence before it becomes public. Congressional Democrats likewise lost a bid for a 48-hour delay of its release and Republican House leaders scheduled a floor vote for this morning on procedures allowing the report to be posted on the Internet by the afternoon.

The White House was left in the awkward position yesterday of trying to respond to a report it has not examined. Unable to discuss its specific elements, Clinton's personal attorney, David E. Kendall, dismissed the report as a one-sided presentation of events. "The referral by the prosecutors is simply a collection of their contentions, claims and allegations and we look forward for the chance to rebut them," Kendall told reporters.

Others in the Clinton camp were left uncertain how they would fight back once it is released. "People are just bracing for tomorrow and trying to line people up to at least hold [on] until Kendall and the others have a chance to respond," said a White House adviser.

Despite White House complaints of unfairness, Republican congressional leaders made clear they would proceed with their extraordinary plan of releasing a report that they

themselves will not have read before it becomes public.

"The report is made to the Congress of the United States and it is the responsibility of the Congress in as even-handed a basis as possible to make it available to all interested parties . . . at the same time," said House Majority Leader Richard K. Armey (R-Tex.).

Although it remained under lock and key in a House office building, both sides assume the report will dramatically alter the political dynamics of the eight-month Lewinsky saga. Until now, Clinton has survived politically, aided by a strong economy and resilient poll numbers, but the White House fears that unseemly revelations about the president's sex life could prove especially damaging.

Partial descriptions emerging yesterday indicated that the report will include graphic accounts of Clinton's sexual activities with Lewinsky, detailing about a dozen encounters in the private study off the Oval Office as well as instances when they engaged in explicit telephone sex.

On one occasion, according to sources Lewinsky told prosecutors that she and Clinton used a cigar as a prop in a sex act. In another episode likely to capture attention on Capitol Hill, sources said Lewinsky asserted that she participated in a sex act with Clinton while he was on the telephone talking with a member of Congress.

While the sexual aspects seem likely to be the most sensational parts of the impeachment report, they are intended to rebut Clinton's argument that he did not consider their activities to be "sexual relations" as defined by Jones's lawyers during their deposition.

But seemingly wary of having his investigation be seen strictly as a sex case, Starr emphasized the larger issues of alleged criminal behavior and abuse of power, according to the sources. By stressing the use of the office of president, Starr appears to be trying to counter Clinton defenders who argue that the whole investigation arose out of private behavior in a private lawsuit that was eventually thrown out and had nothing to do with his conduct of the nation's business.

Even as Starr was sending the report to Congress on Wednesday, he also notified U.S. District Judge Norma Holloway Johnson, who is overseeing the grand jury investigating the Lewinsky matter, and U.S. District Judge Susan Webber Wright, the Little Rock judge who presided over the Jones sexual harassment case and ultimately dismissed the lawsuit. Wright said in a footnote to a ruling last week that she is considering whether the president should be held in contempt for his misleading testimony in the Jones case.

All told, Starr delivered two 18-box sets of evidence to the House, including raw grand jury transcripts, Linda R. Tripp's secret tapes of conversations with Lewinsky and Lewinsky's Feb. 1 proffer describing what her testimony would be if given immunity from prosecution, a deal that was not arranged until six months later.

Under the plan approved by the House Rules Committee last night, only the main report would be made public today, while the rest is reviewed by the Judiciary Committee between now and Sept. 28 to determine what is appropriate for release and what should remain secret.

The main report to be posted on four congressional Web sites today begins with an introduction that explains the relevance of Clinton's actions to the Jones lawsuit and the seriousness of the allegations. It then moves on to a narrative describing the history of the affair that began as Lewinsky,

then 22 and an unpaid White House intern, became involved with the president in November 1995 during the federal government shutdown, and how the two tried to conceal it when the Jones lawyers sought their testimony. The final section outlines what Starr contends are possible grounds for impeachment.

Lawyers on all sides expect the report to fill in gaps in the story line that has emerged in fragments over the last eight months. Among other things likely to become public, according to sources, are a hard-edged exchange between prosecutors and Clinton during his grand jury appearance as they debated the meaning of sex and the heretofore largely unknown details of testimony by key witness Betty Currie, the president's personal secretary, as the investigation wore on.

The perjury allegations stem from Clinton's description of his relationship with Lewinsky when interviewed under oath on Jan. 17. Clinton denied having an affair with her, denied having "sexual relations" with her as defined by Jones's lawyers and maintained he did not recall ever being alone with her anywhere in the White House.

During the same session, he also allowed his lawyer, Robert S. Bennett, to introduce Lewinsky's own Jan. 7 sworn affidavit denying a sexual relationship and Clinton did not correct Bennett when he told Judge Wright that the statement made clear "there is absolutely no sex of any kind, in any manner, shape or form, with President Clinton."

Seven months later to the day—after Lewinsky recanted and more than 75 other witnesses appeared before the grand jury—Clinton sat down with Starr and other prosecutors in the White House and changed his story. During this Aug. 17 session transmitted live to the grand jury at the courthouse, Clinton acknowledged having a physical relationship with Lewinsky but said he did not believe the definition of "sexual relations" included their activities, arguing that oral sex was not covered.

After that session and his subsequent televised statement that his previous testimony was "legally accurate" if not fully forthcoming, an upset Lewinsky met for two hours privately with Starr's prosecutors and gave them a deposition describing in detail their various sexual activities, including intimate fondling that would be covered by the Jones definition.

The obstruction-of-justice allegations arise in part from Currie's retrieval of gifts from Lewinsky that had been subpoenaed on the Jones case and from job help provided by Currie, Clinton confidant Vernon E. Jordan Jr. and other presidential associates.

A source familiar with Lewinsky's testimony said yesterday that Clinton gave her a total of 20 gifts, most of them relatively modest items such as a T-shirt and a book of poetry. Concerned about the subpoena, Lewinsky testified that she discussed it with Clinton and that Currie shortly afterward called her and came by her Watergate apartment to pick up the gifts, a sequence of events suggesting the president may have instructed his secretary to get them. But Clinton denied doing so and Currie told the grand jury that she believed Lewinsky called her about the gifts.

A few new details emerged about Clinton's role in Lewinsky's search for a new job beginning last summer. Clinton tried directly to find work for Lewinsky in summer 1997, asking aide Marsha Scott to find a way to move her back from the Pentagon to the White House, long before she was subpoenaed in the Jones case. But Starr presents that in the context of the Jones suit anyway, given that it occurred after the Supreme Court permitted the case to go forward in May 1997

and even as Jones's lawyers were seeking out women sexually linked to the president.

Jordan, a prominent Washington lawyer who arranged job interviews in New York for Lewinsky at Currie's request, is described in the report as an unwitting participant essentially used by Clinton in his larger effort to placate Lewinsky and thereby influence her Jones case testimony.

The president's defenders have rejected any illegal purpose in connection with the gifts or the jobs, saying there was no evidence of a direct link to Lewinsky's testimony and accusing Starr of twisting innocent actions involving two people who were close.

Perhaps the most controversial aspect of the report, however, may be Starr's claim that Clinton abused his office. The argument harkens back to the articles of impeachment drafted against President Richard M. Nixon, who was accused of misusing his power to cover up the Watergate burglary, among other things.

Under this interpretation, Clinton exploited the authority and resources of the White House by asserting what Starr considered frivolous claims of legal privilege to prevent his aides from appearing before the grand jury and by allowing the Secret Service to mount its own doomed court fight to keep its officers from testifying.

But Clinton advisers have ridiculed the contention, saying Starr essentially is trying to criminalize the president's attempts to assert his rights in the course of an investigation. While the administration lost battles over attorney-client and executive privileges, Judge Johnson determined that they were properly asserted even though prosecutors' need for evidence overcame the need for confidentiality.

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

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

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. I will be very brief.

There are two concepts that are at play here: fundamental fairness and public relations. Fundamental fairness means they get an opportunity to answer the charges, they get a decent full opportunity to answer the charges. Public relations means they get a jump on the other side and they get the spin machine going.

They want a public relations advantage, and we are promising them fundamental fairness. The President and his people will have every opportunity to answer every charge, if there are any charges that require answering, in abundance. That is fundamental fairness.

We are unwilling to give them a public relations advantage any greater than the one they have had for the past many months, when Mr. Starr could not talk, whereas everyone identifying themselves with the White House could talk in abundance.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I would just like to point out again in my testimony that I said that when this communication arrived at the Capitol the Speaker immediately directed the material to be secured by the Sergeant at Arms and no

Member or staff has seen any part of this.

I do not think it behooves any Member to come to the floor, come to the well, and accuse someone of leaking information. He knows, we all know, that it is hearsay and that no one has seen one word, one page, of any of these documents.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, could I say to the gentleman from Illinois (Mr. HYDE), whom I plan to work as closely with for the next several months as I can, more closely than we have worked throughout our careers, you have stated twice, sir, that the President of the United States already knows what is in the report. I reject that. And I am trying not to resent it. Because, if he does, he has violated the law in that respect.

You have also said that fundamental fairness should be distinguished from public relations spin. Well, we were not spinning anything when the ethics rule got a week for the Speaker of the House to respond. We were not spinning anything on the committee that I recall you being a member of, when President Reagan got ample time to respond.

So I do not think we should confuse fundamental fairness and public relations spin when this President is requesting the very same thing.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

□ 1030

Mr. HOYER. Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable if they do not meet their constitutional responsibilities in carrying out their duties of office.

This proceeding, as we go forth from this day, will be about that responsibility. But today's proceedings are not about the President of the United States, but about the fairness that this House is going to accord in the carrying out of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, to giving citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

This week, I tell my friends, is not a harbinger of fairness to come. Without notice, quickly, and to some, surprisingly, with unique timing, theatrically, obviously designed for television exposure, a report was delivered to this House, creating, I suggest to you, more of a circus atmosphere than a judicial, considered atmosphere.

We have now failed to provide one of the parties with notice as to what was going to proceed. I tell my friend from Illinois, whose intellect and integrity I have no question of, that if we are in fact acting as a grand jury, we would not release information, as no grand jury does. We in fact would review that information, consider its import, and then, and only then, report our findings.

That is not to be the case, for we will release this document. Many believe that we ought to release it so at least it is seen in whole, not in part, through leaks, which surely would happen.

Mr. Speaker, you have called for non-partisanship, but all of us know that this surely is one of the most partisan Congresses in history. We need more, my friends, than rhetorical recognition of fairness. We must have substantive adherence and the realization of fairness. Let us do our responsibility, as the citizens expect us to do that responsibility.

Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable if they do not meet their constitutional responsibilities in carrying out their duties of office.

From this day forward, this proceeding will depend upon that responsibility. However, today's proceedings do not relate to the President of the United States, rather, they relate to the fairness that this House is going to accord in the execution of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, as it grants citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

Unfortunately, this week is not a harbinger of fairness to come. Surprisingly for some, theatrically for most, a report was delivered to this House. It's unique arrival created more of a circus atmosphere than one of judicious consideration.

We have already failed to inform one of the parties involved in this matter with proper notice as to what is yet to come. I tell my friend from Illinois, whose intellect and integrity I do not question, that we were in fact to act as a grand jury, then we would not release information. No grand jury does. We would, in fact, review the information, consider its import, and then, and only then, report our findings.

That will not be the case here. We will release this report. Many believe we ought to release it so at least it is seen in whole, not in part as a result of leaks, which surely would happen.

Mr. Speaker, you have called for non-partisanship. Yet all of us know that this surely is one of the most partisan Congresses in history. We need more than rhetorical recognition of fairness. We must have the substantive realization of fairness. Let us execute our responsibility as the American citizens expect and as we are solemnly pledged to do.

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

Mr. Speaker, I always listen carefully to the gentleman from Maryland, and

when he says this is the most partisan Congress ever to convene, I would have to differ with him. It may be the most philosophical. But when you look at the great accomplishments of the Contract with America, the welfare reform, those measures passed this House with an overwhelmingly majority vote from both political parties. Thank you for being so nonpartisan when it really counts.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Oversight, to clarify how we are going to be open and fair today.

(Mr. THOMAS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. THOMAS. Mr. Speaker, notwithstanding the innuendo, I believe it is completely factual to say that no Member of the House of Representatives has seen the documents. As a matter of fact, we are not going to open them until the House votes on this resolution.

My assumption, having heard the minority leader and others speak, is that the resolution will pass. When the resolution passes, the box that contains the overview will be opened. The two original copies will then be copied, and those two original copies will be presented to the chairman of the Committee on the Judiciary and the ranking member of the Committee on the Judiciary. They will be first to receive the copies.

Only after they have received the copies will it then become available, when it is electronically possible, on the web sites listed here. It is the House web site, the Library of Congress web site, the Government Printing Office web site and the Committee on the Judiciary through the House web site.

In addition to that, I would urge my colleagues to look for a "Dear Colleague" provided to them by the Clerk of the House, which provides an intranet capability for Members of Congress.

Mr. Speaker, let me also say that a request for an electronic version of the report was requested yesterday in a letter signed by the general counsel to the Office of the Speaker and the counsel of the Democratic Leader, and I include this letter for the record.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 10, 1998.

Mr. Robert J. Bittman
Deputy Independent Counsel, Washington, DC.

DEAR MR. BITTMAN: As you know, the Independent Counsel transmitted material to the House of Representatives on September 9, 1998, pursuant to section 595(c) of title 28, United States Code, involving a determination in accordance with his responsibilities under chapter 40 of title 28, United States Code.

We anticipate that the House will consider a resolution authorizing the printing and public dissemination of the portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds. In order

to facilitate the expeditious, electronic dissemination of such material, we hereby request on behalf of the Speaker and Minority Leader that copies of such material be provided to the Clerk of the House in a suitable electronic format (i.e., computer diskette, CD-ROM, etc.).

We further request that such electronic copies be made available to the Clerk within the timeframe necessary to facilitate electronic dissemination by the Clerk immediately after the House approves the anticipated resolution.

Sincerely,

DANIEL F.C. CROWLEY,
General Counsel, Office of the Speaker.
BERNARD RAIMO,
Counsel, Office of the Democratic Leader.

I would also like to indicate that when the President's rebuttal through his private attorney or any other transmittal is made to the Committee on House Oversight, we will, as soon as possible, and if it is given to us in electronic form, virtually immediately post on all of these web sites on the same page the President's rebuttal.

Not only will it be fundamental fairness, but it will be an ability for those who wish to access this site to take a look at the Independent Counsel's report and then, when the President or his attorney's report is made available to us in electronic form, it will be made available as well.

I hope Members will appreciate and in fact all Americans appreciate that this will be the most widely disseminated, most rapidly available public document in the history of the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

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

Mr. Speaker, for seven of the eleven years that I have served in Congress, I have served on the Committee on Standards of Official Conduct or the ethics task force. It is from that perspective that I have several questions to ask.

If indeed what we are talking about here today is the process under which the Starr report will be released, why then have the airwaves been filled with details of the Starr report for the last 36 hours? It has supposedly been under lock and key here. One can only assume the leaks are coming from the Independent Counsel's office.

My second question is to you, Mr. Speaker. Why would you not afford the President of the United States the same opportunity you were given by the Committee on Standards of Official Conduct of having almost a week's advance notice to review the charges against you, so that you could have your response be part of the report? Let me just say, the good news about the leaks is that this four-year investigation apparently vindicates President Clinton in the conduct of his public life, because we are only left with this personal stuff.

My third question relates to our Founding Fathers. I believe the last

question is what would our Founding Fathers think of this course we are embarking on today? I think they would say it was not for the investigation of a President's personal life that we risked our lives, our liberty and our sacred honor. I know they would not want us to rush to judgment.

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

Mr. Speaker, I would just answer the last question of my good friend the gentlewoman from California (Ms. PELOSI) in saying there are only two bodies who have any idea what is in that report. One is the Independent Counsel's office, and the other is the White House. If there are leaks, I would assume it was one of those.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, is the gentleman contending that the details that the news media is putting out there about the Starr allegations, and I remind the gentleman that the Starr report is a list of allegations, it is not a statement of fact, and they will be unanalyzed, no witnesses cross-examined and the rest, is the Chairman of the Committee on Rules alleging that the White House is leaking the information that is in the Starr report, which the Speaker has not allowed the President any advance viewing of?

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

Ms. PELOSI. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am saying it is impossible for any Member of Congress to have any idea what is in that report.

Mr. MOAKLEY. Mr. Speaker, I yield two minutes to the gentlewoman from Michigan, Ms. KILPATRICK.

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

Ms. KILPATRICK. Mr. Speaker, I rise today to preserve the sanctity of this institution, to preserve the sanctity of the Constitution, and for the rights of all American people, yes, including the President of the United States.

The resolution before us is unfair. Unfortunately, we give time for all criminals, and the President is not a criminal, has not been convicted, he has committed his error and I do not condone it. He was wrong. It is for this body, those 435 of us elected by the people of these United States, to determine whether we shall preserve the Constitution and the rights of all of its people.

It has been mentioned that we are now sitting as a grand jury, and, as my friend from Maryland said, no grand jury would leak any information publicly on any case, and we know that as we have watched our government work, and it has been a good government.

Why do we now sacrifice our government, when our President of these United States, elected by his people,

who has done a good job for its people, and not allow him to view the report, as we release the report on the Internet? The rule does not allow that he, the President of these United States, would see that report. And I beg to differ with the Chair of the Committee on Rules, the White House has not seen this report. They have asked us to give them the opportunity, merely 24 hours, 48 hours, that they can see it, and, yes, release it to all the American people.

Mr. Speaker, I think it is a shame. We have done it before. We, the Members of this Congress, have ten days if we are charged before the public is released or the chamber is released the findings. I think it is despicable. We must not relegate our responsibility and our duty. Let us preserve the Constitution. Let us vote down this rule.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I am profoundly disappointed that this process will begin with a blatant disregard of fairness and bipartisanship. The information in this report has to be made public, and that is why I will vote for this resolution, but it violates fundamental fairness in two respects: First of all, in the refusal on the part of the majority to give the President even one hour of prior notice so that they can intelligently respond.

Mr. Speaker, as has been pointed out on numerous occasions, you yourself were given five days to respond when your matter was before the House. Why is this President not entitled to the same act of grace and fairness that you were provided with?

Secondly, this motion walks away from the agreement reached between the leaders of both parties that the backup material would be reviewed by the gentleman from Illinois (Chairman HYDE) and the ranking Democrat before it was released in order to protect third parties, as has been noted by Mr. Starr. This proposal walks away from that agreement and makes that information available to the entire membership of the committee. That increases the likelihood of selective partisan leaks by some of the most zealously partisan members of that committee.

Mr. Speaker, I was here during Watergate. I hated it, because it bittered up the politics of the entire country, not just toward Republicans, but toward all politicians, and we are still suffering from that. But the reason in the end that the Congressional process worked is because it was seen by the minority, then the Republicans, as being fundamentally fair to them procedurally and substantively, and that is why many of the Republicans joined in the final verdict in that process. This action does not meet that standard.

I urge the majority not to begin this process by taking unilateral actions

before it begins. Our respect for our responsibility, our reverence for this institution, should have produced a fundamentally more fair beginning than this.

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

Mr. Speaker, early on you and myself and the gentleman from Illinois (Mr. HYDE), and especially the minority leader, had spoken about trying to stick to the decorum of the House. We all know it is not under House Rule XIV proper to discuss the ethics conduct of Members. I would hope that that would not continue.

Mr. Speaker, I yield three minutes to the gentleman from Florida (Mr. GOSS), a former member of the Committee on Standards of Official Conduct and a member of the Committee on Rules.

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

□ 1045

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. SOLOMON) and the distinguished chairman, for yielding.

Mr. Speaker, as we see from the remarks today, nobody is particularly happy to find themselves here under these circumstances, but we are taking our job seriously and doing our constitutional duty.

Today, we are not going to make a judgment on the merits of the independent counsel's report. Everybody needs to understand that. We all do here. Instead, we are charged with providing a procedure for release of that report that is workable, that is fair, and most importantly, that fulfills our obligation to the people we work for, the people of the United States of America, our constituents.

This resolution contains the requisite flexibility to achieve these goals, I think, while also providing the American people with the same information, and at the same time, as Members of Congress and the President. This is truly equal treatment. No one is above the law.

I do want to stress that this comes after much thoughtful deliberation, with no rush to judgment here. My friend, the gentleman from Florida (Mr. DEUTSCH), who sits on the other side of the aisle from me, and many other Members on both sides of the aisle, would have liked us to make everything available and requested to make it available immediately, including the sensitive grand jury material. Well, we did not do that on the Committee on Rules.

Still, other Members wanted nothing released. Well, we did not do that, either. I believe it is important that we err on the side of providing the American people with more rather than less, empowering them to reach their own conclusions as this goes along. In doing so, we truly reflect the best strengths of our representative democracy, I

think, as envisioned by our Founding Fathers.

Government in the sunshine does work, as those of us who hold elective office in the State of Florida know, where we do have the "sunshine law."

Americans across the Nation are, in fact, calling for information about this matter, and this resolution will provide that information, I think, in an appropriate way.

Some comment has been made about the process in the Ethics Committee. As a former member and as a chairman of the task force of that committee, I would point out that the rules of the Ethics Committee do not necessarily fit the situation at hand. It says, in fact, that if there is going to be a report issued on a Member, the respondent has admitted to the charges and waives rights for trial proceedings, you have a very different circumstance than the type of report material we find we have from the independent counsel today.

We also point out that a respondent has a right to see a draft 10 days before a subcommittee is to vote, but not 10 days before being made public. Those are very important differences, and I think they have been somewhat misunderstood in the presentations.

As for the gentleman from Washington (Mr. McDERMOTT), I agree totally with him. Leaks do frustrate the process, as the gentleman from Washington very well knows, and I seriously hope that there are no leaks; and I seriously hope, if there are any leaks, that this time the Ethics Committee can do its job fairly to deal with such leaks.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in opposition to the proposed rule we are considering. I am here as chair of the Congressional Black Caucus, a member of the Committee on the Judiciary, and a member of a coalition of Members of the House concerned about fairness in this process.

As policymakers, we find ourselves in the difficult position of having to formulate rules and procedures to receive a report from the Office of the Independent Counsel without statutory laws or rules that dictate procedure for carrying out this special work. It is up to the Members of this House to construct and implement a fair process.

The Congressional Black Caucus has made the decision to become the fairness cop. We have assigned to ourselves the role of being the best advocates we can for ensuring that this process recognizes the rights of everyone involved, as we go through the process.

I would say to the gentleman from Illinois (Mr. HYDE), Americans want fairness, fundamental fairness. Members of the Congressional Black Caucus understand this perhaps better than most. Our struggle for fairness, justice and equality, is a responsibility that we have accepted for the rest of our lives.

This resolution reported out of the Committee on Rules is not fair. It is

one-sided. It is partisan. The Republican chair of that committee, the Speaker of the House, and other Republicans are saying, oh, we want to be bipartisan, we want a bipartisan operation, we want to cooperate with the Democrats.

In the words of my grandmother, "I cannot hear what you say. I am watching what you do."

You rolled over us yesterday, and you are rolling over us today. We say without qualification, the President of the United States of America deserves the right to review, prior to its release, a copy of the report written by the independent counsel, who has spent 4½ years investigating the President, and the last 8 months devoted to the Monica Lewinsky matter.

Our position is not one of unquestioned support for this President. We have, and I have, disagreed with him on many occasions. In a court of law, it is a basic right for a defendant to know what they have been accused of and to be given the opportunity for preparation and response.

To release this report is unconscionable. Do what you did for the Speaker, for President Nixon and Oliver North. Give the President 1 hour, 2 minutes, 1 minute, but be fair.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to say a couple of words about fairness and cooperation.

It is without question, from the calls that we have all had, in the communications with each other, that a small minority of Members would like to withhold all of the information. Likewise, it is true that a very small minority of this body would like to make all of the information available. But we will see, by the final vote on this resolution, fairness today, in that an overwhelming, vast majority believes that we should follow through with the resolution; we should make immediate publication of the 445 pages, and then use the good wisdom of the Committee on the Judiciary to go through the remainder. I think that speaks to cooperation and fairness.

Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. SENSENBRENNER. Mr. Speaker, let us talk about fairness to the American taxpayer that paid for the independent counsel's investigation. The American public, to be fair to them, ought to be able to see what the independent counsel has sent to Congress, pursuant to the independent counsel statute, free from spin doctors, free from talking heads, free from media hype. Let them see it in the form that it was sent by the independent counsel. I would point out that nobody is going to have a 1-minute advantage and a heads-up on this, because this will be released simultaneously to the American public, to the

Congress, and to the President of the United States.

Now, the 35 of us who are members of the Committee on the Judiciary have an awesome constitutional responsibility in discharging our duties and evaluating this evidence to see whether or not the President has committed an impeachable offense or not. I am not asking for a leg-up to start working on this awesome responsibility. I am asking for fairness.

I am asking for an ability to be able to reach my own conclusions, free from the advice of people on the outside who have got axes to grind, and that is why I think that this resolution is fundamentally fair, because it strikes a balance between the openness that the American public expects this proceeding to be done, as well as the request that Independent Counsel Starr has made to protect certain individuals from undue conclusions, who are not involved in this process at all.

This report contains the most important information concerning a President that the American people will ever have to consider, and the American people ought to be put it into this equation so that they can see what the independent counsel has found and they can judge for themselves. It is imperative that the Congress conduct the public's business in as open a manner as possible.

The process laid out by the Committee on Rules is eminently fair. Congress, the citizens of this country, and President Clinton will begin their review process of Independent Counsel Starr's report at the same time. With the public dissemination of this material, the American people and Members of Congress can come to their individual conclusions regarding Mr. Starr's report.

The resolution charges the Committee on the Judiciary with the awesome responsibility of reviewing the full referral by Mr. Starr to determine if there are sufficient grounds to recommend to the House that an impeachment inquiry be commenced. We are committed to conducting an impartial and independent review of the independent counsel's investigation and his conclusions, and will reach our own conclusions based upon that review, and it will be done in a nonpartisan manner.

After evaluating Mr. Starr's evidence, the Committee on the Judiciary has two choices. Either it will find that there is no substantial evidence of impeachable activity by the President or it will recommend commencing a formal impeachment inquiry. This will be done not on a partisan basis, but on the evidence and on the law.

I support the resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former district attorney for 21 years in the Commonwealth of Massachusetts.

Mr. DELAHUNT. Mr. Speaker, by 3 o'clock today, millions of people

around the world will be reading the Starr report, and it will be persuasive, for any prosecutor has the ability to shape the evidence presented to a grand jury. We can claim that these are only allegations, that nothing has been proven, but the reality is by tonight, minds will be made up and judgments will be rendered, and any presumption of innocence will be overwhelmed.

I agree that the report should be released. That is not the issue. The question is when and how.

After so many months, what possible harm could come from allowing counsel for the President to review the report for a day or 2 so that both sides of the story can be told at the same time? It is only fair.

This House went even further to ensure fairness 24 years ago. During 7 weeks of closed-door hearings, President Nixon's lawyers were even allowed to cross-examine witnesses before anything was made public. We should respect that precedent, and it is unfortunate that we have not, for if the American people are to accept our ultimate conclusion, they must have confidence in the fairness of the process. That confidence, far more than the fate of a President, is what is at stake here.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

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

Mr. BUYER. Mr. Speaker, I rise to state that obedience to criminal law and fairness does not recognize special treatment as being requested.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from Texas (Ms. JACKSON-LEE).

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

Into this House come ordinary men and women, and we are often asked to do extraordinary things. We are also asked to put aside politics and the desire for self-indulgence. I hope over these weeks we will refer more often to our Bibles and the Constitution, the Bibles for redemption and fairness and the Constitution for the understanding of freedom and justice.

For the opening of the Constitution said, "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

□ 1100

No, the President is not above the law, the institution of the presidency is not above the law, but neither is either below the law. There is a presumption of innocence until proven guilty for all of us.

This House, during this somber process, must not be driven by politics. The delivery of 445 pages by the drama of

trucks coming onto these grounds, without the opportunity of the respondent, which could be any American in this Nation, to review such materials to provide a simultaneous response, is a political act, it is not justice.

For any of our Members to suggest that the President already knows what a prosecutor, Ken Starr, has done for 4 years with \$40 million in a document that includes 140 pages of charges, is at best being political. The Constitution was not written on the Internet, and this process should not be governed by the needs of those who travel the cyberspace, it should be governed by fundamental fairness.

In fact, in this House the Speaker himself, who presides today, was given at least 10 days to look at the allegations and charges against him. I ask the Speaker, can we be any less fair? Do we not remember what happened to the innocent Richard Jewell in the Atlanta bombings? This is what could happen if we do not allow the President to review as any American the charges brought against him and, as well, to keep the many many other documents unexposed until the evidentiary hearings are completed.

This process, Mr. Speaker, is one that will not preserve what the American people have created; that is, a perfect union with justice. This process could expose and hurt innocent people. This process will not preserve this Nation, this Constitution, or the people. We need fairness, Mr. Speaker. Let us begin today.

Thank you, Mr. Speaker. Here we are. Alexander Hamilton probably knew that someday we would be here at this point.

He said in the Federalist Papers that, the biggest fear in undergoing an impeachment proceeding would be that the "comparative differences of the party would override the real ideals of innocence and guilt."

It is important to acknowledge the sobering and somber tasks we are about to undertake. Alexander Bickel wrote in 1973, "In the presidency is embodied the continuity and indestructibility of the State. It is not possible for the government to function without a president, and the Constitution contemplates and provides for uninterrupted continuity in office." Fundamental fairness then is pivotal in any constitutional process seeking to remove the president.

During this time many issues will have to be resolved. One of them is whether or not the President should be allowed to formulate a response over the next 48 hours before the Starr report is released to the public. The answer of course should be yes. Unfortunately, the rules Committee decided not to allow the President to review the report before it was released to the American public. When the Founding Fathers wrote the Constitution, there was no Internet, no Information Superhighway. Even though Mr. Speaker the Congress is a political body, this process should not and can not be politicized.

The independent counsel's report while I am sure is presented with a high respect for the seriousness of this issue, it is still only one side of the story. The American public should

have both sides of the story at once. Otherwise, the media will only have Starr's version to discuss for the next several days.

The Watergate impeachment inquiry followed the same precedent. The Judiciary Committee received evidence in closed-door hearings for seven weeks with the President's lawyer in the same room. This evidence included the material reported by the Watergate grand jury. The materials received by the Committee were not released to the public until the conclusion of the seven-week evidentiary presentation. By then, the White House had full knowledge of the material being considered by the Committee. Also in Watergate, subpoenas were issued jointly by the chairman and ranking member, and if either declined to act, by the other acting alone, he could refer the matter to the full committee for a vote. Most importantly, it was required that the President's lawyer be provided with copies of all materials presented to the committee, invited to attend presentations of evidence, and to submit additional suggestions for witnesses to be interviewed or materials to be reviewed, and to respond to evidentiary presentations. The rules further provided that the President and his counsel "shall be invited to attend all hearings, including any held in executive session." Twenty-four hours advance notice was required, and both the Chairman and the Ranking Minority Member were granted access "at all times" to committee materials.

I don't think the House should have denied President Clinton the same right our members receive when charges are filed against them by the House Ethics Committee. For example, Speaker GINGRICH was permitted to review the charges filed by the Committee before it issued its public report. The President should be afforded the same right.

Also, the Ethics rules require that the subject of any investigation to alleged violations will have "not less than 10 calendar days before a scheduled vote" to review the alleged violations. A copy of "the statement of alleged violations, together with all evidence, is also provided to the subject of any House Ethics violations." The President should not receive any less due process than any Member of Congress.

We want to do this in a fair and nonpartisan manner. It is true that no one is above the law, not even the President of the United States. However, he should not be below the law. This is not just President Clinton, but this is the institution of the Presidency. We must treat this process fairly and justly. Integrity must remain in the process. This is not a witch hunt, and an election by the American people should not be nullified without objective deliberation. It is unfortunate that the President will not be given a chance to review this report before the Press will on the Internet. Let's put fairness back in the process.

The American people understand the creation of this perfect union, they understand justice—and we must show that we will not let politics override justice and the blessings of liberty. The institution of the Presidency, Preservation of the rule of law, the survival of this nation depends on this.

Alexander Hamilton in 1775 said the sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of

the divinity itself, and can never be erased or obscured by mortal power.

This process needs to be fair, it is a somber task. I fear political glee over one man's pending doom drives this House now to vote to deny the basic constitutional protections to the accused in a timely manner, in order that an informed response to the charges be made. I fear pre-judgment of the issues because this House fears for its survival. I however will not give up on fundamental fairness.

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

Mr. Speaker, time is so precious, I would just hope that the timekeeper would charge us for the time we are on our feet.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, the founders of this extraordinary constitutional republic created a system of government that is as resilient as it is intent upon being protective of the freedoms of the American people. I think we in this moment in history are seeing another manifestation of that resiliency and of that fundamental greatness of the system that was created by our Founding Fathers.

I have to respectfully but emphatically reject the accusation that we have heard this morning of unfairness that has been hurled at the Committee on Rules. The Committee on Rules has bent over backwards in satisfaction of the guidance that the Speaker and the minority leader and the distinguished member of the Committee on the Judiciary and the ranking member gave us to be precisely fair.

How ironic it is that it was from the other side of the aisle that the most emphatic and passionate requests were made to us last night to instantaneously make public everything in those many boxes that have been received and are under lock and key at this moment, and thus could not have been leaked and have not been leaked by this House. The other side of the aisle most emphatically asked that everything be made public today. There were other requests from both sides of the aisle that nothing be made public.

We have bent over backwards to be fair, and we have created a system, a rule that is fair, that protects the right of the American people to learn the facts, and the right of due and deliberative process for the President and all other citizens who may be affected by these proceedings that in effect we are authorizing today by this rule and by the rule next week that we will be bringing to the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I, too, want the allegations in the report by Mr. Starr to be made public, but the way that that would be done in this resolution is wrong. The burden of that wrong will haunt this process throughout.

This process is controlled by the leadership of this House. It is important that the outcome, which could be a grave and heavy outcome, be seen as completely and entirely fair and objective by the people of this country. This process is being begun in a way that belies all of that. It is wrong. It is unfair. There is a pretense to fairness, merely the suits and trappings of fairness and objectivity, but not the real meat of fairness and objectivity.

I am convinced that we are embarking on this process in the wrong way. This resolution is wrong, and therefore, I must vote in accordance with that conviction.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I believe it was Charles Dickens who, in his novel, *A Tale of Two Cities*, said, "It was the best of times, it was the worst of times." That is a fairly accurate assessment of where we are right now here in this Chamber.

Yes, I took the oath of office to defend our Constitution, and I will defend the rule of law and not the rule of man, which leads to tyranny. Later today we will be voting on the referral and release of the Starr report. As we proceed, I think all of us who are here will keep in mind how important it is to remain objective, and above all, fair.

The decisions we will make will have a far-reaching and long-lasting impact on our country and on every American, young and old.

Yes, let us release the report, but let us give our President the 2 days that he may be able to respond as requested. Let us be fair. There is nobody in this Chamber whom I believe can tell me that our President is not 100 percent committed to doing the best job he can for our Nation. His record on the job as President has proven that.

Mr. SOLOMON. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a distinguished member of the Committee on the Judiciary.

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

Mr. COBLE. Mr. Speaker, many have compared President Clinton's problems with Watergate. There are similarities as well as distinctions.

A probable similarity is this: If President Nixon and President Clinton had offered sincere apologies in timely fashions, their respective problems would likely have been resolved. If, when initially confronted, they had responded truthfully in a manner worthy of their high office, the severity of their problems likely would have diminished: "American people, I made a mistake. I disappointed you. I let you down. I ask your forgiveness."

If such requests had been timely extended, forgiveness would likely have been forthcoming, because Americans by nature are a forgiving people. I am applying hindsight, Mr. Speaker, which

is nearly always 20/20. But the time for forgiveness may have passed, and now this demanding task of resolving the matter is upon this, the people's House.

The success of our Constitution is measured with the courage of those in whom it vests powers to carry them out in a just and appropriate manner. This resolution will assure that the Committee on the Judiciary is able to ascertain what we need to do to accomplish that task.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, there are few instances in this Chamber where bipartisanship is required. There are almost no instances where fairness is required. Bipartisanship is not even required when we are declaring war. As we saw in the way the Gulf War was handled, there were divisions among us, and yet we came together.

But Mr. Speaker, bipartisanship and fairness are necessary in a procedure that could overturn a democratic election. We are failing the joint test of bipartisanship and fairness this morning on the easiest of the issues of this proceeding, access to an accusatory document by the accused.

Mr. Speaker, I have spent my life in the law arguing matters of due process, down to including first amendment matters, where I was defending the rights of racists to vindicate the right of free speech. I can say to the Members that I believe history will ask, what would have been lost if the President had been given a day or two to inspect documents that accused him? Ten days for Members accused, no day for the President of the United States when he is accused.

We could have regulated how the document would be inspected. We could have sequestered those who would inspect it. There are any number of conditions, but the notion of no inspection does violate fundamental fairness.

Impeachment is a matter of a process that we make up as we go along. Particularly because this Chamber is not controlled by the President's party, they should be at pains to bend over backwards on each and every element of fairness. They have failed to do so in this proceeding.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the outstanding Member from Atlanta, Georgia (Mr. LINDER), a member of the Committee on Rules.

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

Mr. Speaker, this is a terrible thing for the Nation to have to go through, and not one of us should feel anything but sadness and pain. But Congress has a solemn responsibility to undertake this review of the report of the independent counsel.

As the chairman of the Committee on the Judiciary stated earlier today, we took an oath on our first day in this

Chamber, an oath to defend the Constitution of the United States. It is that Constitution that places this responsibility upon us. This is a sad day. When I came to Congress I would have never believed we would have to consider such a resolution during my service here. It is a solemn responsibility.

But we may not cede our oversight responsibility to watch over the government. Every Member of the House, in doing so, would be abdicating one of the most important obligations charged us by our Founding Fathers.

Ronald Reagan stated on the 250th anniversary of the birth of President George Washington that without President Washington stepping forward, our Nation might have failed. He said that George Washington, and I quote, "was a man of deep faith who believed the pillars of society were religion, morality, and bonds of brotherhood between citizens. He personified a people who knew it was not enough to depend on their own courage and goodness. They must also seek help from God, their father and preserver."

As we begin this process, we must put our trust in the courage and judgment of this sober body. We must put our faith in God to lead us during this very difficult time. I urge my colleagues to support this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the resolution. I asked myself three questions: Is the public's right to know paramount to the right of the accused to a fair hearing? My answer to that is no. That has always been the answer of our country.

Is there any precedent for what we are doing? My answer to that is no. We gave the defendant McVeigh and the defendant who shot police officers in this Chamber more due process than we are extending to the President of the United States. We fight to keep from having pretrial publicity and information out there, to assure fair trials, and we give it up today when we release this report.

Now, having dug ourselves this hole, can we provide a fair determination and fulfill our constitutional responsibility, with the public and the press second-guessing every single step and every single evaluation? It is like having the press and the public standing and saying to every single juror, "We have already made up our mind. Now you go provide a fair trial and a fair process."

□ 1115

On all three counts we have failed the system.

This is a sad day from two perspectives. It is a sad day that we are here in the first place, but it is an even sadder day for what we are doing to the Constitution and to our obligations under that Constitution.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I came here to this House at the same time as the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary. I heard the questions raised so far on this proceeding and I watched the Rules Committee last night. Just to show how dull things were on television, I watched the Committee on Rules on television last night.

Mr. Speaker, to me, I get the feeling that this is, "Give him a fair trial and then hang him." Now, what is the difference in the courtesy that we extended Richard Nixon and our distinguished Speaker, and that extended to the President of the United States? After all, he supposedly speaks for all of us. Fifty percent of the people did not vote for Republicans or Democrats. They were split up. Fifty percent of the people said, we do not want to vote for anybody.

This is, in my view, an unfair rule. I hope that I would never have to come to this body for defense of my civil rights and to get fairness from the Committee on the Judiciary if this rule goes into effect. And there are already members of this committee that have made up their minds that Clinton has to go.

Mr. Speaker, to me, this is a facade. It is absolutely ridiculous. It is a travesty. And right now I am going to vote against the rule, and I would just tell all Members of this House, if they vote against this rule, the press releases are already out that they are going to defend the President and stand with him and the message will go to their districts that they do not want the truth to be seen.

This is political, and I regret it; and it is one of the reasons that I am going to be so glad to be out of here.

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

Mr. Speaker, I am going to be out of here too, but I am not going to be glad about it. It is a great institution, and I am certainly going to miss it.

Mr. Speaker, I cannot help but listen to the last two speakers from North Carolina, and others. I wish they had stayed on the floor earlier on when the gentleman from Missouri (Mr. GEPHARDT), the minority leader, was here imploring the Members to have proper decorum and to cooperate in a bipartisan and nonpartisan basis.

Mr. Speaker, let me refer to the law. Section 595(c).

Mr. CONYERS. Regular order. Mr. Speaker, is the gentleman on his own time?

The SPEAKER. The time is counted around the gentleman from New York.

Mr. HEFNER. Will the gentleman yield? He mentioned my name.

Mr. SOLOMON. Mr. Speaker, I did not mention the gentleman's name.

Mr. HEFNER. I am from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. No, I will not yield.

Mr. WATT of North Carolina. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. A point of Personal privilege is not in order at this time. The gentleman from New York (Mr. SOLOMON) controls the floor.

Mr. SOLOMON. Mr. Speaker, I am going to say it again. Some complain about the President not being given prior notice; I think the arguments are unfounded. The Democrats controlled this place in 1978 when this initial law was put into place. Nothing in the law, and it is only one paragraph here, speaks to giving anyone notice when a report is given to this Congress.

This law has been reauthorized three times, the latest in 1994 when this House was again controlled by Democrats. Nothing was in it. Let me read it to my colleagues.

“Schedule C: Information relating to impeachment. An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives.” It goes on to say that they may constitute grounds for an impeachment.

Mr. Speaker, that is the law. We should have written it in the last five times. We did not for reasons.

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

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

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from New York (Chairman SOLOMON) for yielding me this time.

Mr. Speaker, I rise in support of the rule. The American people paid for this report. They have a right to see it immediately without any spin.

With regard to this rule on the Starr report, we need to make the report public immediately for these reasons:

1. Immediate release on the internet will prevent the selective leak of information both favorable and unfavorable to the President.

2. The American people, as taxpayers, have a right to see the report, complete and unedited by the media or other sources. This method provides access to the report to everyone at the same time. They paid for this report. Let us give it to them.

3. Internet release is the least partisan method of releasing the information. No one has any advantage in spinning the information for their own purposes.

4. The report is now property of the House of Representatives, as the Constitutionally authorized body to determine whether impeachment is warranted. If anyone should be able to review the material, it should be the House, and then the President, not the reverse.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this is the first stage of what will be an incredibly difficult and

delicate challenge to this body. I am saddened by the tone of antagonism and mistrust that is already starting to creep into the proceedings.

Perhaps the flaws in this resolution do not equal a violation of fundamental fairness. Due process, of course, is different from the fairness inherent in due courtesy and due comity. But let me ask my colleagues, would there have been any real cost to a better protection of the rights of innocent persons to their privacy? I think not.

Would there have been any real cost to a fuller courtesy to the President of the United States, regardless of statutory or precedential provisions? I think not.

Would there have been any real cost to greater comity to the requests of the minority in order to assure a fuller sense of nonpartisanship in this matter? I think not.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, this is a critical time in our country's history, and we must proceed with the utmost care in fulfilling our constitutional responsibility, wherever it might take us.

It is altogether fitting that the independent counsel's report be made available to the American people, Members of Congress, and the President simultaneously. From the outset, this process must be open and fair to all, with advantage to none.

As we go forward, we do so not as partisans, but as fact-finders and truth-seekers. And we go forward together, the American people and their representatives in Congress, united in our love of country and in our desire to seek a wise and just result.

There is a passage in the scriptures where King Solomon says, “Give therefore thy servant an understanding heart * * *” That is what is needed during this time of our national tribulation.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. SOLOMON) the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, there is a sign that hung over my wall when I served as U.S. Attorney, and I brought it with me to Washington and it now hangs in my office here. It is a quote by Theodore Roosevelt, a former President. “No man is above the law, no man is below the law, nor do we seek any man's permission when we seek to make him uphold the law.”

That is very applicable here today as we discuss the law. I would remind my colleagues on the other side of the aisle, who now wail so loudly in favor of special dispensation for the President, what law it is that we are operating under here and what law we are not operating under here.

Mr. Speaker, we are operating here under the independent counsel statute, which provides very specifically for the treatment of different reports by an independent counsel. We are not proceeding here under the ethics rules. We are not proceeding here under the Federal Rules of Criminal Procedure.

The independent counsel statute, which was referred to just recently by the chairman of the Committee on Rules and which the minority, when they were in the majority, had every opportunity just 5 years ago to amend and they did not, provides very simply, very unequivocally, very clearly that the independent counsel report that we are talking about here, which is not a report to the court, is not a periodic report to the Congress; it is a report directly and solely to the Congress and not to any other party for purposes of the Congress to consider what the independent counsel believes is impeachable evidence, evidence of impeachable offenses.

If, in fact, the minority, which was then in the majority just a few years ago, was so concerned about the principle involved here, aside from the personalities that now prevail, if they were so concerned about providing special dispensation for the President to have advance access to that report from the independent counsel, so he could go to the American people and spin it and distort it, then they could have written it into the statute.

Mr. Speaker, it is too late now to do that. The statute speaks for itself, just as the evidence will speak for itself.

I support this resolution.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the very distinguished gentleman from Washington (Mr. HASTINGS) a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time.

Mr. Speaker, we have heard a lot of remarks today, some good and some maybe not so good. I would like to come at it from a different perspective.

When I was first elected to this body, I never contemplated the possibility that I would have to address the potential of impeachment, and I think that many of us feel exactly the same way. But here we are, and we all swore to uphold the Constitution. This is what I would like to address my remarks to.

Some have characterized what we may go through as a constitutional crisis. I would emphasize that this is not a constitutional crisis. The issue that brings us here today, the method of disseminating the information in the independent counsel's report, however, may result in a crisis. It may result in a crisis of governance. It may result in a crisis in the confidence of the people that elected us, but it is not a constitutional crisis.

Our Constitution clearly lays out a process in which we should discharge our duty. This is the start of that process.

Mr. Speaker, last week before I returned to Washington, D.C., I had dinner in my district with a group of Russian professionals. At that time, Russia was in the middle of a crisis where there was no prime minister and there was a very real threat that the government might be dissolved. There clearly was apprehension in this delegation. My colleagues should recall that until yesterday, this issue was unresolved. Now, that is what I would characterize as a constitutional crisis.

Mr. Speaker, as we go through this process, let us keep in mind that this issue is very serious, but it is not a crisis of that fact. I would just say that this really demonstrates to me that the Founding Fathers, what they wrote in our Constitution does indeed work. The burden now is on us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. HUTCHINSON), another member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Speaker, this resolution begins a journey in which the path will be treacherous and the conclusion is uncertain. The journey should be guided by the Constitution, the law, and our conscience.

This resolution is a step in the right direction on that journey. It follows the precedence of the House and it is fair. Would it be more fair to withhold the release of the report to Members of this body and to the public, in other words to allow the President a head start in reviewing the report? I think not.

Mr. Speaker, I believe that it is fair and the chairman of the committee has done an outstanding job in working with the minority ranking member in order to assure a fair process.

As a member of the Committee on the Judiciary, I have supreme confidence that the committee will provide the President an ample opportunity and a fair opportunity to respond. This process should not be a stampede to impeachment, but it should be a search for truth and justice with an allegiance to the Constitution. That is my commitment. That should be our commitment.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary.

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

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, first, they mentioned "the two gentlemen from North Carolina," and I am one of them. I do not know if I am a gentleman, but as far as the decorum of the House, I certainly, if I offended anybody, I apologize. I am so sorry if I hurt anybody's feelings, delicate feelings in the House.

But, Mr. Speaker, there is one question that has not been answered. By this weekend on all the talk shows, all

the things that are in the report are going to be on "Meet the Press" and "Face the Nation." Somebody is leaking this.

I am not making accusations, but somebody is leaking this and I would like to have an explanation and an answer as to where these leaks are coming from, because it does not behoove us to just say, well, we have them under lock and key here.

□ 1130

Mr. CONYERS. Mr. Speaker, reclaiming my time, the intention of this Member was to come here this morning, point out my reservations about this rule, this proceeding, and vote for it. But I have been exposed to the debate now, and I will not be able to justify my support.

I am announcing to those Members on my side that I have told I was going to support the report, I am not going to vote in the affirmative. And I regret it very much because it was important to me that we continue the comity that we have worked so hard on.

Here is why. The independent counsel whom I have lectured to almost daily from this well and for whom I have had certain reservations about his overzealousness has done the Congress one important service. In his only communication that I know of to the Speaker and to the minority leader, he said in two sentences something that I think we are not following, and I commend it to your attention.

It is this: "This referral," not report, "This Referral contains confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure." That is Starr talking to the Congress. Then he went on to say, "Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential."

It was with that understanding that, in the Office of the Speaker and with the leaders of this body we entered into an agreement that I regretfully have to tell you has been broken. It has been broken. My heart has been broken before. Agreements have been broken before.

But in this instance, we are violating the directions of the independent counsel who now, in his fifth year, and I love these reports about how the American people are waiting for this. The majority of the American people would accept a resolution saying we shall never mention this matter again for the rest of all of our honorable and distinguished careers. That is what the majority of the American people want. Twenty-five thousand people would like to see it if it is there.

But since we are worried about the contents: "Impeachment Report Contents: Clinton Lied, Obstructed Justice; Alleged Deceit Is Outlined."

"Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for im-

peachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice, and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents."

That is in the paper. Yet my colleagues are now urging me to tell our Members to release everything, thousands and thousands of pages. Explain to me one procedural method. How can 35 Members with at least one staffer each go through thousands and thousands of pages of documents?

I ask in the comity that the gentleman from Illinois (Mr. HYDE) and I have pledged to work with, the friendship that the Speaker and I have enjoyed over these last 48 hours, that we please move away from this course of action. I urge that this resolution be defeated.

Mr. SOLOMON. Mr. Speaker, after that eloquent address, it is only appropriate that the closing for our side would be the chairman of the Committee on the Judiciary, not only because he is the Chairman, but because he has also, in 24 years, been the Member that has been held in, I would say, the highest esteem by all of us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) to close for our side.

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

Mr. HYDE. Mr. Chairman, I would not call for a vote on that last statement the gentleman from New York made, but I do thank him for his generous remarks.

Mr. Speaker, fundamental fairness is a phrase that has been bandied around here. I did not hear that much when one of the marvelous, articulate spokesmen for the administration declared war on Kenneth Starr; and that war is still going on, volley after volley on MSNBC, CNBC, on and on and on, not to mention other spokesmen for the administration, talented issuers of insults and vitriol. There was not much due process or fairness there.

We have congratulated ourselves on saying no man is above the law, but this is not a criminal proceeding. There is no legal requirement for an answer to a complaint from the White House. We on the Committee on the Judiciary are smart enough and of such goodwill that we are going to wait and we are going to hear what the President has to say. We are going to give it every possible consideration.

The only requirement for an early copy to the White House is a public relations one. We have had the public relations feel for as long as the independent counsel has been appointed. By the way, the spin is working well here in this room. My colleagues refer to him as the special prosecutor, not the independent counsel. He is not a prosecutor on the law my colleagues passed, which did not provide for advanced copies to objects of investigation, as my colleagues wrote it. So we have a public

relations requirement that I hope my colleagues do not think we are fundamentally unfair in not wanting to give special treatment to the White House. Equality, not special treatment.

I do not have to tell my colleagues that these theaters of operations have shifted from the White House to the Grand Jury to this chamber. We are governed by what we all vote for.

I can assure my colleagues the only bipartisan thing in this whole resolution, after listening to this debate, is the bipartisan demand for immediate release of this report. I can tell my colleagues the vigor and rigor with which those demands have come from the other side is in no way less than the vigor and the rigor of the demands on our side.

We put this to a vote, we know what is going to happen, and we are the servants of this body. So there is no way we could change that.

Due process, fundamental fairness will be observed. I can assure my colleagues this whole proceeding will fail, it will fall on its face if it is not perceived by the American people to be fair.

I keenly regret what I have heard this morning, a debate that has been really partisan. Bipartisanship cuts two ways, folks. It does not mean surrender. It means thoughtful, sincere, honorable consideration of differing views and trying to reach an accommodation.

I pledge myself, even though the gentleman from Michigan (Mr. CONYERS) has changed his mind, I pledge myself to work with him as closely as humanly possible so we do have that bipartisan result from our efforts.

I hope my colleagues will vote for this resolution.

Mr. STARK. Mr. Speaker, I will not vote for this resolution because I have grave reservations about the process under this House resolution that provides no check for the relevance or veracity of the information contained in the Starr report, and which denies the President the fairness that the House has afforded its own Members.

This report is a prosecutor's version of a case, no more and no less. It evolves from a grand jury investigation that affords witnesses no opportunity for representation by counsel and no rebuttal for witnesses. If the accused were a House Member, He would have been afforded time to review the report and prepare a response. Our own Speaker GINGRICH was given five days to read and respond to the Ethics report detailing his wrong doing; the Speaker's response was included in the document made available to the public by the Ethics Committee. Speaker GINGRICH forgets that fairness he was afforded as he casts the first stone today at the President.

As we vote today, we do not know where the truth will take us. But we must not plunge into McCarthy era demagoguery in which salacious slander replaces responsible governing.

Mr. COSTELLO. Mr. Speaker, this House has under consideration the issue of how best to deal with the report submitted by Independent Counsel Kenneth W. Starr. Mr. Starr has spent almost four years investigating the presi-

dent and more recently, the allegations surrounding President Clinton and his admitted extramarital relationship with Monica Lewinsky.

I have been extremely disappointed with the President's behavior. I do not believe it is appropriate conduct for the President of the United States. However, the issues contained in the Starr Report also deal with issues of alleged legal impropriety. Those are the issues which should be our focus as we consider our duty under the Constitution.

I will vote today to release portions of the Starr Report to the public. I regret that the Republican majority of this House is opposed to giving the President an opportunity to read the allegations contained in the report before we make them public, because I believe that is unfair. We gave House Speaker NEWT GINGRICH that opportunity when allegations against him were being considered by the Congress.

However, I believe it is important the public have access to certain information in the Starr Report. I remain reluctant to make every detail—secret grand jury information, classified national security documents, or unconfirmed information which may unnecessarily involve innocent individuals—available for everyone in the world to read. On this matter, the House Judiciary Committee will be responsible for further action and recommendations to Congress.

Before I make any further judgment, I want to read the Starr Report. Then, I want to hear the President's response to the allegations made in the report. At that time, I will consider the evidence presented to me as a Member of the U.S. House of Representatives and take any action I believe appropriate.

Mrs. CUBIN. Mr. Speaker, since Independent Counsel Kenneth Starr has delivered a report to Congress with evidence of possible impeachable offenses, the House of Representatives is required by the United States Constitution to review this information. Along with the power to declare war, the power to draft articles of impeachment is among the most solemn and serious powers given to the House by the Constitution.

The vote today to release the report is not an indictment against the president. The House has not voted to impeach the president, nor to proceed with an inquiry of impeachment. We have voted to make this report available to members of Congress, the President, and the American public. We have also voted to give the Judiciary Committee the authority to review all of the supporting documents to determine if there is evidence that the President has committed impeachable offenses.

Our decision today on how to handle the report is fair. The law requires Judge Starr to submit information to Congress if he has found credible evidence of impeachable offenses. The President, like the Congress, did not get an advance copy. Like any other American, he will not receive special treatment, he will receive fair treatment.

The public has a right to review the report, and innocent parties have a right to have their privacy preserved. The Judiciary Committee will be the only body with access to the supporting documentation. However, by making the report public, the American people will be able to decide for themselves what the report says rather than having the information filtered through media or government sources.

For the stability of the country and the preservation of our democracy, we must proceed with a spirit of bipartisanship that rises above politics and ideological differences. If the Judiciary Committee determines that there are impeachable offenses, and forwards its findings to the entire House, Members of the House will effectively serve as jurors. We must look at the facts in an objective and fair manner. We must leave our own personal and political predispositions at the door. Our decisions must be made on the evidence and the law.

Like every other member of the House, I plan to review the report in its entirety over the weekend. I urge every American to read the report and make their own judgements in a sober, serious manner.

To make the report more easily accessible to people in Wyoming, I want them to know that an electronic copy of the report will be posed on the Internet on the following official government sites:

Library of Congress—THOMAS—<http://thomas.loc.gov/icreport>.

Government Printing Office—<http://access.gpo.gov/congress/icreport>.

House Committee on Judiciary—<http://www.house.gov/judiciary>.

House of Representatives—<http://www.house.gov/icreport>.

Mr. BUYER. Mr. Speaker. I know that all of my colleagues recognize the gravity of the situation before us. We must bring to this matter every ounce of wisdom and thoughtfulness and nonpartisanship possible.

The statute authorizing the independent counsel requires that the House be notified of any substantial and credible information that may be grounds for impeachment. The independent counsel has fulfilled his statutory obligation. The House must now fulfill its constitutional responsibility to thoroughly review this material.

It is not the independent counsel who decides what is impeachable. That responsibility rests solely with the House. Included in this resolution is a requirement that three sections of the report be made public as soon as is physically possible. This is appropriate. The Democrats on behalf of the President's criminal defense lawyer seek to have access to the report prior to its dissemination to the public. Obedience to criminal law and fundamental fairness does not recognize special treatment as requested by the minority. The law authorizing the independent counsel does not authorize an advance copy to the subject of the investigation.

I support the resolution and urge its adoption.

Mr. SCARBOROUGH. Mr. Speaker, I want to express my support for the public disclosure of the Starr report, to end questions regarding the report's content. The gravity of this historical moment cannot be underestimated. Few responsibilities will ever rise to this responsibility Congress now confronts. Throughout this difficult process, the public will always retain the right to be fully informed. The Congress, as well as the President, has such a duty to so inform.

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to this resolution.

We all agree that we have a serious responsibility to fulfill our Constitutional duty as members of Congress in the matter before us. But, it is of utmost importance that we proceed in a spirit of fairness.

Sadly, it now appears at the very outset that the majority has rejected any semblance of fairness in favor of blatant partisanship. To refuse to give the President of the United States the basic courtesy of reviewing the charges made by the most far-reaching Independent Counsel in history is shameful. Is this the America we want for ourselves and our children, where individual rights are trampled on to such a degree that accusations against a person are posted on the internet before they are presented to the accused? I am afraid that this is only the beginning of more abuses to come. How can members of this body who have loudly insisted that the President resign possibly give him a fair hearing? I urge my colleagues to reject this resolution. Let us reject this cheap, partisan approach and instead chart a fair, objective and honorable course as we undertake this serious responsibility.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise to join my colleagues, who more eloquently than I, argue for fairness and decorum in the process we are about to embark on.

This investigation, Mr. Speaker, and therefore this report is a document born out of political machinations. It is the result of a more than 6 year relentless attack on the President of the United States, which many of us believe began because his policies and political philosophy favor people of color and the less fortunate in our country, as well as because of his economic policies and high favorability with the American people.

I personally do not feel that the full report should be made public. No public good would be served, only opposing political interests. Additionally, it would further demean the office of the President as well as the Congress and further demoralize a public that has said over and over again: "Enough is enough, lets get on with the important issues facing this country."

Mr. Speaker, it is only fair to grant the request of the President and his attorney's for some time to review the report before it is made public. Even if the Republican leadership does not think that Bill Clinton deserves two days to review the report, then I offer to you that the President of the United States—whomever he might be—is due at least that amount of respect and consideration.

Mr. Speaker, this is indeed a sad day for America. It is a sad day, not because of what the President has done, or the ensuing media feeding frenzy, but because of the willingness of some members of the Republican Party and its cohorts of the conservative, so called "Christian" Right, to sacrifice the presidency and the integrity of the Congress on the altar of political expediency.

Let us be decent people and the upstanding representatives the American people elected us to be. We must respect the Presidency and give the President the time he has requested. We must also do as Judge Starr has asked us and protect the confidentiality of the sensitive material the report includes. Let us be fair—vote against this unfair rule!

Mr. DELAHUNT. Mr. Speaker, two days ago, after months of speculation, leaks and revelations, the report of the Independent Counsel was delivered to the House of Representatives. If this resolution is approved this morning, the report will be in the hands of millions of people around the globe by three o'clock this afternoon.

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that observes the principles of fundamental fairness that are at the heart of that document.

Only then will the American people accept the results, whatever they may be. Only then will we begin to restore the shaken confidence of the Nation in its political institutions.

In that regard, Mr. Speaker, I consider the resolution before us today to be our first test. For in deciding the terms under which the highly sensitive material contained in the report should be released to the public, we must weigh carefully the benefits of immediate disclosure against the damage this might do to the fairness of the investigation.

If the resolution is agreed to, the entire 445 pages of the report will be posted on the Internet this very afternoon. Not a page of it will have been examined beforehand by any member of the Committee. Not one page will have been seen first by the President and his attorneys.

Some have argued that we should release the report because the essence of it has already been leaked to the press and appears in this morning's editions. If that is true, it is to be deplored, and the Independent Counsel should have to answer for it. But we should not endorse the unauthorized disclosure of pieces of the report by prematurely releasing the rest of it.

Some have argued that the President already knows what is in the report because he is the subject of it. This argument suggests, at best, a poor understanding of what goes into a prosecutor's report.

Some have argued that we should go ahead and release the report because there are still some 2,000 pages of supporting material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we treat certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not require such treatment. Yet Mr. Starr did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate that responsibility to the Independent Counsel.

Apart from whatever damage the abrupt disclosure of the report might cause to innocent third parties, it will clearly be prejudicial to the President's defense. If the Independent Counsel has done his job, the case he has constructed will be a persuasive one. Prosecutors have enormous power to shape the evidence presented to the grand jury. And—at least at the federal level—they have no obligation to apprise the jurors of exculpatory evidence. The case will seem airtight. Yet until the evidence has withstood cross-examination and the allegations have been proven, they remain nothing more than allegations.

Presidents, no less than ordinary citizens, are entitled to the presumption of innocence. They are entitled to confront the charges against them. Yet, if we adopt this resolution, by the time President Clinton is accorded that right, the charges against him will have circled the globe many times. They will be all the

public reads and hears. They will take on a life of their own, and the case will be tried, not by Congress, but in the court of public opinion.

Given these risks, why rush to judgment, Mr. Speaker? After so many months, what possible harm can come from allowing the counsel for the President a few days to review the report so that they can tell his side of the story?

In the one historical precedent we have to look to, that is precisely what was done. Twenty-four years ago, a Republican president was under investigation by a Democratic House. President Nixon's lawyers were permitted to participate in seven weeks of closed sessions, as the Judiciary Committee conducted a confidential review of Judge Sirica's grand jury materials prior to their release. The counsel to the President was even allowed to cross-examine witnesses before their testimony was made public.

Whatever the differences may be between the current controversy and the Watergate affair, President Clinton should receive the same due process protections accorded to President Nixon in the course of that investigation.

If the people of the United States are to accept our verdict—whatever it may be—they must have confidence in the fairness and integrity of our deliberations. That—far more than the fate of one particular president—is what is at stake.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this resolution.

I commend the Chairman of the Rules Committee, Mr. SOLOMON. Today the House embarks upon the first step of a Constitutional process that our commitment to the rule of law. Besides declaring war, this is the most important duty that the House could undertake. As Chairman HENRY HYDE has stated, we are about to embark on a judicial inquiry that will uphold our "Viable and Venerable Constitution."

CONSTITUTIONAL PROCESS

I must stress that this process is not and should not be about politics. Partisan sniping has no place in this process. The entire Nation, indeed, the world will be watching the House of Representatives and they will be seeing our Constitution on display. Indeed, it is that document—the Constitution—that must be our guide in this process, not politics.

IMMEDIATE DISCLOSURE

The immediate public release of the 445-page written report is essential to this process. Delayed release or partial release or incomplete release will lead first to a trickle and then a torrent of leaks, rumors and outright false information.

The American people deserve better than to learn the details of the charges against the President through a cynical cycle of spin and re-spin. Nothing could be more damaging to this process and—I might add—to the office of the Presidency. For these reasons, I am confident that the chairman and ranking member of the Judiciary Committee will release the supportive documents as soon as possible and no later than September 28, 1998, consistent with their legal obligations.

PRESIDENT'S RIGHT

Now let me touch upon the President's rights in this process. I am committed to maintaining a level of fundamental fairness as the House—and possibly the Senate—move forward with this constitutional process.

Does today's release of this 445 referral compromise the President's rights or place him at a legal disadvantage? The answer is a clear "no."

The President and his lawyers will have plenty of time to craft a full defense. (Indeed, if there is any person in this Nation who has the tools and the ability to defend himself—it is the President of the United States.) That is his right. That represents basic fairness.

It is important to realize that the process that this resolution creates will provide the Independent Counsel's Report to this House, the President, and the public at essentially the same time. How can this not be fair?

CONCLUSION

It is my sincere belief that this process will prove that our Constitution works. Today, that process begins and will only end in an impeachment if substantial and credible evidence exists for that impeachment. Today's action is NOT meant to prejudge the outcome. We must uphold the laws of our free society—our republic will be secure.

I urge my colleagues to support this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, in this Nation, and in this Congress, we are confronted with a serious constitutional crisis.

In everyone's interest, Judge Starr's report should be released to the public without delay. For months we have listened to rumors and leaks. In order for the credibility of this Congress to remain intact, we must be armed with truth and the facts. The American people must share this confidence, and the only way to accomplish this, is for the information contained in Judge Starr's report to be made public. After all this time and the related costs, full disclosure is absolutely necessary.

As a Member of Congress, I will fulfill my duty and obligation to review this matter in a tradition of bipartisan cooperation already reiterated by the Speaker and Mr. GEPHARDT. Congress will execute its duty under the Constitution, but more importantly, continue to work on a legislative agenda which assures Americans that our Nation's economy will remain strong by virtue of a Balanced Budget and tax cuts. We will also continue our work to increase educational opportunities for our children, preserve and protect Social Security and Medicare, and reform health care in America.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 63, not voting 9, as follows:

[Roll No. 425]

YEAS—363

Abercrombie	Ehrlich	Lazio
Aderholt	Emerson	Leach
Allien	English	Levin
Andrews	Ensign	Lewis (CA)
Archer	Eshoo	Lewis (KY)
Armey	Etheridge	Linder
Bachus	Evans	Lipinski
Baessler	Everett	Livingston
Baker	Ewing	LoBiondo
Baldacci	Farr	Lowey
Ballenger	Fawell	Lucas
Barr	Fazio	Luther
Barrett (NE)	Foley	Maloney (CT)
Barrett (WI)	Forbes	Maloney (NY)
Bartlett	Fossella	Manton
Barton	Fowler	Manzullo
Bass	Fox	Mascara
Bateman	Franks (NJ)	Matsui
Bentzen	Frelinghuysen	McCarthy (MO)
Bereuter	Frost	McCarthy (NY)
Berman	Galleghy	McCollum
Berry	Ganske	McCreery
Bilbray	Gejdenson	McDade
Bilirakis	Gekas	McGovern
Bishop	Gephardt	McHale
Blagojevich	Gibbons	McHugh
Bliley	Gilchrest	McInnis
Blumenauer	Gillmor	McIntosh
Blunt	Gilman	McIntyre
Boehlert	Gingrich	McKeon
Boehner	Goode	McKinney
Bonilla	Goodlatte	McNulty
Bonior	Goodling	Menendez
Bono	Gordon	Metcalf
Borski	Goss	Mica
Boswell	Graham	Millender-McDonald
Boucher	Granger	Miller (FL)
Boyd	Green	Minge
Brady (TX)	Greenwood	Mink
Brown (OH)	Gutierrez	Moakley
Bryant	Gutknecht	Moran (KS)
Bunning	Hall (OH)	Morella
Burr	Hall (TX)	Murtha
Burton	Hamilton	Myrick
Buyer	Hansen	Nethercutt
Callahan	Harman	Neumann
Calvert	Hastert	Ney
Camp	Hastings (WA)	Northup
Campbell	Hayworth	Norwood
Canady	Hefley	Nussle
Cannon	Herger	Oberstar
Capps	Hill	Obey
Cardin	Hilleary	Olver
Castle	Hinojosa	Ortiz
Chabot	Hobson	Oxley
Chambliss	Hoekstra	Packard
Chenoweth	Holden	Pallone
Christensen	Hooey	Pappas
Clement	Horn	Parker
Coble	Hostettler	Pascrell
Coburn	Houghton	Pastor
Collins	Hoyer	Paul
Combest	Hulshof	Paxon
Condit	Hunter	Pease
Cook	Hutchinson	Peterson (MN)
Cooksey	Hyde	Peterson (PA)
Costello	Inglis	Petri
Cox	Istook	Pickering
Coyne	John	Pickett
Cramer	Johnson (CT)	Pitts
Crane	Johnson (WI)	Pombo
Crapo	Johnson, Sam	Pomeroy
Cubin	Jones	Porter
Cunningham	Kanjorski	Portman
Danner	Kaptur	Price (NC)
Davis (FL)	Kasich	Quinn
Davis (VA)	Kelly	Radanovich
Deal	Kennelly	Rahall
DeFazio	Kildee	Ramstad
DeGette	Kim	Rangel
DeLauro	Kind (WI)	Redmond
DeLay	King (NY)	Regula
Diaz-Balart	Kingston	Reyes
Dickey	Klecza	Riggs
Dicks	Klink	Riley
Dingell	Klug	Rivers
Dixon	Knollenberg	Rodriguez
Doggett	Kolbe	Roemer
Dooley	Kucinich	Rogan
Doolittle	LaFalce	Rogers
Doyle	LaHood	Rohrabacher
Dreier	Lampson	Ros-Lehtinen
Duncan	Lantos	Rothman
Dunn	Largent	Roukema
Edwards	Latham	Royce
Ehlers	LaTourette	

Ryun	Smith (TX)	Tiahrt
Salmon	Smith, Adam	Tierney
Sanchez	Smith, Linda	Trafficant
Sanders	Snowbarger	Turner
Sandlin	Snyder	Upton
Sanford	Solomon	Vento
Sawyer	Souder	Visclosky
Saxton	Spence	Walsh
Schaefer, Dan	Spratt	Wamp
Schaffer, Bob	Stabenow	Watkins
Schumer	Stearns	Watts (OK)
Sensenbrenner	Stenholm	Waxman
Sessions	Strickland	Weldon (FL)
Shadegg	Stump	Weldon (PA)
Shaw	Stupak	Weller
Shays	Sununu	Weygand
Sherman	Talent	White
Shimkus	Tanner	Whitfield
Shuster	Tauscher	Wicker
Sisisky	Tauzin	Wilson
Skeen	Taylor (MS)	Wise
Skelton	Taylor (NC)	Wolf
Slaughter	Thomas	Wynn
Smith (MI)	Thornberry	Young (FL)
Smith (NJ)	Thune	
Smith (OR)	Thurman	

NAYS—63

Ackerman	Hinchey	Owens
Becerra	Jackson (IL)	Payne
Brady (PA)	Jackson-Lee	Pelosi
Brown (CA)	(TX)	Roybal-Allard
Brown (FL)	Jefferson	Rush
Carson	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Scott
Clayton	Kilpatrick	Serrano
Clyburn	Lee	Skaggs
Conyers	Lewis (GA)	Stark
Cummings	Lofgren	Stokes
Davis (IL)	Markey	Thompson
Delahunt	Martinez	Torres
Deutsch	McDermott	Towns
Engel	Meehan	Velazquez
Fattah	Meek (FL)	Waters
Filner	Meeks (NY)	Watt (NC)
Ford	Miller (CA)	Wexler
Frank (MA)	Mollohan	Woolsey
Hastings (FL)	Moran (VA)	Yates
Hefner	Nadler	
Hilliard	Neal	

NOT VOTING—9

Barcia	Jenkins	Pryce (OH)
Furse	Johnson, E. B.	Scarborough
Gonzalez	Poshard	Young (AK)

□ 1200

Mr. FORD changed his vote from "yea" to "nay."

Mr. HINOJOSA and Mr. RODRIGUEZ changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise at this time because, like the other four Members who represent Americans in the offshore territories, I was not able to vote on the issue of the rule, H. Res. 525. But, Mr. Speaker, I believe in fairness and I believe that sensitive material should be kept confidential.

The people in the territories, just like those on the mainland, believe in fairness and we believe in respect for the Office of the President. And, so, if I had been able to vote, I would have cast my vote against the resolution; I would have voted no.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.Res. 525.

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

There was no objection.

AMENDMENT PROCESS FOR DOLLARS TO CLASSROOM ACT

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

Mr. SOLOMON. Mr. Speaker, we have a number of important issues coming before the House in the next 3 weeks.

The Committee on Rules is planning to meet the week of September 14 to grant a rule which may limit the amendment process on H.R. 3248, the Dollars to the Classroom Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Wednesday, September 16, to the Committee on Rules, at Room H-312 in the Capitol.

Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce. The report will be filed today.

ELECTION OF MEMBER TO COMMITTEE ON THE JUDICIARY

Mr. FAZIO of California. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H.Res. 530) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 530

Resolved, That the following named Member be, and is hereby elected to the following standing committee of the House of Representatives:

To the Committee on the Judiciary, THOMAS M. BARRETT of Wisconsin.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4006.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. FAZIO of California. Mr. Speaker, I rise to inquire about next week's schedule from the leader, the gentleman from Texas (Mr. ARMEY).

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

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

Mr. Speaker, I am pleased to announce we have concluded the legislative business for the week. The House will next meet on Monday, September 14, at 10:30 a.m. for morning hour and at 12 o'clock noon for legislative business. We do not expect any recorded votes before 5 p.m. on next Monday.

On Monday, September 14, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Tuesday, September 15, and throughout the balance of the week, the House will consider the following legislation:

H.J. Res. 117, a resolution expressing the Sense of the House that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use;

H.R. 4006, the Lethal Drug Abuse Prevention Act;

The Drug Demand Reduction Act of 1998;

H.R. 4300, the Western Hemisphere Drug Elimination Act.

We will also consider H.R. 3736, the Workforce Improvement and Protection Act of 1998; and H.R. 3248, the Dollars to the Classroom Act.

Mr. Speaker, we are also hoping to go to conference on several appropriations bills and perhaps get a few conference reports completed next week. We hope to conclude legislative business for the week by 2 p.m. on Friday, September 18.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I yield to the gentleman from New York, who has some questions about their primary.

Mr. ENGEL. Mr. Speaker, on Tuesday, New York has a primary, and other States as well. There are probably seven or eight States that have a primary.

I happen to have a contested primary election, as some of my colleagues do as well. I know in the past we have avoided having votes on a day that States are having primaries, and I am wondering if the same consideration could be given to those of us in New York who have a primary. Because, obviously, if we are running for election, we cannot be here and we would miss votes. And again, it has been done for other States, and I am wondering if it could be done on Tuesday, as well.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. ENGEL) for his inquiry; and I certainly appreciate the concern the gentleman has.

Unfortunately, given the rush of work we have yet to complete this year

and some lost time earlier this year because of tragic and unforeseen events and the efforts that we have made to make sure that we fully and completely accommodate the Jewish holiday, we did not feel that it would be possible this year to suspend votes on this important Tuesday.

I know that the gentleman from New York (Mr. ENGEL) will agree that is easier for me than for the gentleman. And let me just, if I may, express my regret and apologies to the gentleman for the inconvenience.

Mr. ENGEL. Mr. Speaker, if the gentleman would further yield, if I may ask the majority leader one further question.

Would it not be possible to perhaps hold votes on Tuesday, hold votes over until Wednesday, to do the debates on Tuesday, as we so very often do, but not have the votes actually held until Tuesday?

That would not slow down the procedures of the House or the ability of the House to do the kinds of work that we need to do, but it would be fairer to have the actual votes on Wednesday.

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman from New York (Mr. ENGEL) I do not believe that is possible, given the structure of the work that we have before us for that day.

But I will again, out of consideration for the gentleman from New York and others as well, I will see what and if some accommodation can be made, and I will get announcements to their offices as soon as I can determine so.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could ask further of the majority leader, could he give us some understanding as to which days the bills that he listed are expected to come to the floor?

Mr. ARMEY. If the gentleman would yield further, I would expect that we would do the work related to the work on drugs, H. Res. 117, H.R. 4006, the Drug Demand Act, and H.R. 4300; we would expect that we would occupy most of Tuesday with that work.

In addition to that, of course we have the Workforce Improvement and Protection Act and the Dollars to the Classroom Act. We would expect those two bills to be taken up later on in the week.

Let me again remind the gentleman, we will also be occupying a good deal of the floor time with respect to going to conference with some of the work related to the appropriations bills.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could ask the gentleman, are there any late nights anticipated in next week's schedule?

Mr. ARMEY. Mr. Speaker, I appreciate the inquiry of the gentleman, and I would say that at this point we do not anticipate there will be a need for any late nights. And, obviously, if we see something that changes, we will let the body know as soon as possible.

Mr. FAZIO of California. Mr. Speaker, one further, final question.

Could the gentleman give us any understandings as to which appropriations bills he expects to come before us next week with motions to go to conference with the potential of instruction for conferees and all that goes with it?

Mr. ARMEY. Mr. Speaker, I appreciate again the inquiry, and I am, unfortunately, unable to give him that. But if the gentleman would check with the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations, perhaps he could get a better read directly from him about what his plans are with respect to asking for time.

ADJOURNMENT TO MONDAY, SEPTEMBER 14, 1998

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

TRIBUTE TO CHARLES C. DIGGS

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

Mr. STOKES. Mr. Speaker, I rise to advise the House of the recent passing of our former colleague and friend, former Congressman Charles C. Diggs, Jr. Former Congressman Diggs passed on August 28, 1998.

Charlie Diggs was elected to the United States Congress from Michigan's 13th Congressional District in 1954. He was Michigan's first black Member of Congress.

During his Congressional career, he was one of the founding members of the Congressional Black Caucus and served as the first chairman of that group.

□ 1215

He is also credited with establishing home rule for the District of Columbia, as well as authoring legislation to create the University of the District of Columbia.

Mr. Speaker, at the funeral services for Charlie Diggs, I was honored to

offer remarks on behalf of the Congressional Black Caucus. I want to share my remarks and a copy of Charlie's obituary with his friends across the Nation.

Charlie was a giant in the Black political history of America. We extend our deepest sympathy to his wife, Darlene, and members of the Diggs family. He will never be forgotten.

The materials referred to are as follows:

REMARKS OF THE HONORABLE LOUIS STOKES, MEMBER OF CONGRESS—A SPECIAL TRIBUTE TO THE HONORABLE CHARLES DIGGS

Ebenezer A.M.E. Church, Fort Washington,
MD, September 1, 1998

Darlene and members of the Diggs family. I speak here today to pay tribute to a giant in the black political history of America. I speak on behalf of the 39 black Members of Congress who inherit his legacy. The entire Congressional Black Caucus, chaired by Congresswoman Maxine Waters, liken his passing to the falling of a giant oak in the forest. Present today are Ms. Waters, Congressman Clay of Missouri, Albert Wynn of Maryland, former Congresswoman Cardiss Collins, and myself.

Long before many of us came to Congress, Charlie Diggs was a legend to us. Both his father's and his own political career had made the Diggs name a prominent family name among blacks all over America. We, too, had taken pride in 1955 in seeing this young State senator, join William L. Dawson and Reverend Adam Clayton Powell, as Michigan's first black Congressman. He hit the ground running in Congress and quietly established his reputation as a fighter for civil and human rights.

In the same year he was sworn in to Congress, Charlie received national attention for monitoring the trial of two white Mississippians accused of murdering Emmett Till. Following the trial, he proposed that the representation in Congress from Mississippi be reduced. He also called upon President Eisenhower to call a special session of Congress to consider civil rights issues.

Charlie endured fire bombings at homes he was staying in in Selma and Mississippi while taking up the cause of tenants being evicted from a slum. He investigated racial disputes at a Job Corps camp and in the United States Army. In fact, Congressman William Clay, who would not come to Congress until 1969, was one who was affected by this. In his book entitled, "Just Permanent Interests," Clay first speaks of "Diggs' long and glorious career," and then tells that "In late 1954, when I was a member of the Army Chemical Corps, stationed at Fort McClellan, Alabama, I was prompted to call upon him for assistance even before he was sworn into Congress."

Between 1955 and 1968 John Conyers, Robert Nix and Augustus Hawkins had come to Congress. So, in 1969 when Bill Clay, Shirley Chisholm and I came to Congress, for the first time in history there were nine black Congresspersons. By 1971, we had been joined by Charlie Rangel, Ron Dellums, Parren Mitchell, George W. Collins and Ralph Metcalfe. This was the beginning of the Congressional Black Caucus and we elected Charlie Diggs as our first chairman.

Charlie's speech at our first Congressional Black Caucus dinner in 1971 established the creed under which the Congressional Black Caucus exists. He said, "We meet to assert the common bonds that unite men and women of all races, creeds and generations who share a fierce determination to liberate the legions of the oppressed. We come to-

gether to arm and equip ourselves to fight more effectively than ever before for those who are too seldom victors, too often victims."

Under Charlie's leadership, we became a formidable force in the United States Congress. One of our finest hours was the meeting with President Richard Nixon following our boycott of him for neglecting the legitimate needs and rights of black Americans. At this historic meeting, in his quiet, dignified manner, Charlie Diggs told President Nixon, "Our people are no longer asking for equality as a rhetorical promise. They are demanding from the national administration and from elected officials without regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of results."

President Nixon's failure to adhere to our demands forced Charlie to make a dramatic and brilliant move. He appointed the Diggs "shadow cabinet" which consisted of black professionals who were experts in government, and whom Charlie gave titles similar to that of each member of Nixon's Cabinet. Whenever a Nixon Cabinet member presented an administration policy or position, the Diggs "cabinet" counterpart would respond from the black perspective.

It was during this period of time that Vice President Spiro T. Agnew, while traveling in Africa, verbally attacked America's black leaders and the Congressional Black Caucus. Under Charlie's leadership, the caucus responded on the floor of the House. Charlie said, "Although his statements are very difficult to follow with any degree of logic, it is not hard to understand that times and the people have indeed passed him by—the matter of black leadership is not within his province to decide."

In two areas, Charlie's legislative accomplishments will remain etched in history. Under his chairmanship of the House District of Columbia Committee, home rule was established, giving the District of Columbia the right to elect their own mayor and city council for the first time in more than a century. He also authored the legislation creating the University of the District of Columbia. The other area was his tenure as chairman of the Subcommittee on African Affairs. He was acknowledged and respected by everyone as Capitol Hill's foremost elected official on Africa. He was loved all over Africa.

So, Charlie, we benefitted from your leadership, your friendship, your letters, your phone calls and your visits. You walked tall and quietly carried a big stick. Good night, Dean. We'll miss you.

OBITUARY

Charles C. Diggs, Jr., State Senator, Congressman and Mortician, was born December 2, 1922, and departed this life August 24, 1998. He was the only child of the late Mayme E. Jones Diggs and Charles C. Diggs, Sr. The Diggs Seniors were Morticians, pioneers in business, public service and community activists.

Charles C. Diggs, Jr. began his political career in 1951 when he was elected to the Michigan State Senate. The youngest member of the Senate, he served a total of two terms. During this tenure, he compiled a record that brought the admiration of leaders throughout the state. An advocate and firm supporter of social legislation, he did much to assist Governor G. Mennen Williams promote a constructive program of human relations for the state. He was instrumental in pushing legislation through the Senate that brought about good business and labor relations, compulsory school attendance, and a re-evaluation of restrictions to age limitations on voting.

In 1954, his popularity in his state as a leader led him on to defeat the favored incumbent, George O'Brien. He then became the Democratic candidate for Congress from the Thirteenth District. Arriving in Washington as a federal legislator, he found it relatively easy adjusting to what he described as "the way of life on Capitol Hill." He also found time to utilize his literary skills, serving as radio commentator on a program sponsored by the House of Diggs, Inc., and their insurance company. He was the owner and president of the House of Diggs, which was recognized as the state's largest funeral home.

As a Congressman, he identified himself with the problems of the Southern Blacks. This association resulted in his being described as the "Mississippi Congressman-at-large." In 1955, as a freshman Congressman, he was propelled across the international scene by his attendance at the Emmitt Till murder trial in Mississippi, next to Issaquena County where his father was born and grandfather, Reverend James J. Diggs, founded the Woodland Baptist Church. Charles was a staunch supporter of the Civil Rights Movement and wrote legislation supporting the movement. During his first four years in Washington, he was assigned to the House Veterans Affairs Committee. He also served on the House Interior and Insular Affairs Committee promoting Statehood for Alaska and Hawaii. In 1959, he became the first Black Member of Congress to serve on the House Foreign Affairs Committee. One of the prime considerations at the time was to authorize establishment of the Peace Corps. Because of his strong support, he later became Chairman of the Subcommittee on Africa.

Congressman Diggs attended all the Democratic National Conventions beginning in Chicago in 1957. He traveled throughout the U.S.A. speaking on behalf of the Kennedy/Johnson ticket. In 1969-1970, he was the founding Member and first Chairman of the Congressional Black Caucus. In 1973, he became the Chairman of the House District Committee and in less than a year, he persuaded Congress to grant District citizens the right to elect their own Mayor and City Council for the first time in over a century. Home Rule, the establishment of the University of the District of Columbia, the Frederick Douglass Home designation as a National Historical Site are all chiefly the results from that Committee and his Chairmanship.

Congressman Diggs is a double life member of the NAACP, and a member of the Tuskegee Airmen, East Coast Chapter and, has received numerous awards and recognitions. His congressional papers were given to Howard University's Moorland-Spingarn Research Center. In Detroit, he was a member of Hartford Memorial Baptist Church. In 1986, he became a member of Ebenezer A.M.E. Church in Fort Washington, Maryland, where he accepted Christ as his personal Savior and maintained strong religious ties until his death.

Congressman Charles C. Diggs, Jr., is survived by his wife of 15 years, Darlene Expose Diggs; six children: Charles C. Diggs, III, Denise Diggs Taylor, Alexis Diggs Robinson, Douglass J. Diggs, Carla Diggs, and Cindy Carter Diggs; 13 grandchildren: Charles IV, Nicole, Diamond, Dorian, Dominic, Itta, Juanita, Marshall, Alexandria, Ryan, Evan, Jonathan, and Jacqueline; and a host of relatives and friends.

VIOLENCE IN CAMBODIA

(Mr. GILMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise today to strongly condemn the ongoing violence in Cambodia and to express my support for the brave Cambodian citizens opposing the tyranny and oppression of the Hun Sen government.

In the last week's violence in Cambodia, government forces have senselessly killed, maimed and harassed peaceful street demonstrators who are protesting allegations of election fraud. This has to stop. Hun Sen and his government must understand that his violent actions are not without consequence. The violence must stop, fundamental human rights must be restored, allegations of election fraud must be investigated and an equitable power sharing agreement must be found.

I call upon the Clinton Administration to provide leadership in the cause of democracy and human rights. The administration's absence on this issue has been felt.

To the forces of democracy in Cambodia, be assured that the world is watching. You do not stand alone in your quest for justice, for human rights and for freedom.

CONGRESS MUST RENEW FAST-TRACK

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

Mr. BARRETT of Nebraska. Mr. Speaker, shortly the House may help bring around a better future for American agriculture when we vote to extend fast-track negotiating authority.

The best way to secure a better economic future for agriculture is to expand our export markets overseas. With just 4 percent of the world's population, U.S. agriculture must export in order to remain a viable industry. Nearly one-half of the wheat produce in this country is exported. Thirty percent of the feed grains and cotton is exported. There are estimates that 47 percent of our soybean crop will be exported. One out of every three acres we plant in this country is dedicated to exports.

That is why Congress must dedicate itself to step boldly into world trade negotiations next year. Congress must work with the administration to get lower foreign tariffs for agriculture goods; stop or limit the use of foreign trading enterprises used to block or underbid our U.S. exports; stopping the use of sanitary and phytosanitary measures to block U.S. exports; and to increase foreign tariff rate quotas.

Mr. Speaker, fast-track is a no-brainer for American agriculture. Pass fast-track.

AMERICAN FAMILIES NEED MEANINGFUL TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the strength of this country lies in its families, not in its bureaucracy back here in Washington, D.C., yet the current Federal Tax Code penalizes a husband and wife for jointly filing their tax return. It also penalizes seniors over 65 who earn more than \$15,500 by withholding their Social Security benefits. Also, the self-employed can only deduct 45 percent of their health insurance premiums, instead of 100 percent, which is the same tax deduction for anyone who does not have employer-subsidized health insurance.

Unfortunately, many of our colleagues on this side of the aisle believe that enacting tax cuts would be equivalent to throwing money away.

Mr. Speaker, hard-working families are losing touch with their children because they must work two and three jobs just to pay the bills. Why should American families have to apologize to Washington bureaucrats for keeping some of their hard earned money? Most Americans would agree that buying groceries, paying the house mortgage payment, taking a family vacation or just saving for their family's future, is not throwing money away.

Let us give American families a meaningful tax break. Let us give them the opportunity to use their money on their family.

NATURAL DISASTER RELIEF NEEDED FOR SYRACUSE AND CENTRAL NEW YORK

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

Mr. WALSH. Mr. Speaker, Monday morning, Labor Day, about 1 a.m., my family and I awoke to a storm of such magnitude and destruction that I have not witnessed in my 50 years in my hometown of Syracuse. When it abated, two were killed, dozens were injured, with millions of millions of dollars of property damage to homes and businesses.

The next morning I toured the city with Governor Pataki, Mayor Bernardi and County Executive Pirro, and was absolutely amazed at the power and the breadth and the destruction of the storm. That morning also I spoke with James Lee Witt, the highly competent director of FEMA, who had been in discussions with our State Director, Mr. Jacobi, and I urged him, as I did President Clinton in a letter the following day, to please hurry as quickly as possible to make the determination necessary to declare Syracuse, central New York and nine other counties a Federal disaster area.

FULFILLING THE RESPONSIBILITIES OF THE CONSTITUTION

(Mr. BLUNT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, today we took the first vote in what may be a series of votes on how we deal with our constitutional responsibility. It was an important vote, because it was a vote to be fully inclusive, not only of every Member of the House, but to be as inclusive as possible of every American.

At this critical time for our country, being open with the American people, giving them a report that they paid the bill to produce, letting them reach their conclusions, as we reach our constitutionally required conclusion, is an incredibly important thing to do.

The job of the Congress is to do what the Constitution requires. The job of the Congress is to do what the Constitution requires and what is best for the country. As the American people enter into that job with us, I know we want to be prayerful, not only for Members of Congress, but we want to be prayerful for President Clinton and his family and for the United States as we do what the Constitution requires. We are a system of law.

OPPOSE PROPOSED REMOVAL OR BREACHING OF DAMS

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

Mr. NETHERCUTT. Mr. Speaker, I want to again voice my opposition to the proposed removal or breaching of dams on the Snake and Columbia Rivers in Washington State. Some advocate that these dams be destroyed in an effort to restore wild salmon runs.

I am concerned about recovery of wild salmon runs, but I also believe that we must not destroy our multiple use river system that has been created over the past 40 years. I seek to implement a salmon recovery plan that is science-based, maintains a healthy environment for other fish and wildlife species, but balances the needs of our local economy and our rural way of life in the Northwest.

There are serious environmental effects of replacing hydroelectric power with fossil fueled generation. Dams are a clean and renewable energy resource. To replace this source of electricity with natural gas fired turbines would add thousands of tons of pollutants and chemicals into the atmosphere annually.

We must examine all sources of fish loss. Ocean conditions, predator populations and over-harvesting on the river have yet to be fully addressed. Salmon recovery can be accomplished using developing technology and sensible harvest limits. Dam removal will irreversibly remove jobs, harm the economy and the environment, while the benefits to the salmon would remain uncertain.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's an-

nounced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

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

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

SOLEMN CONSTITUTIONAL RESPONSIBILITIES PLACED UPON CONGRESS

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

Mr. WISE. Mr. Speaker, I believe that the greatest responsibility that a Member of Congress can face is the question of whether or not to go to war, to commit men and women of this country to armed conflict. The next greatest responsibility after that is the matter of impeachment of the President of the United States. With the delivery of the report by Kenneth Starr, the special prosecutor, to this body, that process of deliberation began, so a new set of rules, a new stage is set for the 435 Members of this House of Representatives, and it is every bit as solemn and every bit as important and every bit as somber as those deliberations that this body has had to make in matters of war. Remember, it has only been several times in our Nation's history that we have been to this stage.

Mr. Speaker, I do not know at this moment what are the allegations in the report that Mr. Starr delivered to the Congress. To my knowledge, perhaps just a few people know, and no one in this body knows. Soon the world will know via the Internet. We will all be reading and reviewing.

I do know that what the President has admitted to is wrong and distressing. I do know that the allegations in the report, which I have not seen, may be even more disturbing. There is no excuse for the already-admitted errors in the President's personal conduct, and that is something I think that all Americans, including the President of the United States by his very statements today, as well as in previous days, concur in.

That is not going to be the issue in front of this Congress and in front of this House of Representatives. The issue will be somewhat the President's personal conduct. The issue though, more significantly, is whether it is grounds for impeachment of the President.

So impeachment is the proceeding that this body goes about beginning today. It is not about polls, it is not about partisanship, it is not about personal opinion. It is about whether a standard has been crossed, a threshold has been reached, that requires this body, the House, to issue articles of impeachment, that then begin in effect a trial in the United States Senate.

With the resolution that passed today, and which I voted for, to receive the report, to make it public, I now and 434 other Members of this House become in effect grand jurors, because our responsibility is to determine whether there is probable cause to vote articles of impeachment that the Senate then takes up. That requires under the Constitution that we weigh all facts and we measure whether the offense is indeed grounds for impeachment.

I support making these documents public. The first report will be made public this afternoon, and then subsequent reports after review by the Committee on the Judiciary. I would have preferred, yes, that indeed the President had been granted an opportunity to review what is in the report, in the same manner that this body has permitted review by other officials that have been in similar situations in disciplinary actions.

□ 1230

If the choice is between making public and not making public, it should be made public. I just ask that all of us remember that this report is not a guaranteed statement of fact; it is allegations by the special counsel, and that the hearings that will be held will flesh that out further, the extent to which they are valid, the extent to which they can be challenged, and that no one should be rushing to snap judgment in a serious moment like this.

This is the second time this century that this process has taken place. This cannot be a rush to judgment via polls or talk shows or whatever the public whims are.

So we approach this carefully and seriously with due deliberation and reflection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair must remind Members to avoid personal references to the President. It is no longer permissible to debate the information addressed by House Resolution 525.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

A TRIBUTE TO TWO OUTSTANDING CITIZENS FROM THE STATE OF ARIZONA

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

Mr. HAYWORTH. Mr. Speaker, I rise this afternoon in the wake of a momentous vote to discuss not what lies ahead but to remember two who have gone before, from my great State of Arizona. I first pay tribute this afternoon to Governor Jack Williams, a dedicated public servant who served as Governor of Arizona during challenging times from the mid-1960s on through the early 1970s, an effective leader, a true public servant, who reminded us all that public service is not always equated with public office.

Jack Williams, for many years before serving as Governor of Arizona, was a broadcaster. Mr. Speaker, his repeated broadcasts on KOY radio were a source of inspiration and amusement to his fellow Arizonans and every day he would conclude his broadcast commentary with a sign-off saying, "It is a beautiful day in Arizona. Let us all enjoy it."

Arizonans enjoyed unparalleled economic prosperity during the administration of Governor Jack Williams. He was a dedicated results-oriented leader, but more than that, he was one who listened to all Arizonans, one who never developed the trappings or the arrogance of office; instead, always dedicated himself to the ideals of true public service, whether as a broadcaster or later a mayor or finally as governor of the great State of Arizona.

Because of Governor Williams' efforts, we remember him today and we can honestly say, there is a great future for Arizona. Let us all enjoy it.

Mr. Speaker, despite the fact that those in the punditocracy in the light of current events and other procedures would say that the culture of Washington has somehow denigrated, has somehow deteriorated, until the politics of personality, I would make this observation, for I rise today also to remember another Arizonan, not a member of my party, not one who subscribed to the conservative philosophy to which I adhere, but one who I believe needs to be recognized. His name was John Cox. He aspired to service in this chamber and, Mr. Speaker, just last week, he passed away, even as he had made plans again to challenge my good friend and colleague, the gentleman from Arizona (Mr. SALMON) in the First Congressional District of Arizona.

John Cox was not a man with whom I agreed but, Mr. Speaker, he was a man whose company I enjoyed. Indeed, the last time we had a chance to get together was at one of the great programs that has been run nationally, where Americans got together to discuss the future of Social Security. That meeting was scheduled in the Valley of the Sun in the days immediately following the passing of Senator Barry

Goldwater, and it was during an honest, open dialogue and discussion, listening to citizens of Arizona when John Cox leaned over to me and whispered in my ear, I have something for you that I would like you to have that I believe will mean far more to you. Even though it has great meaning for me, I know it will have far more of a meaning to you.

Mr. Speaker, what John Cox gave me are the little replica of glasses I wear on my lapel just above my Congressional pin, glasses that symbolize allegiance to Barry Goldwater in the 1964 campaign. John Cox's gesture bespeaks what is good about our political process because in this chamber, even in these challenging days ahead, there will be honest disagreements, sincerely held, passionately stated. Our Founders experienced the same, in what Catherine Drinker Bowen calls the Miracle at Philadelphia when they put together the document which we swear to uphold and defend and indeed whose very presence we are mindful of today at the outset of such momentous proceedings.

The examples of John Cox and Jack Williams suit all Americans. That is why I pay tribute to them today and that is why they will not be soon forgotten.

WE MUST BE FAIR AND NON-PARTISAN IN JUDGING OUR PRESIDENT

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

Ms. KILPATRICK. Mr. Speaker, twenty months ago, Members of the 105th Congress took our collective oaths of office. In that oath, we have sworn to uphold and defend the Constitution of the United States. As such, it is not our option, but our obligation to the American people to deliberate the issues and information that are presented before us in hearings, Committee mark-ups, or during floor debate, and weigh them in an unbiased and clear fashion before voting on the issue of the day. Our votes on items both mundane and vital must come in a context of what is best for our respective constituencies and our nation.

Today, Congress voted to release the Referral from the Office of the Independent Counsel. Like my colleagues, I soberly await its arrival to my office. I promise my constituents, the residents of the great State of Michigan, and the citizens of our country, that I will read, analyze, and review this report, like all of the bills and reports that come before me, with great care. While it would be sheer folly of me to arrive at any conclusion before I have had the opportunity to review the record from the Independent Counsel and its rebuttal by the Executive Branch, I would like to use this opportunity to make one thing clear: our Constitution demands that we provide a fair and non-partisan venue for the consideration of impeachment. Regrettably, the resolution that was voted on today did not provide that consideration. It is my sincere hope, wish and desire that from this point onward, Congress acts in a way in which the founding fathers not just desired, but decreed.

Our President has made a mistake; he has admitted as much himself. Our President has apologized to our country; the Congress, his family, and the other affected individuals and groups in this sad matter; he reiterated that just this morning. In the maelstrom of events of the past few days, it is sometimes difficult to remember or recall exactly what the President has done for our country. For example:

Our President has boosted the economy of our nation. During President Clinton's term in office, more jobs have been created, unemployment has hit all-time lows, the stock market has spiraled to unprecedented highs, and the budget has been balanced. In Detroit, President Clinton was key in ensuring the establishment of the Empowerment Zone, and in sending millions of federal funds that will provide for decent housing for senior citizens, better roads and safer bridges to drive on, and improved access to health care for all.

Our President has helped to make our streets safer. Under President Clinton, the City of Detroit has received a significant increase in police officers patrolling the beat and dedicated to community-based policing. Under President Clinton, the Brady Law has kept handguns out of over 20,000 potential felons. Under President Clinton, the stronger assault weapons ban has saved innumerable lives and made the City of Detroit and our nation a safer place to live.

Our President has begun to provide investment in Africa. President Clinton was the first President in a generation to visit the land of all of our birth, Africa. He stood in the dome of the site where perhaps my ancestors were taken in chains to the United States. President Clinton has fostered and used the strength of his office to ensure that Congress and private industry include Africa on its list of international development and investment.

In closing, let me repeat that I do not condone the actions to which the President has admitted. While we all strive for perfection and purity, there is not a single soul who is perfect, clean or untarnished. The President has apologized for the errors of his ways.

While I understand that impeachment is second only to declaring war in Constitutional importance, Congress still has work to do. We have not solved the problem of those senior citizens, unemployed persons or the poor who go to the hospital and cannot afford health insurance. We have not solved the problem of those persons who have mental illness and wander our nation's streets. We have not solved the problem of our crumbling and deteriorating elementary, secondary and high schools. We have not solved the problem of our frayed social safety net. It is important that Congress seriously weigh and analyze this referral, but not neglect the people's business. We have tough decisions to make; the consideration of this referral should not, and must not, push the concerns of our senior citizens, working families, and the poor aside.

FAREWELL TO SYDNEY SEAWARD

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in coming to this House, there are many times that we talk about issues of State, sometimes issues of war. But maybe it makes us more

human to come and discuss friends that we will miss. So even after this day of vigorous debate, reaffirming the Democratic tenets of this Nation, I come this afternoon to pay tribute to a fallen personality, one respected and admired by her Houston community, and that is Sydney Seaward, one of the anchors of Channel 51, coming to that station in 1993.

Someone on the national level might not have heard of Ms. Seaward. One did not see her on the national 6 o'clock news. She did not reach CNN. She was a local anchor. But her cause and her personality deserve tribute in this body. She was an American in the true sense of the word, for she never said never. She died recently of cancer, but the cancer became a challenge to educate, to embrace life, to teach others, to not give up.

She touched me in a special way. Beyond her responsibilities as a news person, she always gave me the sense that she would, in fact, survive. A coworker said that everyone enjoyed Sydney, and of course, some would say that that word is used like "nice." But frankly, if it is said in earnestness, it means something. The coworker said, she was a nice part of the day. She made people's days. She took time to personally talk to people and hear them out. She was, in fact, a leader in her trade. Most of all, she was sensitive and she was willing to overcome her own doubts. When this disease was diagnosed her first response I imagine was disbelief and turning inward, until she realized that she could play a special role in educating women and the community about cancer, its devastation, but also one's ability to survive.

For that reason, Mr. Speaker, I come to salute Sydney Seaward for what she has done for our community, but, in fact, how she exemplifies what America is all about. It is, in fact, the can-do attitude. It is, in fact, the recognition that we live in the most wonderful Nation in the world. With all of its ills, with all of our disagreements, we can embrace the right that we live in freedom.

Sydney Seaward exemplified the fact that she was proud to be an American. She took her lumps along with her successes. She took her downs with her ups. She took her good days with her bad days. She took her sunny days with her rainy days. And she said to us, whatever comes your way, remember, we are all blessed to be living in freedom, we are all blessed to have the opportunity to fight whatever we can fight to survive, and we are all blessed to have been able to walk this way, to have touched someone, and Sydney Seaward clearly touched our lives.

Sydney, farewell. Thank you for all that you have done, and may you rest in peace.

SPECIAL COUNSEL INVESTIGATION BLATANTLY UNFAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I wanted to take a moment today to express my feeling for the whole process of the special counsel's investigation of the President for the past 4 years that got us where we are today, and that is that it is blatantly unfair.

Mr. Speaker, 4 years ago the independent counsel began investigating

what is known as Whitewater. Well, some of us know what it is in the independent counsel's report. Indications are that after 4 years of investigations and \$40 million of taxpayers' money, no crimes related to Whitewater were committed by the President.

So how did we get from there to where we are today? The independent counsel took it upon himself to expand his investigation to allegations presented to him that the President had an extramarital affair. With tapes in hand, he went to the Attorney General asking for authority to continue to expand his investigation, which she granted. Today we have a report within our jurisdiction, and I fail to see why we are in such a rush to release it without giving the President—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman must be reminded that there should be no references to the President or personal allegations in any debate or discussions on the floor of the House.

The gentleman may proceed.

Mr. FALEOMAVAEGA. Mr. Speaker, I believe I was saying it in the third person; I was not making it directly to any person in particular.

The SPEAKER pro tempore. If the gentleman will suspend, references or inferences are not to be made on the floor of the House and should be avoided. The gentleman may proceed.

Mr. FALEOMAVAEGA. Mr. Speaker, such an approach seems fair to me, and I regret that the rule being offered today does not offer that consideration to the President.

INDONESIA'S HUMAN RIGHTS VIOLATIONS AGAINST THE PEOPLE OF WEST PAPUA

Mr. Speaker, once again I would like to call the attention of my colleagues to an ongoing struggle presently being waged many miles away in the Pacific by the people of West Papua New Guinea, or Irian Jaya, as it is known by the Indonesian government. In July, the attention of the world was focused, however briefly, on the immense tragedy caused by the Tsunami which caused the devastation of the coastal villages of Papua New Guinea.

In the western half of the same island, some miles away, agonies of another sort were being experienced by the people of Papua New Guinea. It is not my intent, Mr. Speaker, to detract in any way from the horror and the misery inflicted on the people of Papua New Guinea by the disaster which wiped out their coastal villages. Rather, my concern is that we should not forget the devastation wrought by our own fellow human beings.

Mr. Speaker, I have spoken on previous occasions about the history of the people of West Papua and about their struggle for independence from Indonesia. On July 3, Indonesian armed forces fired on pro-independence demonstrators at a university in Jayapura, the Capital of West Papua. On July 6, more than 100 people were wounded and

at least 3 people were killed when Indonesian armed forces fired on a crowd of pro-independence demonstrators on the Island of Biak.

Since 1962, Mr. Speaker, the people of West Papua have been under the occupying authority of Indonesia. Over the past 3 decades the use of excessive and lethal force has been a feature of the Indonesian armed forces' response to both peaceful and armed opposition by the people of West Papua.

□ 1245

The recent events in West Papua have only served to underscore the brutality with which the aspirations of the West Papuan people are being suppressed by the new regime which took power after the resignation of President Suharto.

Mr. Speaker, the recent violence of the Indonesian government against the people of West Papua is part and parcel of a long history of Jakarta's oppression. Papuan people are not Indonesians, they are Melanesians. Their country is not naturally a part of Indonesia, which is more than 2,300 miles away across the ocean, with many island nations in between. West Papuan languages, religions, history, identity, and customs are their own, and bear no relation whatsoever to the rest of Indonesia.

These two nations were cobbled together in 1969 to serve the foreign policy interests of our own Nation and its ally, Indonesia. Indonesia took over West Papua New Guinea in 1963, suppressing the West Papuan New Guinea dreams of freedom and self-determination. There was no natural reason for this union, so it should come as no surprise that it is unraveling.

Since Indonesia took over West Papua New Guinea, the native people have suffered under one of the most repressive and unjust systems of colonial occupation in the 21st century. The Indonesian government has waged an ongoing war against the "Free Papua movement" and their supporters since the 1960s. The civilian populace that has objected to Indonesia's plans for development in West Papua has suffered similar oppression.

Mr. Speaker, incredible as it may seem, estimates are that between 100,000 to 300,000 indigenous Melanesians, West Papuan New Guineans, have been killed or have simply vanished from the face of the earth during the years of Indonesian occupation. I hope my colleagues will appreciate the suppression and the problems the West Papuan New Guineans are now going through with the Indonesian government.

Mr. Speaker, once again I would like to call the attention of my colleagues to an on-going struggle presently being waged many miles away in the Pacific by the people of West Papua, or Irian Jaya as it is known by the Indonesia Government. In July, the attention of the world was focused, however briefly, on the immense tragedy caused by the Tsunami which devastated the coastal villages of Papua New Guinea.

In the western half of the same island, some miles away, agonies of another sort were being experienced by the people of West Papua. It is not my intent, Mr. Speaker, to detract in any way from the horror and the misery inflicted on the people of Papua New Guinea by the disaster which wiped out their coastal villages. Rather, my concern is that in the midst of the devastation wrought by nature we should not forget the devastation wrought by our fellow human beings.

We can only respond after the fact to the devastation brought by a Tsunami. We have the opportunity to respond with more immediacy to the devastation which is caused by our fellow human beings.

Mr. Speaker, I have spoken on previous occasions about the history of the people of West Papua and about their struggle for independence from Indonesia. On July 3rd, Indonesian Armed Forces fired on pro-independence demonstrators at a university in Jayapura, the capital of West Papua. On July 6th, more than 1000 people were wounded and at least three people were killed when Indonesian Armed Forces fired on a crowd of pro-independence demonstrators on the island of Biak.

Both of these demonstrations were peaceful, Mr. Speaker. They expressed the desire of the people of West Papua for a just resolution to the matter of their political status. Human Rights Watch has called for a full investigation into the shootings in Biak, where 140 citizens have been detained by the government and where there are reports that wounded detainees are being denied medical care and that their families are not being allowed to visit them.

Since 1962, the people of West Papua have been under the occupying rule of Indonesia. Over the last three decades the use of excessive and lethal force has been a feature of the Indonesian Armed Forces' response to both peaceful and armed opposition. The recent events in West Papua have only served to underscore the brutality with which the aspirations of the West Papuan people are being suppressed by the new regime which took power after the resignation of President Suharto.

Mr. Speaker, the recent violence by the Indonesian Government against the people of West Papua is part and parcel of a long history of Jakarta's oppression. Papuan people are not Indonesian, they are Melanesian. Their country is not naturally a part of Indonesia, which is more than 2,300 miles away—across the ocean, with many island nations in between. West Papuan languages, religions, history, identity and customs are their own, and bear no relation to those of Indonesia.

These two nations were cobbled together in 1969 to serve the foreign policy interests of the United States and its ally Indonesia. Indonesia took West Papua in 1963, suppressing the West Papua people's dreams of freedom and self-determination. There was no natural reason for this union, and so it should come as no surprise that it is unravelling.

Since Indonesia took over West Papua, the native Melanesian people have suffered under one of the most repressive and unjust systems of colonial occupation in the twentieth century. The Indonesian military has waged an ongoing war against the "Free Papua Movement" (OPM) and their supporters since the 1960s. The civilian populace that has objected

to Indonesia's plans for development in West Papua has suffered similar oppression. The thousands of killings associated with the expansion of the freeport copper and gold mines in West Papua are testimony to the brutality of the Jakarta central government.

Incredible as it may seem, Mr. Speaker, estimates are that between 100,000 to 300,000 indigenous West Papuans have been killed or have simply vanished from the face of the Earth during the years of Indonesian occupation. And this pattern of annihilation is being continued by the regime of Mr. Habibie, despite initial promises of reform.

The current Government of Indonesia continues to choose a policy of repression, a policy which disregards the rights of the indigenous people of West Papua. Mr. Speaker, the tragic situation in West Papua is of great concern to me. The recent shooting over the pro-independence demonstrations in Jayapura and on the island of Biak, the violent responses which we have seen to pro-independence demonstrations in towns and cities all across West Papua indicate that this new regime is prepared to continue the repression of the past.

One half of Papua New Guinea is still reeling from the worst natural disaster to hit the island in recent memory. Whole villages and the lives of the people in them have been completely obliterated, wiped off the face of the Earth. In the other half of the same island, the people of West Papua are suffering another form of devastation. Their identity as a people is being obliterated by a brutal regime thousands of miles away.

I would hope that all my colleagues would join me in urging the Indonesian Government to cease these violations of human rights and instead take immediate steps to review the political status of West Papua. The new regime in Indonesia has an opportunity to correct the mistakes of the past, not repeat them. It seems to me that we have an obligation to lend our support to this effort, and I urge my colleagues to protest in the strongest possible terms these continuing violations of basic human rights by the new Government of Indonesia.

THE INTERNATIONAL MONETARY FUND AND RUSSIA

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

Mr. STEARNS. Mr. Speaker, this afternoon I come to the House floor to talk about the international money fund and Russia. I think many of us are very deeply concerned about what is happening in Russia, and there have been calls in the land to have Americans continue funding the international money fund, and the international money fund should help bail out Russia.

But I come here this afternoon to talk about what we really should do. Secretary of Treasury Robert Rubin was quoted recently as saying, "At this point, we don't have a Russian economic team. We don't have a Russian economic plan."

That is unbelievable. We had, in the subcommittee, a hearing on this. I did

not serve on this, but the chairman invited me to listen, and I heard some of the witnesses. I think we all agree that the goal should be to find a way to help Russia, but more importantly, what has gone wrong with Russia's economy, and how has the IMF's policies affected the current economic state of Russia?

As I have mentioned numerous times in the past here on the floor, the economic dilemmas in Asia, in Russia, are not due necessarily to excess capitalism but to the lack of controls, the lack of policing in these nations, and truly, not putting in place a free market system.

There is a great book by Michael Novak called *The Spirit of Democratic Capitalism*. Mr. Novak talks about how the need for successful capitalism in countries depends upon a culture, a culture of honesty and a culture in which, if honesty is not in place, the government polices it and makes sure corruption does not exist. It also talks about democracy, the freedom of a Nation to elect its leaders, and it talks about ownership of property.

These three components make up every successful Nation that deals in the area of capitalism. But in this case, Russia does not have in place a policing system to stop corruption.

Let me quote from Jim Hoagland, who did an article entitled "Russia, a System that Prevailed and Failed." He said, "The fundamental problem in Russia, Indonesia, Malaysia, and elsewhere was not that they went too far in adopting American style capitalism, but these nations did not go far enough."

Then he went on later to talk about Russia, and he said, "Russia demonstrates the perils of trying to skim off the cream of a globalized economy without adopting the checks and controls needed to restrain human appetites and ambitions. Lacking in Russia and Asia was an appreciation of the open and fair competition needed to police capitalism and to make it work."

That is the key. "Since its 1991 revolution, Russia has not developed a risk-based entrepreneurial market economy, and its institutions, to allocate rewards and pain through the efficiency of the marketplace." That has not been in place.

Mr. Speaker, not only have Russia's leaders failed in developing a free market system, they have allowed pure, all-out corruption to guide Russia, and allowed the corrupters to steal billions of dollars to create their own criminal fiefdoms. Official Russian corruption is unmatched anywhere in the world.

Experts say Russia is being plundered through the sale of its natural resources. In a typical scheme, a seller, aided by corrupt officials, sells Russian commodities overseas for higher prices than he reports to the government, and pockets the difference.

A Russian scholar compared reports of such sales filed with the Russian government with known market prices

of the same commodities. His findings are related on the chart that I have here on the floor, Mr. Speaker. The difference in the chart represents the amount believed to have been stolen.

When we talk about crude oil, petroleum products, natural gas, and aluminum, you can see the estimated illegal profits from commodity sales in Russia. For 1995 alone, the estimated illegal profits from the sale of crude oil were \$828 million, \$1.5 billion in petroleum products, \$1.2 billion in natural gas, and \$900 million in illegal profits from aluminum sales. All told, the Russian government lost \$4.4 billion in revenue in 1995.

With these facts of how Russia has been plundered, how can the Clinton Administration and the IMF continue to justify propping up the failed Russian government by demanding more money from hard-working U.S. taxpayers. We have seen that the recent Russian bailout by the IMF amounting to \$22.6 billion has been a failure.

The IMF should suspend any additional payments to Russia immediately and until there can be a consensus built whether any additional funding would actually do any good for Russia. Congress should continue withholding any additional funding to the IMF itself until Congress can determine if the IMF is increasing the "moral hazard" by continuing its bailouts.

Let me close, Mr. Speaker, by saying the IMF should suspend funding until we find out how to stop corruption, and in fact, Congress should not give funding to the IMF until it understands how the IMF works in Russia.

TRIBUTE TO ED BOHRER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. MORELLA. Mr. Speaker, on Labor Day the city of Gaithersburg, which is the second largest city in my congressional district, celebrated its traditional Labor Day parade, one of the biggest parades in the State, and I would venture, probably in the region. It was the 60th parade.

The parade was dedicated to the mayor, Ed Bohrer, who on August 27 at age 58 died suddenly. He was there in spirit. I pay tribute to Ed Bohrer.

Ed Bohrer was a man of Gaithersburg, born and bred. He lived and loved in the town that he knew so well, where everyone knew each other and everyone cared. He loved his native Gaithersburg, and he enthusiastically nurtured his town into a community which has become the second largest city in the State of Maryland.

He was first elected mayor in 1986, after he had already served 10 years on the Gaithersburg city council. He was a man who truly believed in the people of Gaithersburg. He was committed to his community, and he exhibited honor and integrity in all that he did. His leadership and achievements enhanced

the quality of life for all of the citizens of Gaithersburg, and he made us very proud.

Ed was very proud that Gaithersburg was a very fiscally solvent city. He was a Republican, but he was a Republican who was bipartisan, in fact nonpartisan in working with businesses, elected officials, organizations to serve all the people.

His vision led to the establishment of the Wells Robertson house for transitional homeless, in response to a problem of homeless in Gaithersburg, giving them the opportunity to prepare for jobs and for transitioning into the city beyond the homeless shelter.

He established effective antidrug programs. He was very much involved with the revitalization of the Gaithersburg Old Town, and he established Gaithersburg as a "character counts" city, a model for the Nation. We will sorely miss the beloved mayor, whom I called endearingly "Mr. Gaithersburgermeister."

Most of all, we remember Ed Bohrer, the man. Each of us who knew him in some way has been touched in a very special, personal way by Ed Bohrer. We have called him a mentor, because he guided, helped, and cared. We recall his pride and involvement on the athletic fields, cheering the young people. We can almost see him now, wearing his hallmark outfit: loafers and no socks and chino pants. We were his classmates, his neighbors, his letter carriers, his school crossing guards, his community police. We all knew that we were part of his leadership, his commitment to community service.

Ed Bohrer was unpretentious with a sense of humor and a sense of values. He was loyal to his friends. He was a man of his word who believed passionately that public service meant helping others.

On August 30th, which was the eve of his funeral service, Ed lay in state in the hallowed sanctuary of his church, Epworth United Methodist Church in Gaithersburg, Maryland. Well over 1,400 people passed through to pay tribute to this man that they remembered so endearingly.

It was very appropriate because he truly lived the prayer of the founder of Methodism, John Wesley: "to do all the good you can, in all the places you can; in all the ways that you can; for as long as you can." Pastor Reverend Green in his homily celebrated the life and legacy of Ed Bohrer by citing examples of his faith in his actions.

Ed Bohrer was a family man. He knew the values of family. I remember his pride when his wife, Sharon, graduated from Columbia Union College, when the children were adults. She was getting a graduate degree, and in fact, I was the speaker.

He and Sharon gave their children, Paige and Patrick, a loving home. They have reflected in their lives that inspiration. He encouraged his son Pat's dedication to a law enforcement career. He was filled with joy for Paige

and his four grandchildren, and he was devoted to his mother, Juanita.

We were very proud to be part of one of the many things that Ed and Sharon did in the community. They had a holiday tradition where he and Sharon would serve members of the community at their home at a breakfast, and they had the traditional pancakes prepared by his mother, Juanita.

Ed's loss leaves a void, particularly in the lives of his family. We offer our prayers for Sharon, Paige, Patrick, his mother, Juanita, his sisters, grandchildren, and all the family.

At the memorial service on August 31, reflections on the life of Ed Bohrer were offered by Sidney Katz, Gaithersburg city council member; Roy Green, his brother-in-law; his son, Patrick Bohrer; the Board Chairman of the Adventist Health Care, Ron Wisbey; Teresa Wright, a community representative. I also had the honor of offering some reflections.

□ 1300

What was so special was that the eulogy was given by his wife. And it was so filled with the warmth, enthusiasm, humor, and compassion that characterized Ed, we all felt that he was there. Everyone was deeply moved.

Sharon stated she was following Ed's request to deliver the eulogy.

I stress that Ed Bohrer personified the pillars of "Character Counts." In Congress we have a resolution encouraging States and localities to become "Character Counts" cities, States, and jurisdictions. Gaithersburg's commitment shows its effectiveness.

Those pillars of "Character Counts" are Respect, trustworthiness, fairness, citizenship, caring and responsibility. And, indeed, in this day when public servants are judged not only by accomplishments but by character, Ed Bohrer was truly a role model.

I talked with Ed on the phone at the hospital a few days before he passed away. His wife, Sharon, had just washed his hair. He was filled with hope. I told him that I loved him, and I said that for all of us who knew him.

Thornton Wilder wrote, "There is a land of the living and a land of the dead, and the bridge is love—the only survival and the only meaning."

Ed Bohrer will be missed, but he will certainly live on in love and is our inspiration. "We thank you, Ed."

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 Mrs. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, on September 14.

Mr. HAYWORTH, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE) to revise and extend his remarks and include extraneous material:)

Mr. FALEOMAVAEGA for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEEK of Florida) and to include extraneous matter:)

Mr. KIND.

Mr. ACKERMAN.

Mr. LEVIN.

Mr. HALL of Ohio.

Mr. GORDON.

Ms. PELOSI.

Mr. BENTSEN.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. CAMP.

Mr. THOMAS.

Mr. FRELINGHUYSEN.

Mrs. ROUKEMA.

Ms. PRYCE of Ohio.

Mr. GILMAN.

Mr. BOB SCHAFER of Colorado.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BAESLER.

Ms. HARMAN.

Mr. GILLMOR.

Mr. KLECZKA.

Mr. HILLEARY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 1998, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10833. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments [No. LS-98-004] received September 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10834. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Animal Welfare; Marine Mammals, Swim-with-the-Dolphin Programs [Docket No. 93-076-10] (RIN: 0579-AA59) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10835. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency Administrator of National Banks, transmitting the Office's final rule—Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks [Docket No. 98-11] (RIN: 1557-AB60) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10836. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Replacement Housing Factor in Modernization Funding [Docket No. FR-4125-F-02] (RIN: 2577-AB71) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10837. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Use Rules for Certain Substances [OPPTS-50631A, etc; FRL-6019-2] (RIN: 2070-AB27) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10838. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission [GC Docket No. 96-55] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10839. A letter from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 070698D] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10840. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Offset of Tax Refund Payments to Collect Past-due, Legally Enforceable Nontax Debt (RIN: 1510-AA62) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10841. A communication from the President of the United States, transmitting the approval of \$50,000,000 in emergency funds to the Departments of Labor, Health and Human Services, Education, and Related Agencies, pursuant to Public Law 99-177; (H. Doc. No. 105-305); to the Committee on Appropriations and ordered to be printed.

10842. A communication from the President of the United States, transmitting a request to Congress to consider expeditiously the request for \$3.25 billion in FY 1998 contingent emergency funding for year 2000 (Y2K) computer conversion activities; (H. Doc. No. 105-306); to the Committee on Appropriations and ordered to be printed.

10843. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105-302); to the Committee on International Relations and ordered to be printed.

10844. A communication from the President of the United States, transmitting a continuation of the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105-303); to the Committee on International Relations and ordered to be printed.

10845. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4); (H. Doc. No. 105-304); to the Committee on International Relations and ordered to be printed.

10846. A communication from the President of the United States, transmitting notification to Congress that the security of the Albaina Embassy in Tirana has been enhanced; (H. Doc. No. 105-307); to the Committee on International Relations and ordered to be printed.

10847. A communication from the President of the United States, transmitting notification of the U.S. strikes in Afghanistan against a series of camps and installations used by the Usama bin Ladin organization, and in Sudan where the bin Ladin organization has facilities and extensive ties to the government; (H. Doc. No. 105-308); to the Committee on International Relations and ordered to be printed.

10848. A communication from the President of the United States, transmitting notification to Congress that a Joint Task Force of U.S. military personnel from U.S. Central Command deployed to Nairobi to coordinate the medical and disaster response assistance arriving in Kenya and Tanzania; (H. Doc. No. 105-309); to the Committee on International Relations and ordered to be printed.

10849. A letter from the the Kenneth W. Starr, the Independent Counsel, transmitting a Referral to the United States House of Representatives filed in conformity with the requirements of title 28, United States Code, section 595(c); (H. Doc. No. 105-310); to the Committee on the Judiciary and ordered to be printed.

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. 1659. A bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes; with

an amendment (Rept. 105-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4166. A bill to amend the Idaho Admission Act regarding the sale or lease of school land (Rept. 105-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3903. A bill to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes; with an amendment (Rept. 105-706, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2314. A bill to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to clarify United States citizenship status of such members, to provide trust land for the benefit of the Tribe, and for other purposes (Rept. 105-706, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3055. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National park, and for other purposes; with an amendment (Rept. 105-708, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged from further consideration. H.R. 3654 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3903 referred to the committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Ways and Means discharged from further consideration. H.R. 4005 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Banking and Financial Services discharged from further consideration. H.R. 4275 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 4283 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2314. Referral to the Committee on the Judiciary extended for a period ending not later than September 18, 1998.

H.R. 3055. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 9, 1998.

H.R. 3903. Referral to the Committee on Commerce extended for a period ending not later than September 11, 1998.

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. PORTMAN (for himself, Mr. BARRETT of Wisconsin, Mr. GINGRICH, Mr. HASTERT, Mr. MCCOLLUM, Mr. SOUDER, Mr. UNDERWOOD, Mr. BALLENGER, Ms. GRANGER, Mr. HOBSON, Mr. LEWIS of Kentucky, and Mr. MICA):

H.R. 4550. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, Small Business, Transportation and Infrastructure, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4551. A bill to amend section 16 of the United States Housing Act of 1937 to prohibit occupancy in public housing by, and rental assistance under section 8 of such Act for, any person convicted of manufacturing or producing methamphetamine on the premises; to the Committee on Banking and Financial Services.

By Mrs. CAPPS:

H.R. 4552. A bill to provide grants to certain local educational agencies to provide integrated classroom-related computer training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mrs. ROUKEMA:

H.R. 4553. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4554. A bill to reform Federal land management activities relating to endangered species conservation; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4555. A bill to amend the Endangered Species Act of 1973 to reform provisions relating to liability for civil and criminal penalties under that Act; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4556. A bill to amend the Endangered Species Act of 1973 to reform the regulatory process under that Act; to the Committee on Resources.

By Mr. FAZIO of California:

H. Res. 530. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. RADANOVICH:

H. Res. 531. A resolution calling upon William Jefferson Clinton to immediately resign the Office of President of the United States; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. OXLEY, Mr. DEAL of Georgia, Mr. LAHOOD, Mr. SESSIONS, Mr. NORWOOD, Mr. PAXON, Mr. ROHRBACHER, Mr. SNOWBARGER, Mr. WELLER, and Mr. BALLENGER):

H. Res. 532. A resolution expressing the sense of the House of Representatives that the President should personally reimburse the Federal Government for the costs incurred by the Office of Independent Counsel since January 26, 1998; to the Committee on the Judiciary.

By Mr. ROHRBACHER:

H. Res. 533. A resolution expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war

crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, the People's Republic of Kampuchea, and the State of Cambodia); to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. UPTON introduced a bill (H.R. 4557) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EMBARCADERO; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. SANDLIN.
H.R. 218: Mr. INGLIS of South Carolina and Mr. SPENCE.
H.R. 372: Mr. KUCINICH.
H.R. 611: Mr. BAESLER and Mr. MCHALE.
H.R. 1050: Mr. HINOJOSA.
H.R. 1215: Ms. MILLENDER-MCDONALD.
H.R. 1531: Mr. MILLER of California.
H.R. 2701: Ms. CHRISTIAN-GREEN and Mr. MARTINEZ.
H.R. 2761: Mr. BLUMENAUER.
H.R. 2840: Mr. GEKAS.
H.R. 2912: Mr. FOX of Pennsylvania.
H.R. 2938: Ms. GRANGER.
H.R. 3008: Mr. MCINTYRE.
H.R. 3248: Ms. GRANGER, Mr. HERGER, and Mr. BUNNING of Kentucky.
H.R. 3514: Mr. CARDIN.
H.R. 3567: Mr. BARRETT of Wisconsin.
H.R. 3622: Ms. CHRISTIAN-GREEN, Ms. SANCHEZ, and Mr. FORD.
H.R. 3632: Mr. HYDE, Mr. HORN, and Ms. PRYCE of Ohio.
H.R. 3634: Mr. HILL, Mr. BUYER, Mr. GORDON, Mr. TAUZIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. RIGGS.
H.R. 3636: Mr. MEEKS of New York.
H.R. 3734: Mr. METCALF.
H.R. 3779: Mr. BARTON of Texas, Mr. STARK, Mr. WISE, and Mr. KIND of Wisconsin.
H.R. 3831: Mr. DIXON.
H.R. 3899: Mr. GREENWOOD, Mr. ADERHOLT, Mr. EHRLICH, Mrs. FOWLER, Mr. BEREUTER, Mr. JONES, Mr. DIAZ-BALART, Mr. GORDON, Mr. ENGLISH of Pennsylvania, Mr. BALDACCI, Mr. INGLIS of South Carolina, Mr. SMITH of Oregon, Mrs. MYRICK, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, Mr. BACHUS, Mrs. ROUKEMA, Mr. PICKERING, and Mr. BLILEY.
H.R. 3905: Mr. CHAMBLISS, Mr. GEKAS, Mr. MCINTOSH, and Mr. KINGSTON.
H.R. 3985: Ms. HOOLEY of Oregon.
H.R. 3991: Mr. WAMP.
H.R. 3995: Mr. SERRANO.
H.R. 4031: Mr. STOKES and Mr. CLYBURN.
H.R. 4032: Mr. NEUMANN.
H.R. 4122: Mr. LUTHER.
H.R. 4175: Mr. TORRES, Mr. BONIOR, Mr. THOMPSON, Mr. VENTO, and Mr. GUTIERREZ.
H.R. 4182: Mr. SANDLIN.
H.R. 4184: Mr. SANDLIN and Mr. BLUMENAUER.
H.R. 4185: Mr. SANDLIN, Mr. BLUMENAUER, and Mr. POMEROY.
H.R. 4198: Mrs. WILSON.
H.R. 4235: Mr. MCGOVERN, Mr. FALEOMAVAEGA, and Mr. FOLEY.
H.R. 4258: Mrs. KELLY, Ms. DANNER, Mr. REDMOND, Mr. HORN, and Mr. MICA.
H.R. 4275: Mr. WATKINS and Mr. SPENCE.
H.R. 4283: Mr. MEEKS of New York and Mr. CLYBURN.

H.R. 4300: Mr. BURTON of Indiana, Mr. HOUGHTON, Mr. BARTON of Texas, and Mr. WALSH.

H.R. 4339: Mr. FOX of Pennsylvania, Ms. RIVERS, Mr. LAMPSON, and Mr. UNDERWOOD.

H.R. 4353: Mr. MANTON.

H.R. 4355: Mr. CLYBURN.

H.R. 4404: Mr. BRYANT, Mr. MARTINEZ, Mr. PICKERING, Mr. UNDERWOOD, and Mr. WAMP.

H.R. 4474: Mr. ENGLISH of Pennsylvania.

H.R. 4489: Ms. WOOLSEY.

H.R. 4495: Mr. ETHERIDGE.

H.R. 4531: Mr. FROST, Ms. WATERS, Mr. DAVIS of Illinois, and Mr. ETHERIDGE.

H. Con. Res. 70: Mr. MORAN of Virginia.

H. Con. Res. 114: Ms. KILPATRICK.

H. Con. Res. 239: Mr. MORAN of Virginia.

H. Con. Res. 274: Mr. FORD, Mr. ENGLISH of Pennsylvania, Mr. SHERMAN, Mr. COOK, Mr. MATSUI, Mr. ADAM SMITH of Washington, Mr. DIXON, Ms. DELAURO, and Mr. SNYDER.

H. Con. Res. 306: Mr. COOK.

H. Con. Res. 325: Mr. CHABOT, Ms. DUNN of Washington, and Mr. ADAM SMITH of Washington.

H. Res. 96: Ms. MILLENDER-MCDONALD.

H. Res. 135: Ms. SLAUGHTER.

H. Res. 460: Ms. CARSON, Mr. OLVER, Mr. GIBBONS, Mr. SPRATT, Mr. COYNE, Mr. FOX of Pennsylvania, Mr. MCDERMOTT, Mr. SNYDER,

Mr. McNULTY, Mr. EVANS, Mr. ETHERIDGE, Mr. FRELINGHUYSEN, and Mr. ORTIZ.

H. Res. 519: Mr. McKEON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4006: Ms. ROYBAL-ALLARD.



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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:

Dear Father, Sovereign of our Nation, our Help in ages past and our Hope for years to come, we praise You for the gift of prayer. You have given us prayer to share with You what is on our minds and hearts and to listen for Your guidance.

Holy God, heal our land at this crucial time. Help all of us to examine our own lives and renew our commitment to integrity and moral purity. Bring America back to You. Beginning with each of us, ignite a spiritual renewal that sweeps across our land. You are a God of judgment and grace.

Be with the President. Enable Your healing reconciliation in his marriage and family. Guide the Members of Congress charged with the responsibility of seeking what is best for our Nation in this crisis. Lead and inspire them as they seek to know and do Your will. We commit these decisive days to Your care. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the able Senator from Utah, is recognized.

Mr. HATCH. Thank you, Mr. President.

SCHEDULE

Mr. HATCH. Mr. President, this morning there will be 30 minutes of debate prior to a rollcall vote on a motion to invoke cloture on the motion to proceed to the child custody protection legislation. If cloture is not invoked and if an agreement has not been

reached with respect to the bankruptcy bill, there will be an additional 30 minutes of debate prior to a cloture vote on the Grassley substitute to the bankruptcy bill. If cloture is not invoked on that measure, it is expected that the Senate will resume consideration of the Interior appropriations bill.

Members are encouraged to come to the floor to offer and debate amendments to the Interior bill in an effort to make progress on this important legislation. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at 10 a.m. As a final reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the leadership time is reserved.

CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. is equally divided between the Senator from Michigan, Mr. ABRAHAM, and the Senator from Vermont, Mr. LEAHY, or their designee.

Mr. HATCH. Mr. President, time is very limited this morning, so I will be brief.

We are voting shortly on cloture on a Motion to Proceed. In other words, Senators will be deciding whether or not we can simply consider this important measure.

We all know how contentious the issue of abortion can get around here, and across the country. But this matter is not really even about abortion. This bill is simply about protecting the health and safety of minor children and the rights that their own states have concluded their parents should have. Specifically, it simply seeks to enforce

state laws requiring parental involvement in their minor daughter's abortion so that someone other than those parents cannot readily avoid those state laws by taking a young girl across state lines for an abortion, certainly not without the notification to their parents.

But whether my colleagues agree or disagree with this bill, or whether, like the Clinton administration, that want to modify or limit it, there is simply no reason to vote no on just proceeding to a discussion.

The concern has been expressed that there be an opportunity to offer relevant amendments. Mr. President, no one has suggested otherwise. Let's have at it. The only action that would preclude amendments is a no vote this morning.

We are prepared to debate and vote on amendments. That opportunity was available at committee and it can be worked out here. In fact, the amendments offered or filed at committee would likely be germane post-cloture even if this were a cloture vote on the bill itself, rather than a motion to proceed.

So let's not look for excuses here. I urge my colleagues to vote yes and allow us to consider this important legislation. American families—parents and their children—deserve no less.

Having said that, I want to personally pay my respects to the distinguished Senator from Michigan, Senator ABRAHAM, for the leadership he has provided on this. Without him, we wouldn't be this far. I have to say he has been a great leader on the Judiciary Committee. I personally appreciate the efforts he has made on this bill thus far. I will support him every way I possibly can.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Utah for his kind remarks and look forward to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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working together on this and other legislation.

At this point, I yield up to 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, the purpose of this legislation is very simple: It is to make it a crime to transport a child across State lines if this circumvents State laws requiring parental involvement or if it circumvents State laws requiring a judicial waiver for a minor to obtain an abortion. It is that simple.

Many States, as we know, have laws saying a parent or guardian has to be notified if a child is trying to get an abortion. But not all States have these laws. What is happening now, far too often in this country, is that people who aren't parents, who aren't guardians, are taking these children across State lines, secretly, to get abortions in another State where parental notification is not required. It is that simple.

What we are addressing in this bill, and what Senator ABRAHAM is addressing, is an obvious circumvention of these State parental consent and notification laws. This bill, then, has two purposes: to protect the health of children and to protect the rights of parents. In fact, it might not be much of an exaggeration to say that these two purposes really boil down to just one purpose, because, Mr. President, empowering parents is the single biggest investment we can make in ensuring the health of our children.

What we are saying with this legislation is that, yes, parents have the right to be involved in a moral and medical decision that affects their children's welfare. They have the right to do this. They have the duty to do this. When it comes to parental notification on abortion, the American people have reached a clear consensus. By a huge majority, 80 percent, favor parental notification; 74 percent favor not just parental notification but parental consent, as well—74 percent. This is a clear expression of the national wisdom. This legislation is an effort to make that kind of informed decision possible.

Now, earlier this year, we in Congress worked on another bill, one that is now law. In that bill, the President and the Congress mandated that the flight of a parent to another State to avoid paying child support would be a Federal crime. I worked with Senator KOHL to champion the Deadbeat Parents Punishment Act in order to protect the interests of America's children. We have to pursue very vigorously those who would harm our children, either by omission or by commission.

Mr. President, the very same principle is embodied in the Child Custody Protection Act that we are considering today.

There are those living among us, Mr. President, who would place our children in harm's way by transporting

them across State lines to achieve dangerous goals, both physically and emotionally. One such goal is abortion. The right of citizens to pass and enforce laws regarding the rights of parents is completely violated by the ability of others to transport children to another State to obtain an abortion. As a Nation, we must use all the resources available to us in order to protect our children and our families from this conduct.

That is our purpose here today. Senator ABRAHAM has shown strong leadership in bringing this legislation forward. I thank him for his work on this important bill, and I yield the floor.

Mr. ABRAHAM. I yield 3 minutes to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Michigan for his leadership on this very important issue. I am here to offer my wholehearted support for him in his efforts on this piece of legislation.

Currently, 22 States require parental notification if a minor is going to receive an abortion. Each year, thousands of adults deliberately circumvent these laws by taking children across State lines to receive an abortion in another State which does not require parental consent.

This legislation would make it a Federal criminal offense to take children across State lines to receive an abortion without the knowledge of their parents. By implementing this safeguard legislation, we will insulate our children from exploitation by adults who do not want the parents involved in the decisionmaking process for an abortion, and who may not have the child's best interests at heart.

The decision to have an abortion is a critical one, which I hope women of all ages would not choose. However, despite an individual's personal opinion about abortion, the majority of Americans, myself included, believe it is imperative for the parents of minor children to be included in this life-altering decision. According to a 1996 Gallup poll, 74 percent of Americans support requiring minors to get parental consent for an abortion. According to the Supreme Court, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature." Clearly, our Nation's children should not be kept from their parents when making an important life decision, particularly one with such broad ramifications as an abortion.

I find it unbelievable that schools throughout the country are unable to dispense even a simple aspirin to a child without written consent from their parents; yet, every day thousands of adults are permitted to escort children across State lines for an abortion which has serious physical and mental effects.

This is simply preposterous. A child cannot receive over-the-counter medications like an aspirin to relieve a

headache while at school, but we allow that same child to have an abortion without the consent or knowledge of their parents and guardians.

It is my firm belief that we must pass this law and stop people from bypassing the laws of our individual States. I would like to stress that this bill does not impact the individual rights of States, nor does it alter, supersede, or override existing laws in the individual States. What the Child Custody Protection Act does is protect the current laws of States which have chosen to implement parental notification. Most important, this legislation protects our children from making a life-altering decision without the guidance of their most trusted and caring advisers, their parents. The mental and physical well-being of thousands of children depends on us passing the Child Custody Act.

Mr. ABRAHAM. Mr. President, at this time, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I add my compliments to Senator ABRAHAM from Michigan for his outstanding work in crafting this professionally drafted, constitutional, and well-done amendment.

There was a recent article in the New York Times by an abortion doctor who admitted to doing 45,000 abortions. He said in that article that parents ought to be consulted in these circumstances. He said that, when someone—often some young man—takes a very young girl across a State line to a State where abortions don't require parental consent, he is jeopardizing the health of that young girl, because the parents won't even know to watch out for her health. Having had the abortion a long distance away, the girl won't be able to return to the abortion clinic for follow-up. The parents won't be watching their daughter's health and the complications that can arise. The doctor said that pro-abortion forces do themselves a disservice when they oppose such legislation as this. I think that is plainly so from a medical point of view. I think it is plainly so from a family point of view. Young toughs who have impregnated a young girl ought not to be able to avoid their responsibility by secretly taking her away to a distant place, without the knowledge of her parents. This is basic.

I was a Federal prosecutor for nearly 15 years, and during that time we had what we call the Mann Act. It prohibits the interstate transportation of a female across a State line for the purpose of prostitution or other immoral purposes. That is a law that has been upheld repeatedly by the Supreme Court. This bill will be upheld by the Supreme Court. It is consistent with American law. I am amazed that we can't even get the bill up for a vote and that there are people opposing it.

I thank the Senator from Michigan for his leadership.

Mr. ABRAHAM. Mr. President, because the first 4 minutes of this debate

was lost due to other business before the Senate, I ask unanimous consent that we extend the time for debate an additional 5 minutes, which would move the cloture vote to 10:05.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the vote we are taking today regarding the Child Custody Protection Act. I will vote to invoke cloture on the motion to proceed to consideration of this legislation because I believe it is an issue that merits consideration by the full Senate.

Based on my conversations with Pennsylvanians throughout the Commonwealth in recent weeks, I am well aware of the strong views on either side of this issue. It is the responsibility of the Senate to deliberate over proposals concerning matters as complicated as an individual's right to an abortion, particularly when minors are involved and there are substantial State interests at stake as well. While I am troubled by some of the implications of this bill, I believe it is important that this is debated by the entire body, not just the Judiciary Committee.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken out of the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I am pleased that the chairman of the Senate Judiciary Committee, Mr. HATCH, and also my good friend from Michigan, Mr. ABRAHAM, have said that the majority is prepared to debate and vote on amendments to this bill. I know that a number of my colleagues want to bring amendments that are also important for the health and safety of American families and children.

I have some concerns, as I have expressed to the Senator from Michigan, on the overall bill. But with the assurances that we are going to have debate—I am not talking about dilatory debate, I am talking about real debate and amendments—I am prepared to take Senator HATCH and others at their word and proceed to this bill and work through it.

Having said that, I have some difficulties with aspects of the bill. I note for my colleagues that those difficulties go to particular constitutional and legal issues, not to the underlying concerns the Senator from Michigan has expressed.

The Senator from Michigan has expressed some very real concerns, many of which I share. He has done it in a way that shows a deep, heartfelt con-

cern, a concern of conscience, and I applaud him for that. We will work through these particular things in the same way. As the Senator from Michigan knows, I did not take steps to delay this bill from coming out of committee. This bill deserves to have a vote. We deserve, some of us, and probably both sides, to have a vote on some of the amendments. We will do that.

I will urge my colleagues to vote to move forward with this bill.

I yield the floor.

I see nobody on our side looking for further time. I will yield, if this will help the Senator from Michigan, the remainder of my time to him, with the understanding that if somebody comes up I am sure he will take care of their time.

Mr. ABRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, first, I thank the Senator from Vermont for his remarks both here as well as in the committee when we dealt with this issue. I think he and other members of the other side on this debated in a very thoughtful fashion some of the issues at stake.

In light of his comments, it is my hope, obviously, that we will agree to this cloture motion this morning overwhelmingly, and then hopefully the Senate can begin to discuss a list of potential amendments that might be debated on it for whatever time and we would then call the bill up.

If there are others here who would like to speak at this point, I yield to them some time. I see there is one request.

Let me yield to the Senator from Pennsylvania for 1 minute to comment on the legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. Now that the Senator from Vermont has agreed to support the motion to proceed—that is heartening—we can now get to this.

I came here to plead that we at least be given the opportunity to discuss this issue. On this bill, while it is obviously important to the entire country, the case which has been highlighted, which is the one that is the most disturbing, is the case from Pennsylvania of a horrible situation where a young girl 12 years old was raped by a boy 18, was given alcohol, and was impregnated while she was unconscious. The stepmother of the boy, without the knowledge of the little girl's mother, took her across the State line to have an abortion.

In fact, there are a series of false pretenses, which I will outline in the debate that we hope now to have on the full bill. It shows how this law is necessary to protect the rights of parents, and the State of Pennsylvania wants to protect them. The State of Pennsylvania has a law in place that says you need parental consent. Parents in the State believe they should be able to

rely upon the law, that they should be able to have that right that the State of Pennsylvania suggested that we have, that the people of Pennsylvania should have their laws honored, and that people, by crossing State lines, should not be able to evade what is the law within Pennsylvania. This is less an abortion issue than it is a State rights issue.

As Senator DEWINE mentioned in his debate, we have done things just recently with child support to get better enforcement of State decisions across State lines to protect children and to protect families. This is just another instance where we should do that—protect the rights of parents and protect the rights of children within the borders of the State, as the State legislatures and Governors have enacted laws to do so.

I commend the Senator from Michigan for his work to fight through the Judiciary Committee and to get this bill to the floor, and to now get it to a point where hopefully we can begin the debate and we can begin to move forward with the debate of these amendments.

I understand States rights and enforcing State laws is an important issue that we debate here often in the Congress. But there is none more important, as far as I am concerned, than to protect the lives and health of children and the rights of parents. That is exactly at the heart of this legislation. I congratulate the Senator.

Mr. ABRAHAM. Mr. President, I thank the Senator from Pennsylvania for his support as well as for his work on a number of other related issues, including the one we will be debating here soon for the Senate. He has given leadership in a variety of areas—especially in the area of abortion rights, which has been, I think, a source of great strength to people who care deeply about this topic. We look forward to working with him later this week on a related matter that will come before the Senate.

In light of the current floor situation, I don't think there will be other speakers joining us. I intend to make a few remarks now, and, at the end of that time, if no one else has come to the floor to speak, I will yield back the remainder of the time that has been afforded me by the minority and seek unanimous consent that we vote as originally planned.

In light of Senator LEAHY's comments, it seems that probably the motion to proceed will receive enough votes for cloture and then we can begin moving forward.

As I said in my remarks to the Senate yesterday, this is an issue that would seem to me to be one that people, regardless of their view on the underlying issue of abortion rights, could agree on; that is, that the Supreme Court of the United States has deemed it to be constitutional for States to enact parental involvement statutes—parental consent or parental notification statutes. Based on that decision,

about 22 States have enacted such laws. The families in those States, the parents in those States, and the children in those States have a right to rely on those laws. Those laws have been enacted to protect young women who are minors who might consider an abortion. The reason for that is very simple.

The abortion procedure is a serious medical procedure. The consequences of that procedure are very serious. There is no one in a better position, particularly with extremely young women, to know about their health considerations better than the parents. Of course, there are certain instances where parents may not be appropriate because of abusive situations. The States have addressed that. And the courts have permitted States to address that with bypass procedures and other mechanisms to allow young women to have options in those rare instances. But other than in those rare instances, these laws make sense. I think an overwhelming percentage of Americans support them.

The problem is that these laws lack forcefulness. It is possible to circumvent them very easily by simply transporting the child across a State line for an abortion. Our legislation is simply an effort to clarify which laws would apply in the new jurisdiction where that abortion might be performed. This legislation says that the laws of the States which have enacted parental consent laws still have meaning, still have consequence, and the families in those States still have the ability to rely on those laws.

I cited yesterday on the floor the case that was presented in our hearings of Joyce Farley who was victimized by just such a situation—the Senator from Pennsylvania just alluded to it—where her 12-year-old daughter was raped by a neighbor, became pregnant, and then, in an effort to try to cover up that act, the neighbor's parent drove the child out of Pennsylvania, where parental consent laws are required, to the State of New York, where they had the abortion performed, falsified documents pretending she was the mother, brought the child back to Pennsylvania, and left her 30 miles from home in a very, very serious state of health. The child became very sick, finally got home, and finally told her mother what had happened. Only because her mother was a nurse was proper medical attention at that point applied and the little child's life saved.

This doesn't, in my judgment, seem to me to be a situation where we can simply allow this to continue. For that reason, our legislation is aimed not at changing the underlying abortion laws of States, not at changing or in any way enhancing the parental notification laws, but simply saying that where the laws exist, they have to be enforced regardless of where the child is taken for an abortion. That is what the purpose of the legislation is.

I hope today we can move forward on this motion to proceed. Then I hope we

can work together, regardless of what people's position might be on the abortion question and the underlying question, to say that parents and families in these situations should be protected and shall be protected by this Congress.

Mr. President, I yield 30 seconds to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to speak in support of S. 1645, The Child Custody Protection Act.

The purpose of this act is to prohibit the transportation of minors across state lines with intent to avoid application of a state law requiring parental involvement in a minor obtaining an elective abortion.

As I imagine the fear, confusion, and perceived isolation of a minor child who learns that she is pregnant, I can think of few situations where the support and security of family is more desperately needed. Many states have enacted laws to assure that parents are involved. This bill would assure that these state laws are not easily circumvented by crossing state lines.

There is an even more sobering aspect to this issue. A significant reason behind evasion of the State's parental involvement law can be an effort to cover up statutory rape violations.

In a study of 46,000 pregnancies by school-age girls in California, researchers found that seventy-one percent, or over 33,000, were fathered by adult post-high-school men. Another study reports that 58 percent of the time it is the girl's boyfriend who accompanies a girl for an abortion when her parents have not been informed of the pregnancy.

Obviously, many of these men are vulnerable to statutory rape charges. This vulnerability provides these men with a strong incentive to pressure the much younger girl to agree to an abortion without revealing the pregnancy to the parents. Currently, a man seeking to do so can evade the law and hide his crime by driving his victim across State lines.

Opponents of this legislation argue that in some families, ideal relationship may not exist with the parents—that in families where abuse is present, for example, parental involvement would be detrimental. This concern is addressed in that judicial bypass provisions exist in every state with a parental notification requirement. These judicial bypass procedures are not onerous. A recent study of Massachusetts bypass procedure published in the American Journal of Public Health reported that only 1 out of 477 girls was refused a judicial authorization. Furthermore, the average hearing lasted less than 13 minutes.

Passing this bill will not force parental disclosure in instances where abuse exists within a family. Conversely, failure to pass this legislation could compromise parental support from the majority of families where good counsel and loving support would be provided.

Americans support the concept of parental involvement. In a 1996 Gallup poll seventy-six percent of those polled favored laws requiring the girls under the age of 18 get either parental consent or at least inform their parents before obtaining an abortion. This conviction is reflected at a legislative level by the 22 states that have enacted laws requiring parental notification.

This is not a broad piece of legislation, it has in fact been described by the media as "narrowly tailored to address a specific problem." The act does not establish a national requirement of parental consent or notification prior to the performance of an abortion on a minor under 18. Nor does it attempt to regulate any purely intrastate activities related to the procurement of abortion services. S. 1645 simply helps effectuate the policies of States that have decided to provide a layer of protection of their own residents against these dangers to children's health and safety by requiring parental involvement in the abortion decision.

Minors must not be left alone to make these crucial decisions. Abortion is a major medical procedure, highly invasive and often emotionally traumatic. There are hundreds of accounts of women who as adults, decide to undergo an elective abortion and are then plagued by profound regret, health complications and emotional trauma for having made that decision.

How much greater is the potential for a hasty and regrettable decision when the mother is herself a child who may not fully understand her options and the consequences of her choices?

I urge my colleagues to vote for cloture to proceed to this bill and to support this important legislation, and I yield the floor.

Mr. President, I know Members are anxious to get to this cloture vote. I strongly support the efforts of the Senator from Michigan and the Senator from Pennsylvania and others to deal with this important item. I commend them for their perseverance in pursuing this. I think it is important that we move forward with this and support it.

It is designed in a way to protect the rights of children, the rights of parents, and the rights of States. I urge my colleagues to support it.

Mr. ABRAHAM. Mr. President, I note there are no other individuals on either side of the aisle here to speak at this point, and so in that the hour of 10 o'clock, which was the original time that this vote was slated to occur, has arrived and there are no other speakers, I ask unanimous consent to withdraw the most recent unanimous consent agreement that was entered into, yield back all remaining time, and proceed at this point to a vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1645, the Child Custody Protection Act? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Roth
Byrd	Helms	Santorum
Campbell	Hollings	Sarbanes
Chafee	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Coats	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kempthorne	Stevens
Craig	Kennedy	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Enzi	Lieberman	

NOT VOTING—3

Kerrey	Moseley-Braun	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly cho-

sen and sworn, having voted in the affirmative, the motion is agreed to.

The question is on the motion to proceed.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

HANDLING OF THE STARR REPORT

Mr. SPECTER. Mr. President, I have sought recognition to comment on the matters now pending before the Congress as the House of Representatives considers what to do with the Starr report. I suggest that we are guided now by the genius of the Constitution, which is the most important, most efficacious, and most brilliant document ever written as to how our country should handle the issues and the problems which we now confront.

The Constitution establishes the blueprint for what we are to do next, and that is for the House of Representatives to consider the Starr report, bearing in mind that it is a report which contains charges to which there will be a reply and, perhaps, depending upon what the House of Representatives decides, we will move to a stage of hearing evidence.

The question of evidence is one of enormous importance because that is the determinant as to establishing the facts. In our judicial system and in our congressional system, and in the system on impeachment proceedings, the facts are established by witnesses who testify as to what they have seen or observed—or generally witnessed. It may be that we will hear people who will come forward who will tell us what they saw and what they observed as witnesses, contrasted with what appears in the news media, which is hearsay—sometimes reliable, sometimes unreliable—almost universally the source is leaks, a sustained line of source material, but one which is the common parlance. But when it comes to a proceeding as in a court proceeding or as in an impeachment proceeding, it is a matter of evidence, and the rules of evidence in an impeachment proceeding may be entirely different. There are some hearsay declarations which are admissible under complex rules. There may be broader rules of evidence established. At least we come to the point of evidence as opposed to reports and as opposed to charges.

I think it is very important, as others have said on this Senate floor and as others have said in the public milieu, that we not rush to judgment but that we consider what the evidence is and make a considered judgment, and that the interests of fairness are para-

mount, as they have been reflected in Anglo-Saxon jurisprudence, and really improved upon in the American—the U.S. judicial system on what is due process and what is fair treatment. And deliberation is a critical part, and not rushing to judgment is a critical part.

We will see what the House of Representatives decides to do and what the House Judiciary Committee decides to do. It may be, as the constitutional procedure specifies, that the matter will be before this body and each of us in the U.S. Senate will be, in effect, a juror. It is a complex matter which portends great problems for our Government if the House takes up the matter of impeachment proceedings. It will tie up the House. If the Senate deliberates as a jury, it will obviously tie up this body. And what is not generally recognized is that the Constitution requires the Chief Justice to preside, so it ties up the Supreme Court of the United States. But the Constitution, that brilliant document, sets forth the ground rules, and we have that as, really, the strength of our American institutions to guide us in these very, very troubled times.

I think it is very important that the Senate, and the House, too, focus on very important legislative matters which have come before us in the course of the balance of September. Those are the appropriations bills which fund the Federal \$1.7 trillion budget. I have the privilege to serve as chairman of the Senate appropriations subcommittee which has jurisdiction over the Department of Education, the Department of Health and Human Services, and the Department of Labor. Traditionally, this bill has been left to the end because it is so contentious. Senator HARKIN, the ranking Democrat, and I have conferred and have formulated a plan to try to bring our bill to fruition early on this year. If we wish to get something done—something I learned a long time ago in the Senate is that if you want to accomplish what is in the public interest, we have to cross party lines to do it. Senator HARKIN and I have worked on that line.

Our staffs did an excellent job in pushing ahead on an expedited basis to prepare a subcommittee report during the month of August, and on the second day that we were back, September 1, a week ago Tuesday, the subcommittee acted, and then, under Senator STEVENS' leadership, the full committee acted on Thursday. So the bill, appropriations for Labor, Health, Human Services and Education, is now ready to come to the floor. The distinguished majority leader has stated that our bill can be considered immediately after the Interior bill, so that we do not wait until the very end of September. But Senator LOTT has articulated a fair admonition, that if the bill becomes cluttered with so-called killer amendments or becomes highly politicized, that we cannot keep the bill on the Senate

floor but it will be taken down. I think that is a fair consideration. So we have our own institutional prerogatives. It goes without saying sometimes politics dominates what happens on the Senate floor, but it is our hope that we will be able to avoid killer amendments and will be able to proceed to consider the merits of the bill.

Senator HARKIN and I have discussed this with the distinguished minority leader, Senator DASCHLE, who is sympathetic to our point of view and, without making commitments, has stated he would like to see that proceed. We discussed the issue of time limits, and I have already started to talk to Senators who have amendments where we can consider a time agreement, an hour equally divided or perhaps an hour and a half equally divided, so that we take up issues which have to be debated and have a resolution of them, hopefully omitting the highly politicized matters where there is going to be deadlock and which might require that the bill be taken down.

Our subcommittee has had a good working relationship with the House. We worked through with Congressman PORTER, the subcommittee chairman on the House side, my counterpart, and with Congressman LIVINGSTON, the chairman of the full committee. It is our realistic hope, realistic expectation, that we can work through the process there.

I had a chance to discuss the matter previously with the President—yesterday. It was an event in the White House, where Pennsylvania was a recipient. As is the custom, I received an invitation to attend, and did so, and had a chance to talk for a few moments with the President about this bill, Labor-HHS-Education. The President stated that he thought our Senate bill was a significant improvement over what has come out from the House Appropriations Committee. I pointed out that, while it did not have everything the President had asked for, it was important to focus on the fact that the bill was \$1.9 billion short of what the President had projected on income because we do not have the receipts from the tobacco bill, which was never acted upon, and we did not have the user fees, which had not been authorized.

Senator HARKIN and I, then, earlier this week, took a rather unusual step of convening a meeting of governmental affairs people, also known as lobbyists, who have an interest in this bill, especially those who have increases, as we have significant increases on the National Institutes of Health, Head Start, and the National Labor Relations Board, in order to secure their assistance. Because, if we go to a continuing resolution, then those matters will be funded at last year's level and they will not have the advantages of the additions. So there is some very keen potential interest on their part seeing this bill move. Our request to them was to exercise their best efforts—they have a lot of contacts in

the Senate, the House and the White House—to help us move the bill.

So I speak about this subject at some length, although I think not at excessive length here today, to urge my colleagues to focus on the appropriations process and not to be distracted by what is happening with the Starr report and the collateral problems which our country faces at this moment.

One of our colleagues said last week that when the Starr report hit, those issues were au courant in Washington, that it would suck all the oxygen out of every room in Washington, DC, which is a dramatic characterization, but one which I think is realistic; sucking all the oxygen out of every room in Washington, so that that is the sole focus of attention. From the conversations in the Cloakroom and on the floor, that is a realistic problem.

I do believe we have to maintain a focus on these appropriations bills which are so important, as we look to what is going to happen with the National Institutes of Health in cancer research, Alzheimer's, Parkinson's, et cetera, what happens with education on increases for Head Start, guaranteed student loans, what happens on worker safety. We are going to push very hard to bring forward our bill, hopefully next week, and debate the issues under time agreements to let this body work its will and try to work the matter through the House and then through the White House and then take up the other appropriations bills, so that while we have this grave national problem which we have to consider at the same time, we do not lose focus that September is the critical month for appropriations bills.

I ask all of my colleagues who anticipate amendments for this bill to let us know at an early date so that we can make a decision on what might be accepted, what might be compromised, or what might be subjected to time limits so that notwithstanding the problems which the President faces and which, in turn, the country faces, that we can focus on the appropriations process and complete the people's business during the month of September.

I thank the Chair and yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Act, which is S. 1645.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SPENDING BILLS

Mr. GREGG. Mr. President, there are three issues which I think we need to be thinking about addressing as we move into the end of this session. The

first is an emergency spending bill which is coming at us and how we pay for that.

Traditionally, emergency spending bills have been paid for outside the budget process. We have worked very hard, however, as a Congress and as a country to get our budget in balance. It has not been an easy task. It has taken us 29 years to get the budget in balance. This year we will have a \$60 billion surplus, and that surplus is projected to continue for a number of years into the future. But that surplus will be quickly frittered away if we add new spending programs that are not paid for, or if we arbitrarily increase the spending of the Federal Government in programs that already exist without looking at our budgeting process.

The emergency supplemental, as well meaning as it is intended to be, represents, in my opinion, and raises the issue of how we are going to maintain our surplus and threatens that surplus.

Since 1993, we have had \$37 billion of spending under emergency bills. That is \$37 billion that has been spent outside the budget process and has essentially added to the deficit, or in the case of this year, reduced the surplus.

This year, the emergency supplemental is being talked about as a rather huge bill. In the past, since 1993, the average of those bills has been somewhere in the vicinity of \$5 billion or \$6 billion. But now we are talking about an emergency supplemental of—I have heard a number as high as \$20 billion. But anything in the range of even \$10 billion or \$15 billion would be a huge number and would significantly reduce the surplus unless it was offset.

The purpose of an emergency supplemental is to address issues which we had not anticipated which need immediate action and to do so promptly. I can agree with all those purposes, but unfortunately, the emergency supplemental process has become a process which has basically been used as a giant loophole through which we have generated new spending and, thus, are putting at risk, in many instances, our surplus as we finally reached it.

Secondly, we have to ask ourselves, From where is this money coming? In the past, we were borrowing it and creating debt, which was bad enough. This time when we fund this emergency supplemental, if it is anywhere near the range of \$15 billion or \$20 billion, that is all basically going to come out of the Social Security trust fund. We will be borrowing from the Social Security trust fund because this year the surplus is essentially generated by the Social Security taxes which exceed the Social Security expenses. That, in and of itself, raises huge public policy issues.

I hope that before we step into this or step off on to this road which leads to this giant loophole in our budgeting process, which generates expenditures outside of our budget caps, that we will think about the process and, hopefully,

take a hard look at offsetting a significant amount of this emergency supplemental.

Much of it was anticipated. We already spent \$1.5 billion emergency for Bosnia. We should have been able to anticipate it and offset it. Clearly, the situation that has occurred in the farming communities is a severe emergency, but almost every year we appear to have an emergency in the farming communities. We should be able to budget and offset it. Disaster events have become, regrettably, all too commonplace. They are severe, and they need to be responded to, but we should be able to anticipate and budget it with some sort of reserve account and be setting it off.

The only event which is truly an emergency which we could not anticipate was the blowing up of the embassies in Africa. I happen to chair the committee that has jurisdiction over that. If I were asked by the appropriating authorities, by the leadership around here to find offsets for the purposes of paying for that, I would be willing to do that, or at least some portion of that. So as to the extent that emergency has occurred, I am willing to go back and see if we can't find some ways to pay the cost of that emergency with some sort of offset, some percentage of it anyway, maybe not the whole amount, but a percentage of it.

I am simply saying in throwing up a word of caution here, before we step on to this emergency spending process without any offsets, let's look at what it will do to the budget in the outyear and what it will do to the Social Security fund and is it proper to do it without offsets. I don't think it is. Some percentage should be offset.

Second, I want to talk about caps. Caps are ways we as Congress discipline ourselves, where we say we will not spend more than this amount in any one year. That is what the emergency issue is about, as I alluded to. The emergency spending designation allows you to exceed the caps, which is an appropriate action in the budget process, but is not necessarily a fiscally sound action.

The caps are in place only for the next 2 years because we do not have in place a budget. We did not reach a budget agreement, and it does not appear we are going to reach a budget agreement this year which would extend the caps over the lifetime of the budget agreement which we reached last year with the President. Last year, we reached the balanced budget agreement, a very important act in the history of this country, which has led to the surplus, in large part, this year and will lead to projected surpluses in the future years. But that budget agreement only had caps for 3 years. It was a 5-year agreement. So we are closing in now on the point when those caps are no longer in existence and we will no longer have any fiscal discipline around here.

I intend, and I hope I will receive the support of my colleagues, to offer an

amendment to whatever the emergency supplemental is to extend the caps for the last 2 years of the budget agreement which we reached with the President. I think that is only reasonable that we do that so that we can be sure that as we move forward in the future that we will have fiscal discipline here and we will stay on the glide path toward maintaining our surplus, which has been so difficult to attain and which is so important to the future of our country. That is the second fiscal point I wanted to make.

The fiscal third point I want to make is about taxes. It is obvious we are running a surplus, and, yes, that surplus is significant and there is a big demand to cut taxes, which is totally reasonable.

What is a surplus? It basically means people are paying more in taxes than we are spending in Government. So whose right is it to get the money back? It is the taxpayers' right to get the money back.

So we should be looking at a tax cut. There are lots of different discussions around here looking at what the tax cut should be. But in looking at this tax cut, we have to look at where the revenue is coming from.

Revenues for this surplus are coming from the Social Security tax. They are not coming from the general revenue tax. They are not coming from the income tax or the corporate tax or a variety of fees that we charge as a society, as a Government. They are coming from the fact that people are paying more into the Social Security trust fund than the Social Security trust fund is paying out today. As a result, we are running a surplus. That is true through about the year 2001 or maybe even the year 2002, that the surplus of this Government as it is projected will be primarily a Social Security trust fund surplus.

So when we are looking at a tax cut around here, I think we ought to look at the people who are paying the taxes. That would only be logical. People who are generating the surplus should get the return of the taxes. And that should be the Social Security taxpayer.

More importantly, there is no more regressive tax that we have on the books than the FICA tax. It is paid across the board. It is paid by everybody. No matter what your earned income is, you pay the FICA tax at the same rate. It is a regressive tax by any stretch of the imagination. No deductions, no exemptions, you pay it. Thus, if we are looking for a place to cut taxes which would benefit the most Americans and be the fairest place to cut taxes, we should be looking at cutting the Social Security tax.

So as we move down the road to the discussion on tax cuts, let us take a hard look at cutting the FICA tax, returning to the American people more of their tax dollars through a FICA tax cut. In doing that, we ought to also be looking at increasing the savings of the American people and trying to make

the Social Security system more solvent in the outyears.

One way to do that is a proposal that I put forth with Senator BREAU. And a number of other people have talked about it in different machinations—including Senator MOYNIHAN, Senator GRAMS, Senator DOMENICI, Senator KERREY—to take the tax cut and put it into a personal savings account which would be owned by the individual who pays the taxes; and it will be their money, they will have it as an asset, and it will be available for them when they retire. I hope we will consider that as an option also.

So as we move into this tax cut debate, I intend to raise this whole issue. And I believe we should raise this whole issue of where the taxes are coming from and who appropriately should be getting a tax cut.

I ask unanimous consent for another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So three things we need to be concerned about are, first, as we step into this emergency spending water, let us be careful about where the money comes from, let us look at an offset; second, let us get those caps extended so we can have sound fiscal policy throughout the 5 years of the balanced budget agreement we reached with the President; and third is, we look at a tax cut, let us have a tax cut that flows back to the people who are paying the taxes, those folks who are paying Social Security taxes.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that I be permitted to proceed for—I will not say a specific period of time, I simply say that I will yield the floor any time our leader or anybody working on the bankruptcy bill asks me to. I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET US RESERVE JUDGMENT ON IMPEACHMENT

Mr. BUMPERS. Mr. President, I had not intended to discuss the subject of the hour this morning, and I will only do so briefly and, hopefully, not in a controversial way. I heard the Senator from Pennsylvania pleading with people to reserve judgment. And I simply want to echo what he said. These are very traumatic times for this country. And I would say, despite the trauma the country is experiencing over the apparently possible impeachment of the President, we still have a tremendous amount of work to do in the U.S. Congress, and the American people have a right to expect us to do that business before we leave here.

While it is more gratifying, I suppose, from a political standpoint, as

well as from a personal standpoint, to immerse ourselves in the Starr report, we still have so much very serious, important work to do here, and I would be willing to suggest that we should come back after the election if necessary to deal with some of these things.

Having said that, let me say that the President will respond in time to the Starr report, I am sure. He is entitled to be heard. The American people are entitled to an objective, nonpartisan deliberation based on the facts.

As a former trial lawyer, I have gone before jurors who I had a sneaking suspicion had made up their mind before I got to make my opening statement. And I can tell you, it is a very queasy feeling. I have tried cases when, in my own mind, I was satisfied that the jury had made up its mind before the case was tried, before they heard the evidence, despite what we lawyers call voir dire examination, where you ask the jurors: "Do you have any preconceived notions about this case?" All of them said no. And I did not come to that conclusion that they made up their mind before they heard the evidence just because I lost, it was based on other things.

The American people have an inimitable, innate sense of fairness. The vast majority of the people in this country want, expect, and have a right to know that this whole situation is going to be considered in a very dignified way in accordance with the process.

This should not be—and I do not think it will be a political witch hunt. And I want to compliment the people in the House whom I have watched in the Rules Committee and in the Judiciary Committee, and the Speaker of the House, in their admonitions to their own Members about this being a very solemn, somber time in the history of this country and we must treat it with the seriousness it deserves. This is not one of those "let's give them a fair trial and string them up" kind of hearings.

So as an English philosopher once said, "There's nothing more utterly impossible than undoing that which has already been done." Whatever the President's sins, they have been done. So far as anybody much knows at the present, the American people know what those sins were, his indiscretions, what he described as "indefensible."

So the question before the House will be whether or not any or all of those things combined reach the threshold that the Founders intended in the Constitution; and that is, we know it is not treason and it is not bribery, and the next question will be: Does it reach the threshold of high crimes and misdemeanors?

The President has admitted, as far as I know, virtually everything. So he has bared his soul to the American people and pleaded for their forgiveness, as he did this morning before a prayer breakfast.

So, Mr. President, while I did not come over here to speak on that, I just

wanted to add my comments to those of the Senator from Pennsylvania, Mr. SPECTER.

And I would also like to say that when I talk about the work we have yet to do here, I am talking about issues of health care, I am talking about issues of the environment, and I am talking about issues of education. I am not trying to make a comparison, but what I am saying is that morality is often like beauty, it is in the eye of the beholder.

There has been an awful lot said about the President sacrificing his moral authority. And I would simply remind people—and this is not intended to be defensive—I would simply remind people that allowing children to go without health care is immoral, too, in this Senator's opinion. And abusing the only planet God gave us to sustain ourselves is also immoral.

Probably next Tuesday, The Senate will debate a provision included in the Interior Appropriations bill that would prevent the Secretary of Interior from being able to strengthen the environmental rules determining how the giant mining companies of this country will mine gold, silver and so on from our public lands. Most people don't know it, but we mine gold through a process called heap leach mining. And do you know what we use? Cyanide. I am not saying it is immoral to use cyanide, but I am saying it is immoral to block regulations determining how you are going to use cyanide to keep it out of rivers, streams and the underground water supply. That is what the amendment on Tuesday will be about.

I put in the category of being immoral to say the Secretary of the Interior must wait and let somebody else do a study before he can protect the environment. Last year, we had a handshake deal on this subject—we agreed not to procrastinate and delay Interior Department regulations any longer. Now, this year we have to have the National Academy of Sciences study it—postpone it for another 27 months. At the end of that, the mining industry will probably want the National Organization of Women to study it. After that, they will want NASA to study it—anything to keep from facing up to despoiling the only planet we have to sustain our children and grandchildren. As I say, morality takes a lot of forms.

TAX CUTS AND SAVING SOCIAL SECURITY

Mr. BUMPERS. Mr. President, I also wanted to discuss another matter of significance. We are going to technically have a budget surplus this year. Nobody knows how much it will be. The CBO has estimated the surplus will be somewhere between \$50 and \$63 billion. They have projected \$1.4 trillion in surpluses over the next 10 years. We need to keep in mind that estimates are just that—estimates. When you consider the fact in the last 60 days, \$1.9 trillion has been lost on the stock

exchanges of this country, you tell me how you would evaluate that study that was made about 4 months ago that we are going to have a \$1.4 trillion surplus over the next 10 years. The surplus may hold up this year and we may get a surplus next year, because an awful lot of people are bailing out of the market.

But when we talk about a surplus, it has been said time and time and time again on the floor of this Senate, it is not really a surplus. I don't know why in the name of God we keep calling it a surplus when it isn't. But for the sake of argument, because this is the way we do it here, let's assume we will have a \$50 to \$63 billion surplus this year. But let me add this caveat: \$100 billion of that is the excess in the Social Security Trust Fund. You take the Social Security excess out and we will have a \$40 to \$50 billion deficit.

Now, having set the stage for whoever may be listening to this argument, we are effectively looking this fall for a surplus, and every dime of it will come from the Social Security Trust Fund. Then I pick up the paper this morning and I see where there is a move in the U.S. Senate to go ahead with a tax cut after all. I don't know whether what I read this morning is true or not, but I have applauded our Budget Committee chairman in the past because he has steadfastly been opposed to tax cuts this year. But this morning I read that maybe he is about ready to sign off on an \$80 billion tax cut. I want to say this: There is an unassailable argument that can be made, that we are cutting taxes for some of the wealthiest people in America and it is coming right out of the Social Security Trust Fund.

If you put \$100 billion that we collected in Social Security this year, in excess of what we paid out, if you take that surplus and take it off budget and put it in the Trust Fund where it is supposed to be, you have a deficit. If you leave it in, you have a surplus. It is a phony surplus. And this tax cut will come out of the phony surplus, which means it is coming right out of the Social Security Trust Fund.

Now, I would not presume to give political advice to the people on the other side of the aisle, and I can tell you that nobody ever lost a vote—normally—voting for a tax cut. In 1993, we lost control of the Senate because we voted for a tax increase on the wealthiest of Americans which brought about our current economic prosperity and renewed fiscal soundness. I said time and time again, if the Democrats had to lose control of the Senate for casting a very courageous vote that brought this country 7, 8 years of economic vibrancy, it was worth it.

I lost two of the dearest friends I had in the election of 1994 because they voted for the 1993 budget bill. We have been benefiting from it ever since, and we now find ourselves in this very happy, euphoric state. Why cannot we enjoy and leave it alone? Why do we

have to keep tinkering with it? If you don't want the Social Security Trust Fund to be a vibrant fund, something that gives people who are in the workforce at the age of 25 or 30 some degree of assurance that it will be there for them, if you don't want to do that, say so.

Mr. President, do you know that under current estimates—and these estimates, as I say, are just what I say they are; they depend on the economy and they depend on a lot of things. But the Social Security Administration estimates by the year 2020, the Social Security trust fund will have a \$3.7 trillion surplus. The only problem with that is 12 years later it is bankrupt. If we don't fix Social Security—we are not going to do it this year—if we don't get at it soon, and we allow ourselves to squander a \$3.7 trillion trust fund, it will be one of the most callous, irresponsible acts ever taken by the U.S. Congress.

If you don't want it to go to the Social Security Trust Fund, then you just tell your constituents you are not for a tax cut; you want it to either stay in the Social Security Trust Fund or you want it to go on the national debt, which now stands at about \$5.2 trillion.

We still have a vibrant economy. When you start taking money out of the Social Security trust fund to funnel into the economy, you have the remote chance of increasing inflation. You increase inflation, you increase interest rates. You increase interest rates, the buying of cars and houses goes “kerplunk.” Those are simple economic principles. They are just as certain to happen as the night following the day.

Why cannot we be grateful for our prosperity? Mr. President, I vented my spleen on one of my favorite subjects this morning, and that is that I think tinkering with the phony surplus in order to provide a tax cut is not only bad economic policy, it is bad politics for those who propose it. In 1981—I am not sure I would have had the courage, except I had just been reelected, had 6 years in front of me to rectify whatever sins I committed—in 1981, I stood right here—I think I have been sitting at this desk for about 18 years—and I made the point just before we voted that if you passed Ronald Reagan's tax cuts and doubled defense spending, you were not going to balance the budget in 1984, you were going to create deficits big enough to choke a mule.

There is nothing more fun for a politician than to be able to say I told you so, so that is what I am saying. Eleven Senators voted against that. There were only three Senators who voted against the tax cuts and for the spending cuts, which would have balanced the budget in 1984; it was yours truly, Bill Bradley from New Jersey, and FRITZ HOLLINGS from South Carolina. But 11 of us voted against that tax cut and said you are going to get the deficit out of control. My precise words were: “It will be big enough to choke a

mule.” You will find that in the CONGRESSIONAL RECORD. And we did it. I don't know whether we choked a mule or not, but the consequences were absolutely horrendous, and remained horrendous until 1993 when we were looking at \$300 billion in annual deficits as far as the eye could see.

So I am pleading with my colleagues to think about it. My voice is not persuasive on the other side of the aisle, and I know that. It is very presumptuous of me to even make this speech, and I don't intend to lecture. I am simply saying that despite what is going on here in this traumatic time in the history of this country, let's not compound that by making a terrible economic mistake. And, as I say, for some, in my opinion, it is a terrible political mistake.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kansas is recognized.

CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. BROWNBACK. What is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Protection Act, S. 1645.

Mr. BROWNBACK. Mr. President, I am a proud sponsor of the Child Custody Protection Act, which makes it a Federal offense to transport a minor across State lines to obtain an abortion in circumvention of State parental notification laws. Good laws, constitutionally-tested laws, have been enacted in over 20 States which require parental participation, or judicial involvement, in a minor's abortion decision. Yet, these same laws are flagrantly breached by nonfamily adults who secretly transport young, pregnant girls in complete disregard of her parents' knowledge or participation. I think this is wrong, and I believe most parents would agree with me.

The Child Custody Protection Act is really a family values bill which preserves the parental right to oversee their child's medical treatment of the most intrusive kind—namely, that of abortion. This bill is about choosing to support parents, rather than unrelated strangers, in their State-recognized right to care for a vulnerable, at-risk daughter. Is this too much to ask? Even ear-piercing for minors requires parental authorization, let alone this most disturbing surgical procedure.

Abortion, I believe, is in a class by itself and is unlike any other medical procedure, for both strikingly emotional and physical reasons. There is no other surgery like it, where the object is to terminate a developing human life, and the emotional repercussions can be devastating. Women who have experienced abortion are

haunted by the unspeakably weighty consequences of lost life and the deep emotional conflicts this produces. Add to this terrible mix the factor of youthful vulnerability and you invite extreme emotional trauma.

Also, abortion can have unique physical consequences—rendering a young girl physically traumatized and even infertile from a bungled operation. Most alarmingly, some “absconding” adults can exhibit the extremes of irresponsibility and disregard for the physical well-being of their “charges.” There are tragic examples of young women who have been plied with alcohol, raped, impregnated, and then taken across State lines for secret abortions. Some of these cases are just so horrific that one can't even really repeat them.

We simply don't want strangers interfering with this important parental responsibility, which is already protected by several States. We must honor the fact that parents have a unique legal status of *in loco parentis*, which is a historic common law charge to protect their child's well-being. Don't let this right be eroded by unfettered abortion activists with baseless constitutional law claims. To do otherwise is an assault against the precious institution of “family,” which we prize and which has been harmed and is a fundamental foundation for our culture and this society.

Let's help, and not hinder, parents in their difficult and crucial job in an otherwise potentially disastrous situation. Let's not allow parental rights and family ties to be further eroded. Let's support the wisdom of these 20-plus States which have already done the hard work of safeguarding unwed, pregnant children by requiring parental notification. In short, let's support family values by passing this Child Custody Protection Act.

Mr. President, this is a commonsense act. If you are going to allow—and we have—parents to have the responsibility over a child in getting their ears pierced, my goodness, shouldn't we have the responsibility for a parent, or a court, to get involved if an abortion is going to take place across State lines? Shouldn't we honor these States for their efforts in the devolution of power? Shouldn't we honor those 20 States that have decided to go differently on this and require the parental notification to take place? This just makes sense throughout our constitutional system, throughout our Federal system, and throughout our family system. The foundational unit of this Government is the family. We should not further erode that responsibility. For all those reasons, I urge my colleagues to help and support in the passage of this Child Custody Protection Act.

I yield the floor, and I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, is the Senate in a period for morning business at this time?

The PRESIDING OFFICER. The Senate is on a motion to proceed on which cloture has been invoked.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak out of order no longer than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, let me say at this point that if the distinguished majority leader wishes to interrupt me at any point to offer a unanimous consent request, I will certainly be happy to accommodate him.

Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader for whatever time he may desire, and that I may then be recognized with my present rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the distinguished Senator from West Virginia for yielding.

UNANIMOUS CONSENT AGREEMENT—S. 1301

Mr. LOTT. Mr. President, let me say, first, that this agreement has been worked out. I appreciate the cooperation of all Senators with regard to bankruptcy, and I think it is fair and everybody is comfortable with it.

I ask unanimous consent that the cloture vote scheduled today be vitiated.

I further ask that the following amendments be the only second-degree amendments in order, and following the conclusion of the listed amendments the Senate proceed immediately to a vote on the committee substitute, as amended, and the Senate then proceed to the House companion bill, H.R. 3150, and all after the enacting clause be stricken, the text of S. 1301 be inserted, the bill be advanced to third reading and passage occur, all without further action or debate.

I further ask that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the following conferees on the part of the Senate. And they are Senators HATCH, GRASSLEY, SESSIONS, LEAHY, and DURBIN.

I further ask that the Senate proceed to S. 1301, under the agreement, at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask that during the consideration of S. 1301, but not before Tues-

day, September 15, the majority leader be recognized to lay aside the pending business and proceed to S. 1301 and Senator KENNEDY be recognized to offer his second-degree amendment relative to the minimum wage and there be 2 hours equally divided prior to the motion to table and no further amendments be in order to the motion to table.

I further ask that if the amendment is not tabled, this agreement be null and void.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I read the list of amendments now that would be in order to the bankruptcy bill: Kennedy amendment regarding minimum wage; Durbin, relevant. It has to do with the definition of residence and cramdown and nondischarge; Sarbanes amendment regarding 800 solicitations; Feinstein amendment regarding creditworthiness; two Dodd amendments, one having to do with under 21-year-olds and one having to do with education savings accounts; Feingold amendments regarding filing fees and attorney's fees; two relevant amendments by Senator REED; one relevant amendment for Senator DURBIN; Senator GRAMM, one relevant amendment; Hatch amendments, one IP and one relevant; Senator GRASSLEY, a relevant amendment; Senator BROWNBACK, a relevant amendment; Senator D'AMATO, regarding ATM fees; Senator GRASSLEY's managers' amendment to be agreed upon by the two leaders and managers; one Lott, relevant; one Daschle, relevant; one Harkin regarding interest rates; Senator KOHL, homestead extension; and one relevant by Senator JOHNSON.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1682. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 11, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6830. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Transition to Quieter Airplanes; to the Committee on Commerce, Science, and Transportation.

EC-6831. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Shipper's Export Declaration Requirements for Exports Valued Less Than \$2,500" (RIN0694-AB71) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6832. A communication from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for a National Ocean Service Intern Program" (RIN0648-ZA46) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6833. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska" (I.D. 081498D) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6834. A communication from the Director of the Office of Sustainable Fisheries,

National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (I.D. 081898B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6835. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up" (I.D. 081998B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6836. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Illex Squid" (I.D. 082098A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6837. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures and Closure of the Recreational Fishery" (I.D. 081898A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6838. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Revised Notice of Guidelines for Determining Comparability of Foreign Programs for the Protection of Sea Turtles in Shrimp Trawl Fishing Operations" (Notice 2876) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6839. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases" (Docket 97-234) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6840. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission" (Docket 96-55) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6841. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers" (No. 559) received on September 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6842. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of

a rule regarding energy consumption and water use of certain home appliances and other products required under The Energy Policy and Conservation Act received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6843. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA" (Docket 01-98-131) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6844. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River; Correction" (Docket 11-97-010) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6845. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters" (Docket 98-SW-23-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6846. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-6 Series Turbofan Engines" (Docket 98-ANE-18-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6847. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Tustin MCAS, CA" (Docket 98-APW-19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6848. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace, San Diego, North Island NAS, CA" (Docket 98-AWP-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6849. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29316) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6850. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29315) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6851. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Standards for Determining Rejected Takeoff and Landing Performance" (Docket 25471) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6852. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D and E Airspace; Crows Landing, CA" (Docket 98-AWP-12) received on September

7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6853. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Collegeville, PA" (Docket 98-AEA-06) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6854. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Grand Chenier, LA" (Docket 98-ASW-26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6855. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Leeville, LA" (Docket 98-ASW-27) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6856. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Intracoastal City, LA" (Docket 98-ASW-24) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6857. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Venice, LA" (Docket 98-ASW-25) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6858. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Sabine Pass, TX" (Docket 98-ASW-28) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6859. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Grand Isle, LA" (Docket 98-ASW-29) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6860. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schenck-Hirth K.G. Model Cirrus Sailplanes" (Docket 98-CE-51-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6861. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Industrie Model A300-600 Series Airplanes" (Docket 95-NM-200-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6862. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Communications" (RIN2130-AB19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6863. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Victoria Channel, TX" (Docket 08-98-049) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6864. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lafourche Bayou, LA" (Docket 08-98-052) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6865. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; 1998 Busch Beer Drag Boat Classic; Kaskaskia River Mile 28.0-29.0, New Athens, Illinois" (Docket 08-98-054) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6866. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Around Alone 98/99 Fireworks, Custom House Reach, Charleston, SC (COTP Charleston 98-053)" received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6867. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gloucester Schooner Festival Fireworks Display, Gloucester Harbor, Gloucester, MA" (Docket 01-98-130) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6868. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127-AH46) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6869. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Series Airplanes" (Docket 98-NM-158-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Danville, VA" (Docket 98-AEA-12) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6871. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tidioute, PA" (Docket 98-AEA-05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6872. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fairfax, VA" (Docket 98-AEA-13) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6873. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carlisle, PA" (Docket 98-AEA-11) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6874. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Direc-

tives; Bombardier Inc. Model Otter DHC-3 Airplanes" (Docket 97-CE-120-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6875. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models K 8 and K 8 B Sailplanes" (Docket 98-CE-02-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6876. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, and BN-2A MK. 111 Series Airplanes" (Docket 97-CE-111-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6877. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes" (Docket 98-NM-255-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6878. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes" (Docket 97-NM-321-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6879. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines" (Docket 97-ANE-40-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6880. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines" (Docket 97-ANE-05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6881. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-54-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6882. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 Powered Gliders" (Docket 98-CE-27-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6883. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes" (Docket 97-NM-331-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6884. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Direc-

Airplanes" (Docket 98-NM-21-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6885. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL" (Docket 98-ASO-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6886. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation, Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction" (Docket 97-ACE-34) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6887. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbus NE; Correction" (Docket 97-ACE-32) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6888. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lawrenceville, IL" (Docket 98-AGL-2) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6889. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Remove Class E Airspace and Establish Class E Airspace; Springfield, MO" (Docket 98-ACE-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6890. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Dallas-Fort Worth, TX" (Docket 98-ASW-42) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6891. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alteration of VOR Federal Airways; WA" (Docket 97-ANM-23) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6892. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Willits, CA" (Docket 96-AWP-26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6893. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 340B Series Airplanes" (Docket 98-NM-49-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6894. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98-CE-54-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6895. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-500M Gliders" (Docket 98-CB-31-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6896. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes" (Docket 98-NM-136-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6897. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report under the Equal Credit Opportunity Act for the calendar years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-6898. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of technical data and defense services to Germany for the development of the Teledesic Satellite System (DTC 38-98) received on September 9, 1998; to the Committee on Foreign Relations.

EC-6899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on direct spending and receipts legislation within seven days of enactment (Reports 456-460); to the Committee on the Budget.

EC-6900. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Determine Endangered or Threatened Status for Six Plants From the Mountains of Southern California" (RIN1018-AD34) received on September 9, 1998; to the Committee on Environment and Public Works.

EC-6901. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Four Plants From the Foothills of the Sierra Nevada Mountains in California" (RIN1018-AC99) received on September 9, 1998; to the Committee on Environment and Public Works.

EC-6902. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Sphaericus; Exemption From the Requirement of a Tolerance" (FRL6024-2) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6903. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cypermethrin; Pesticide Tolerance" (RIN2070-AB78) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6904. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Esfenvalerate; Pesticide Tolerance" (FRL6026-5) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6905. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor; Pesticide Tolerances for Emergency Exemptions" (FRL6017-9) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6906. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosate; Pesticide Tolerance" (FRL6026-6) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6907. A communication from the Secretary of Labor, transmitting, the official report of the National Summit on Retirement Savings; to the Committee on Labor and Human Resources.

EC-6908. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; D and C Violet No. 2; Confirmation of Effective Date" (Docket 95C-0399) received on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6909. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6910. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the Report of the Review Panel and the Report of the Hearing Officer with respect to the case of Banfi Products Corp. V. United States; to the Committee on the Judiciary.

EC-6911. A communication from the Acting Assistant Secretary of Defense for Reserve Affairs, transmitting, pursuant to law, notice that the Department's report of a plan to ensure that all military technical positions are held by dual status military technicians will not be finalized before January 1999; to the Committee on Armed Services.

EC-6912. A communication from the Principal Deputy to the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the Department's report entitled "Defense Environmental Quality Program Annual Report to Congress for Fiscal Year 1997"; to the Committee on Armed Services.

EC-6913. A communication from the Director of Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Reimbursement" (RIN0720-AA37) received on September 10, 1998; to the Committee on Armed Services.

EC-6914. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Docket FV98-920-4 IFR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6915. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Southwest Plains Mar-

keting Area; Suspension of Certain Provisions of the Order" (Docket DA-98-08) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6916. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate" (Docket FV98-905-3 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6917. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Amendments to the Order" (Docket DA-98-04) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6918. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate" (Docket FV98-924-1 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6919. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt" (RIN1510-AA74) received on September 9, 1998; to the Committee on Finance.

EC-6920. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98-50) received on September 9, 1998; to the Committee on Finance.

EC-6921. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98-51) received on September 9, 1998; to the Committee on Finance.

EC-6922. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roth IRA Guidance" (Rev. Proc. 98-49) received on September 9, 1998; to the Committee on Finance.

EC-6923. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rate" (Rev. Rul. 98-46) received on September 10, 1998; to the Committee on Finance.

EC-6924. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans Affairs Employment Reduction Assistance Act"; to the Committee on Governmental Affairs.

EC-6925. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-418 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6926. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-419 dated July

7, 1998; to the Committee on Governmental Affairs.

EC-6927. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-421 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6928. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-422 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6929. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-426 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6930. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-434 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6931. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. 090298A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6932. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Closure of Ocean Recreational Salmon Fisheries from Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon (I.D. 081998A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Cumulative Limit Period Changes" (I.D. 081498B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Cultivator Shoal Whiting Fishery" (I.D. 072098B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6935. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Framework 10 to the Atlantic Sea Scallop Fishery Management Plan" (I.D. 081098A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6936. A communication from the Director of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program, Program Announcement" (RIN0648-ZA39) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6937. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Report to the President and Congress for Fiscal Year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Select Committee on Intelligence, to the Committee on Rules and Administration, and to the Committee on Indian Affairs.

EC-6938. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

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-532. A resolution adopted by the New England Governors' Conference relative to the Medicare Interim Payment System; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2361. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes (Rept. No. 105-326).

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:Q

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:Q

By Mr. COVERDELL (for himself and Mr. SHELBY):

S. Con. Res. 117. A concurrent resolution expressing the sense of Congress that the Secretary of Transportation should exercise reasonable judgment in promulgating regulations relating to airline flights and should rescind the directive to establish peanut-free zones on airline flights; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER LEGISLATION

• Mr. MOYNIHAN. Mr. President, today I introduce, along with my friend and colleague Senator D'AMATO, a bill that would extend the authorization for the Upper Delaware River Citizens Advisory Committee and authorize the construction of a visitors center. The Upper Delaware is a 73 mile stretch of free flowing water between Hancock and Sparrowbush, New York along the Pennsylvania border. The area is home to the Zane Gray Museum and to Roebing's Delaware Aqueduct, which is believed to be the oldest existing wire cable suspension bridge. The Upper Delaware is an ideal location for canoeing, kayaking, rafting, tubing, sightseeing, and fishing.

In 1987 the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River which called for the development of a visitors center at the south end of the river corridor. It would be owned and constructed by the National Park Service. In 1993 New York State authorized a lease with the Park Service for the construction of a visitor center on State-owned land in the town of Deepark in the vicinity of Mongaup. This bill allows the Secretary to enter into such a lease and to construct and operate the visitor center.

Mr. President, the many thousands of visitors to this wonderful river would benefit greatly from a place to go to find out about the recreational opportunities, the history, and the flora and fauna of the river. This bill would move that process along to its conclusion. It would also continue the Citizens Advisory Council that ensures that the views and concerns of local residents are kept in mind when management decisions are made. My colleague from

New York and I ask for the support of other Senators, and 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. 2461

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

SECTION 1. EXTENSION OF AUTHORIZATION FOR UPPER DELAWARE CITIZENS ADVISORY COUNCIL.

Section 704(f)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended in the last sentence by striking "20" and inserting "30".

SEC. 2. VISITOR CENTER FOR UPPER DELAWARE SCENIC AND RECREATIONAL RIVER.

(a) FINDINGS.—Congress finds that—

(1) on September 29, 1987, the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River, as required by section 704(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625);

(2) the management plan called for the development of a primary visitor contact facility located at the southern end of the river corridor;

(3) the management plan determined that the visitor center would be built and operated by the National Park Service;

(4) section 704 of that Act limits the authority of the Secretary of the Interior to acquire land within the boundary of the river corridor; and

(5) on June 21, 1993, the State of New York authorized a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for construction and operation of a visitor center by the Federal Government on State-owned land in the town of Deerpark, Orange County, New York, in the vicinity of Mongaup, which is the preferred site for the visitor center.

(b) AUTHORIZATION OF VISITOR CENTER.—Section 704(d) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended—

(1) by striking "(d) Notwithstanding" and inserting the following:

"(d) ACQUISITION OF LAND.—

"(1) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) VISITOR CENTER.—For the purpose of constructing and operating a visitor center for the segment of the Upper Delaware River designated as a scenic and recreational river by section 3(a)(19) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(19)), subject to the availability of appropriations, the Secretary of the Interior may—

"(A) enter into a lease with the State of New York, for a term of 99 years, for State-owned land within the boundaries of the Upper Delaware River located at an area known as 'Mongaup' near the confluence of the Mongaup and Upper Delaware Rivers in the State of New York; and

"(B) construct and operate the visitor center on the land leased under subparagraph (A)."

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

THE LISA DE LAND FINANCIAL PROTECTION ACT

• Mr. BAUCUS. Mr. President, today I introduce the Lisa De Land Financial Protection Act. The bill that I am in-

troducing would allow the families of disabled persons to keep the money that they put in trust funds to care for their family members. Individual states would have the option of whether or not to recover those funds.

Recently, Virginia De Land, a concerned Montanan contacted me regarding a problem that her family was facing. The De Land family is from Missoula, Montana. Their daughter, Lisa suffers from a genetic disease that has affected her since birth. It is called Williams Syndrome. Williams Syndrome is a rare genetic disorder that affects about 1 in 20,000 births. Those who suffer from the syndrome are missing genetic material on their seventh chromosome. They are excessively social people. They have low to normal IQ's, however they are often gifted musically and have great social interactions skills. People who suffer from Williams Syndrome are almost always extroverts.

From the time that Lisa was small, her parents wanted to be able to assume some responsibility for her healthcare. At one point the family tried to buy an annuity. In order for Lisa to qualify for programs such as medicaid and SSI, the family's lawyer advised them to disinherit Lisa. If Lisa had other money set aside for her, she would have access to medicaid. For middle income families, it is virtually impossible to support a child with a disability on their finances alone.

Self Sufficiency trust funds allow families to use money in a variety of ways. The money can be used for reasons as varied as the disabilities that individuals have. For example, if an individual has to live in a group home, money can be used to provide that person with a separate telephone in his or her room. In Montana, these trusts are great mechanisms that allow families help support loved ones. These trusts let families provide support without disinheriting a child and allow them to have ongoing participation in the healthcare process. For example, if Lisa had a self-sufficiency trust, she would still qualify for medicaid and her family would still be able to provide some assistance for her.

With the implementation of the Medicaid Recovery Act, any trust that was set up would be recovered by the federal government when the medicaid recipient turned 55, or when that person passed away. Lisa's parent's had hoped that when she no longer needed the money from the trust fund, that money would go to the rest of their children. Current law requires the Government to recover that money, denying the other children access to it. Many people with disabilities have a short life expectancy. In this case, these families would not be affected by this law. However, Lisa has a normal life expectancy and with this law, the money that is set aside for her health care will be recovered by the government.

It is important for individual states to have the option to choose whether

or not these funds are recovered. Families across the country and in my home state of Montana are seriously affected by this problem. It is time to make a change in the system that will help out average families in extreme circumstances.

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. 2462

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 "Lisa De Land Financial Protection Act".

SEC. 2. STATE OPTION TO EXEMPT CERTAIN TRUSTS FROM THE ESTATE RECOVERY PROVISIONS OF THE MEDICAID PROGRAM.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "In" and inserting "(i) In"; and

(3) by adding at the end the following:

"(ii) At the option of a State, clause (i) shall not apply in the case of an individual who, at the time the individual received medical assistance under the State plan—

"(I) was disabled, mentally ill, or physically handicapped, as determined by the State; and

"(II) was the beneficiary of a trust established under the law of the State where the individual resided by the beneficiary, a parent, grandparent, legal guardian, or at the direction of a court for the purpose of providing or supplementing the cost of the care and treatment for the individual (including the cost of medical assistance provided under the State plan),

but only if State law provides that, upon the death of the individual, not more than 90 percent of the value of the trust may be conveyed to the heirs of the individual and that the remainder shall be donated to a charitable trust approved by the State."

ADDITIONAL COSPONSORS

S. 374

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 374, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1459

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr.

SMITH) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1977

At the request of Mr. D'AMATO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1977, 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.

S. 2049

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2390

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2390, a bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

S. 2418

At the request of Mr. JEFFORDS, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet,

during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held and Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served impositions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. MOYNIHAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

AMENDMENT NO. 2418

At the request of Mr. JEFFORDS the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of amendment No. 2418 proposed to S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

SENATE CONCURRENT RESOLUTION 117—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF TRANSPORTATION SHOULD EXERCISE REASONABLE JUDGMENT IN PROMULGATING REGULATIONS RELATING TO AIRLINE FLIGHTS AND SHOULD RESCIND THE DIRECTIVE TO ESTABLISH PEANUT-FREE ZONES ON AIRLINE FLIGHTS

Mr. COVERDELL (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 117

Whereas policies of the Federal Government should recognize that the Centers for Disease Control and Prevention has determined that $\frac{1}{10}$ of 1 percent of the population of the United States is allergic to peanuts;

Whereas the Secretary of Transportation has issued a directive to establish peanut-free zones on domestic airline flights;

Whereas establishing peanut-free zones is an excessive regulation to that important problem;

Whereas that directive unfairly singles out 1 product while ignoring all other allergens;

Whereas that directive subrogates the rights of the 99.9 percent of the traveling public who are not allergic to peanuts;

Whereas the Secretary of Transportation states in that directive that the only danger to allergenic passengers is accidental ingestion of peanuts;

Whereas establishing a precedent for peanut-free zones in airplanes might needlessly establish allergen-free zones for all public transportation, including buses, trains, subways, and cable cars; and

Whereas the Secretary of Transportation should rescind the directive that requires major United States air carriers to reserve up to 3 rows on airplanes for people who are allergic to peanuts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That it is the sense of Congress that the Secretary of Transportation should rescind the directive pertaining to peanut-free zones on airline flights.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

LEAHY AMENDMENT NO. 3564

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place in title VII, insert the following:

SEC. ____ CHAPTER 11 DISCHARGE OF DEBTS ARISING FROM TOBACCO-RELATED DEBTS.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5)(A) the confirmation of a plan does not discharge a debtor that is a corporation from any debt arising from a judicial, administrative, or other action or proceeding that is—

"(i) related to the consumption or consumer purchase of a tobacco product; and

"(ii) based in whole or in part on—

"(I) a false pretense or representation; or

"(II) actual fraud.

"(B) In this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

FEINGOLD (AND SPECTER) AMENDMENTS NOS. 3565-3566

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. SPECTER) submitted two amendments intended to be proposed by them to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3565

At the appropriate place in title IV, insert the following:

SEC. 4 ____ BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

“(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

“(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

“(3) A filing fee referred to in paragraph (2) is—

“(A) a filing fee under subsection (a)(1); or

“(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

“(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.”.

AMENDMENT NO. 3566

On page 53, lines 10 and 11, strike “and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified”.

On page 53, line 12, after “the court shall” insert “award all reasonable costs in prosecuting the motion, including reasonable attorneys’ fees, which shall be treated as an administrative expense under section 503(b) in a case under this title that is converted to a case under another chapter of this title”.

On page 53, lines 12 through 14, strike “order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys’ fees”.

On page 55, between lines 6 and 7, insert the following:

(b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F), by adding “or” at the end; and

(3) by adding at the end the following:

“(G) a panel trustee appointed under section 586(a)(1) of title 28 who brings a motion for dismissal or conversion under section 707(b), if the court grants the motion of the trustee and the case is converted to a case under another chapter of this title.”.

On page 55, line 7, strike “(b)” and insert “(c)”.

FORD AMENDMENTS NOS. 3567–3568

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3567

Strike all after “that is” on page 1, line 10 of the amendment and insert the following: “Based in whole or in part on a false pretense or representation, or actual fraud.”

AMENDMENT NO. 3568

At the end of the matter proposed to be inserted, insert the following:

“Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

“(6) The confirmation of a plan does not discharge a debtor that is a corporation from

any debt arising from a judicial, administrative, or other action or proceeding that is based in whole or in part on false pretenses, a false representation, or actual fraud.”

MCCAIN AMENDMENT NO. 3569

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 2559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking “dwelling” the first place it appears;

(2) by striking “ownership or” and inserting “ownership,”;

(3) by striking “housing” the first place it appears; and

(4) by striking “but only” and all that follows through “such period,” and inserting “or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,”.

SPECTER AMENDMENT NO. 3570

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking “only” and all that follows through the end of the subsection and inserting “only—

“(1) in accordance with applicable non-bankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

“(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362”.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

“(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.”.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.”.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act.

TORRICELLI AMENDMENT NO. 3571

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

In section 722, strike “Section 901(a)” and all that follows through the end of the section and insert the following:

(a) IN GENERAL.—Section 901(a) of title 11, United States Code, is amended by inserting “1123(d),” after “1123(b),”.

(b) FIREARMS DEFINED.—Section 101 of title 11, United States Code, is amended—

(2) by redesignating paragraphs (27) through (72) as paragraphs (28) through (73), respectively; and

(2) by inserting after paragraph (26), as redesignated by section 401, the following:

“(27) The term ‘firearm’—

“(A) has the meaning given that term in section 921(3) of title 18; and

“(B) includes any firearm included under the definition of that term under section 5845 of the Internal Revenue Code of 1986.”.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(19) resulting from harm caused by a defective firearm that the debtor sold or manufactured.”.

(d) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (22), by striking “or” at the end;

(2) in paragraph (23), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(24) under subsection (a) of this section of—

“(A) the commencement or continuation, and conclusion to the entry of final judgment, of a judicial, administrative, or other action or proceeding against a debtor relating to a claim for harm caused by a defective firearm that the debtor sold or manufactured; or

“(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.”.

FEINSTEIN AMENDMENT NO. 3572

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ HIGH DEBT-TO-INCOME RATIO CREDIT.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 109 the following:

“SEC. 110. HIGH DEBT-TO-INCOME RATIO CREDIT.
“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘high debt-to-income ratio credit’ means an extension of credit in which the total required monthly payments on consumer credit obligations of the consumer (other than residential mortgage obligations, including any refinancing thereof), together with any amount anticipated to be advanced by the creditor within 30 days after the date on which the extension of credit is made, is greater than 40 percent of the monthly gross income of the consumer; and

“(2) the required monthly payment on a credit card obligation shall be calculated as 8 percent of the total principal balance or the minimum payment then due with respect to the obligation, whichever is greater.

“(b) DUTY TO INQUIRE.—A creditor that extends credit under an open end credit plan after soliciting the consumer in any manner shall, prior to extending credit, obtain a written statement signed by the consumer, in such form as the Board shall prescribe, that sets forth the information necessary to calculate whether the extension of credit being made is high debt-to-income ratio credit. A creditor may rely on such statement in making the designation provided for under subsection (c), if such reliance is reasonable in light of any other information that the creditor has concerning the financial circumstances of the consumer.

“(c) DESIGNATION OF EXTENSION OF CREDIT AS HIGH DEBT-TO-INCOME RATIO CREDIT.—An extension of high debt-to-income ratio credit, as defined in subsection (a), shall be designated as such by the creditor.

“(d) SPECIAL REQUIREMENTS FOR HIGH DEBT-TO-INCOME RATIO CREDIT.—A creditor that extends high debt-to-income ratio credit to a consumer shall—

“(1) not later than 3 business days prior to making any such credit available to the consumer—

“(A) provide information to the consumer, in a form prescribed by the Board, concerning the risks and consequences of becoming overextended on credit; and

“(B) inform the consumer that the extension of credit has been designated as high debt-to-income ratio credit; and

“(2) annually compile and make available to the public for inspection and copying, in a manner prescribed by the Board, the number of extensions of high debt-to-income ratio credit made by the creditor, the median interest rate charged by the creditor on such credit, and the total amount of such credit offered and extended by the creditor.

“(e) PROHIBITION OF PENALTY RATES.—A creditor may not raise the interest rate charged on high debt-to-income ratio credit based on a default by the obligor.

“(f) MINIMUM PAYMENTS ON HIGH DEBT-TO-INCOME RATIO CREDIT.—A creditor that extends high debt-to-income ratio credit, or its assignees, may not offer to the obligor the option of making monthly minimum payments with regard to the obligation that cover less than 4 percent of the total outstanding balance, together with interest then due, at any time during the period of the obligation.

“(g) PENALTIES.—A creditor that fails to comply with this section shall be liable to the consumer for statutory damages of \$2,000, actual damages, and costs, including attorney fees.”

(b) TREATMENT UNDER BANKRUPTCY LAW.—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended by adding at the end the following flush sentence: “The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor in connection with an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.”

(2) INTEREST.—Section 502(b) of title 11, United States Code, as amended by section 206 of this Act, is amended—

(A) in paragraph (9), by striking “or” at the end;

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

(C) by adding at the end the following:

“(11) the claim is a claim for interest on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in

Lending Act, in any case in which the court finds that—

“(A) the extension of high debt-to-income ratio credit contributed to the need for the debtor to file for relief under this title; or

“(B) the payment of that claim would reduce the payments to other unsecured creditors.”

(3) DISMISSAL.—Section 707(b) of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

“(6) A party in interest may not make a motion under this section if that party in interest has filed a claim against the debtor that is based on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.”

(c) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title I of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 109, the following:

“Sec. 110. High debt-to-income ratio credit.”

FEINSTEIN AMENDMENT NO. 3573

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

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

(3) by adding at the end the following:

“(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

“(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

“(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.”

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 709, is amended—

(1) in paragraph (24), by striking “or” at the end;

(2) in paragraph (25) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(26) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order. The debtor in a subsequent case, however, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

“(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

“(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

“(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.”

DODD AMENDMENTS NOS. 3574-3575

(Ordered to lie on the table)

Mr. DODD submitted two amendments intended to be proposed by him to amendment No. 3559 to proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3574

Strike section 417 and insert the following:

SEC. 417. IMPROVED BANKRUPTCY PROCEDURES.

(a) IN GENERAL.—Section 707(b) of title 11, United States Code, as amended by section 102, is amended by adding at the end the following:

“(6) For purposes of determining the current income of a debtor under this subsection, funds received by the debtor's household as child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable Federal, State, and local law, and funds delivered in trust for the care and welfare of children shall not be counted as income.”

(b) HOUSEHOLD GOODS.—Section 101(27A) of title 11, United States Code, as added by section 317, is amended by striking “of a dependent child” and inserting “of the debtor or a dependent child of the debtor (including property that is reasonably necessary for the maintenance or support of a dependent child of the debtor or property generally used by children) of a value of less than \$400”.

(c) PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4), by inserting “365 or” before “542”; and

(2) in paragraph (5), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (5) the following:

“(6) any funds placed in an account established to pay for the costs of postsecondary education at an institution of higher education (as that term is used in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1))) of a child who is under the age of 18 years at the time the account is established, if those funds are held in that account for a period beginning not later than 180 days before the date of entry of the order and continuing through the date of entry of the order.”

(d) CREDIT EXTENSIONS.—The amendments made by section 316 of this Act shall apply to debts incurred on or after the date of enactment of this Act.

AMENDMENT NO. 3575

At the appropriate place, insert the following new section:

SEC. ____ EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

“(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

“(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

“(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.”.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

GRAMM AMENDMENT NO. 3576

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 1301, *supra*; as follows:

Amendment 3559 is amended by striking section 320 and inserting in lieu thereof the following:

“SEC. 320. LIMITATION.

“Section 522 of title 11, United States Code, is amended—

“(1) in subsection (b)(2)(A), by inserting ‘subject to subsection (n),’ before ‘any property’; and

“(2) by adding at the end the following new subsection:

““(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate—

(i) \$100,000 in value for interest invested during the preceding 12-month period, or

(ii) \$1,000,000 in value for interest invested during the period beginning 24 months prior to the preceding 12-month period

““(A) in real or personal property that the debtor or dependent of the debtor uses as a residence;

““(B) in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

““(C) in a burial plot for the debtor of a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.”.

BROWNBACK AMENDMENT NO. 3577

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, *supra*; as follows:

Strike section 320 and insert the following:

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ‘subject to subsection (n),’ before ‘any property’; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

“(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

“(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute.”.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1998

CHAFEE AMENDMENT NO. 3578

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 1856) to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife, and for other purposes; as follows:

On page 19, line 3, insert “Community” before “Partnership”.

On page 22, line 2, strike “complex” and insert “complexes”.

On page 22, line 10, insert a comma after “training”.

On page 26, line 2, strike “purpose” and insert “purposes”.

On page 29, line 20, strike “(d) and (e),” and insert “(d), and (e)”.

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

CHAFEE AMENDMENT NO. 3579

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; as follows:

On page 4, line 4, strike “plants” and insert “plant”.

On page 4, line 6, strike the quotation marks and the following period.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a

hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, October 1, 1998, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Forest Service cabin fees.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Bill Lange at (202) 224-6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Friday, September 11, 1998, to conduct a markup of H.R. 10, the Financial Services Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

KIRK O'DONNELL

● Mr. MOYNIHAN. Mr. President, Kirk O'Donnell, succinctly described by Albert R. Hunt in the Wall Street Journal as “one of the ablest and most honorable people in American politics,” died suddenly, much too young, this past Saturday.

He epitomized the honor and dignity to which all of us engaged in the political life of our Nation should aspire. He served for more than 7 years as chief counsel to then-Speaker Thomas P. “Tip” O'Neill, Jr. He has been active in politics even since, as indeed he was in the years before Washington too.

I knew Kirk from my earliest days in the Senate. He and his lovely wife Kathy have dined with Liz and me at our home. His cousin, Lawrence O'Donnell, served in my office for many years as chief of staff and as the staff director of the Finance Committee when I became Chairman in 1993. Our thoughts certainly are with Kathy, her children, and the O'Donnell family as they cope with this sudden, terrible news.

To begin, one must know that Kirk was a fellow Irishman and the great and indispensable achievement of the Irish is that they made it American to be ethnic. On the contribution of the Irish I have written:

What did the Irish do? First, they stayed in the cities, remaining highly visible. Next, they kept to their faith. Thus the Roman Catholic Church became a major American institution. Then they went into politics.

Kirk O'Donnell, embodied all of these noble traits. He began his political career in 1970, working on Kevin H. White's campaign for governor of Massachusetts. That bid failed, but when Mr. White later became mayor of Boston, he hired Kirk to run the Fields Corner Little City Hall, in essence, a field station of the city hall. In the words of Speaker O'Neill, "All politics is local" and this grassroots view of Massachusetts, coupled with Kirk's astute political sense, made him an ideal choice when the Speaker needed a new counsel here in Washington.

It is then that I first came to know Kirk O'Donnell. He was an Irish-American who saw early on the danger of the financial support which some others were providing the IRA. In 1977, Tip O'Neill, Hug Carey, EDWARD M. KENNEDY, and I joined together at Kirk O'Donnell's initiative to oppose such activities. We issued a joint appeal on St. Patrick's Day, 1977, which stated:

We appeal to all those organization engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

Now, finally, one of the oldest conflicts in Europe has the potential of healing and being resolved. A courageous agreement has been reached in Northern Ireland and is being implemented. The United States played a role in reaching this agreement. And the seeds for American support of a peaceful resolution to the conflict in Northern Ireland were sown in the late 1970's, when principled people such as Kirk O'Donnell stood up to say that violence was not the answer to this problem.

Mr. President it is with great sorrow that I have risen today to thank Kirk O'Donnell for his lifetime of public service and again to offer my sincere condolences to his family.

At this point, I ask to have printed in the RECORD the obituaries from the New York Times and the Boston Globe, as well as a tribute to Kirk O'Donnell by Albert R. Hunt, which appeared in The Wall Street Journal.

The material follows:

[From The Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND
HONORABLE MAN
(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate con-

temporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

"He was a big oak tree of a friend," notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an "oxymoron."

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Art Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Though it may seem strange in today's Congress, he commanded real respect across the aisle. "Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment," recalls Billy Pitts, who was Mr. O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. "But he always was a delight to be around and his word was gold."

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to reflight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then-Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

Few operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. "Kirk put the whole Irish thing together," the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need of equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20s. Family values to Kirk O'Donnell wasn't a political buzzword or cliché, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but "spinning"—as in situational truths—was foreign to him. When working for the speaker or Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantially, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for \$2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White House meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

Those were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the New York Times, Sept. 7, 1998]

KIRK O'DONNELL, 52, LOBBYIST AND AN AIDE
TO A HOUSE SPEAKER
(By Irvin Molotsky)

WASHINGTON, Sept. 6.—Kirk O'Donnell, a lawyer and lobbyist for a leading Washington law firm and the former chief aide to former Speaker Thomas P. O'Neill Jr., died on Saturday near his weekend home in Scituate, Mass. He was 52 and lived in Washington.

A family friend, Robert E. Holland, said that Mr. O'Donnell, who did not have a history of health problems, collapsed after jogging. Mr. O'Donnell was pronounced dead at South Shore Hospital.

The White House issued a statement tonight in which President Clinton said: "Kirk O'Donnell was a gentleman and a patriot who brought wit, common sense and a genuine humanity to his public and private life. He was a very good man and has left us much too soon."

Mr. Holland, a boyhood friend of Mr. O'Donnell's and for a time his law partner in Boston, said that in his role as chief counsel to Mr. O'Neill, Mr. O'Donnell always acted behind the scenes in the Speaker's behalf, except on one issue, the running of guns to elements of the Irish Republican Army.

At the time, Irish-Americans were divided on the question of providing guns and many politicians supported groups that were shipping the weapons. The group that Mr. O'Donnell helped form to oppose the weapon shipments included Democrats like Senator Daniel Patrick Moynihan of New York, Senator Edward M. Kennedy of Massachusetts, Mr. O'Neill and Hugh L. Carey, then the Governor of New York.

Mr. O'Donnell was born in Boston and graduated from the Boston Latin School, Brown University and Suffolk Law School. He taught history at a Somerset (Mass.) High School and then took a job with Mayor Kevin H. White of Boston and ran Mr. White's successful re-election campaign.

After leaving the Speaker's office, Mr. O'Donnell was president of the Center for National Policy, a Democratic advisory group, and he was a leader in the unsuccessful Democratic Presidential campaign of Michael S. Dukakis in 1988. He was a senior partner in the Washington law firm of Akin, Gump, Strauss, Hauer & Feld.

Mr. O'Donnell is survived by his wife of 26 years, Kathryn; his daughter, Holly, and his son, Brendan, all of Washington.

[From the Boston Globe, Sept. 7, 1998]

KIRK O'DONNELL, 52; TOP ADVISER TO
NATIONAL, MASS. DEMOCRATS

(By Beth Daley)

Kirk O'Donnell, 52, a prominent Washington lawyer who once worked with Boston's most colorful politicians, died Saturday after collapsing while jogging near his Scituate summer home.

Known for his morality as much as his dedication to the Democratic cause, Mr. O'Donnell entered the political world after a brief stint as a history teacher to work on former mayor Kevin H. White's failed 1970 gubernatorial bid.

He went on to serve as general counsel to US House Speaker Thomas P. "Tip" O'Neill Jr., for eight years and quickly gained the reputation in Washington as a skilled strategist and a straight-talker.

Although he held key Democratic positions that included White House adviser and former president of the Center for National Policy, Mr. O'Donnell relished quiet time with his family at their summer home in Scituate at least as much as being near the center of power in the nation's capital.

"He was politics at its best," said US Representative Barney Frank, who first worked with Mr. O'Donnell during White's gubernatorial bid. "Talented and principled, he really worked to make the world better and fairer."

Most well-known for his advice, Mr. O'Donnell was a highly sought-after adviser to the Democratic party and served in that role for former Massachusetts governor Michael S. Dukakis's failed presidential campaign in 1988.

President Clinton said yesterday Mr. O'Donnell "was a gentleman and patriot who brought wit, common sense, and a genuine humanity to his public work and private life. He was a very good man and left us much too soon."

The son of a Dorchester investment adviser and a homemaker, Mr. O'Donnell attended Boston Latin School and graduated in 1964 with a passion for history and football. At Boston Latin, he remains in the Sports Hall of Fame for his football exploits.

After graduating from Brown University, where he also played football, he was a history teacher at Somerset High School.

With the 1970 governor's race sparking a lifelong interest in politics and law, Mr. O'Donnell taught while he attended Suffolk Law School, graduating in 1975. When then-mayor White pledged to bring City Hall to the neighborhoods—literally—Mr. O'Donnell was hired to run the Fields Corner Little City Hall and worked from a trailer parked beside Town Field. There he helped residents navigate the downtown City Hall bureaucracy while studying politics and human nature at close quarters.

Years later, while serving as one of the top strategists for the Democratic leadership of

the US House, he said, "If you can understand Fields Corner, you can understand Congress."

In 1975, he set up one of the first computerized voting lists for the White campaign. On the day of the election, in a Boylston Street office building, he checked every polling place in the 22 wards to see how light or heavy the turnout was in pro-White precincts. The White political organization had Chicago-sized ambitions, and Mr. O'Donnell harnessed its resources to provide telephone reminders and transportation to the mayor's supporters.

Mr. O'Donnell's encyclopedic knowledge of Boston politics brought him to the attention of Speaker O'Neill after White was re-elected to a third term.

Since the mayor had been considered vulnerable, his relatively easy victory prompted a call from O'Neill, who was seeking a new counsel to succeed Charles D. Ferris, the Dorchester native who had just been named by President Carter to head the Federal Communications Commission. The man who popularized the phrase "All politics is local" wanted someone at his side who knew the similarity between Fields Corner and Congress.

At first, Mr. O'Donnell was reluctant. He had left City Hall to start a law practice with his friend, Robert Holland. But the fabled O'Neill charm suggested to him brighter vistas in Washington than in Boston.

After the election of President Reagan in 1980, Tip O'Neill became the best-known Democrat in the nation. Mr. O'Donnell's aim was to prepare the House speaker strategically and tactically for dealing with the White House. The president's popularity made difficult the chore of holding House Democrats together.

Mr. O'Donnell, a gregarious man with a booming voice, spoke in a straightforward manner to House members, with the same determination as he did while dealing with the foot soldiers of the Kevin White organization.

After O'Neill retired, Mr. O'Donnell worked as head of a Washington think tank, the Center for National Policy, aimed at reviving the Democratic party. In conferences and seminars, he sought to focus the intellectual energy of a party that had consistently lost presidential elections while continuing its domination of Congress.

After he left the center, he was succeeded as director by Madeleine Albright, now secretary of state. An old Washington hand and a former chairman of the Democratic National Committee, Robert S. Strauss, recruited Mr. O'Donnell to his Washington law firm, Akin, Gump, Strauss, Hauer & Feld. As a senior partner, Mr. O'Donnell represented a variety of clients, from Liberty Mutual to the government of Puerto Rico.

One lasting friendship that came from his legal work was with a partner of Salomon Brothers, now Salomon Smith Barney. After Robert Rubin, now secretary of the treasury, asked Mr. O'Donnell for political advice in Washington, a close friendship developed. He also advised another Cabinet member, Secretary of Housing and Urban Development Andrew Cuomo.

Mr. O'Donnell leaves his wife of 26 years, Kathryn Holland O'Donnell, and two children, Holly of Washington, D.C., and Brendan of Scituate.

A funeral Mass will be said at 11 a.m. Thursday in Holy Name Church in West Roxbury.●

TRIBUTE TO RITCH K. EICH UPON HIS RETIREMENT AS U.S. NAVY REPRESENTATIVE TO THE ADJUTANT GENERAL, INDIANA NATIONAL GUARD

● Mr. COATS. Mr. President, on behalf of Senator RICHARD G. LUGAR and myself, I am pleased to offer this tribute to Captain Ritch K. Eich, United States Naval Reserve. Captain Eich retires in September after 30 years as a reservist, the last three of which he spent on active duty, representing the Navy in the Office of the Adjutant General of the Indiana National Guard.

Ritch Eich has been a valued member of the Indiana team since 1989, when he started work for me as a member of my Service Academy Selection Committee, screening and recommending promising Hoosier high school students as candidates for our nation's Service Academies. Three years ago, he took on the additional responsibility of serving as the U.S. Navy's Liaison Officer for the State of Indiana, working in the office of Indiana's Adjutant General. During that time, Ritch made substantial contributions to readiness planning in Indiana. He completed Disaster Preparedness Operations Plans for Indiana Naval, Marine Corps and Coast Guard facilities, and ensured a close working relationship between the Indiana National Guard and the State Emergency Management Office.

Ritch Eich's civilian job during this period was as the chief marketing, public affairs and physician relations officer for Indiana University Medical Center, where—over the course of a decade—he has helped to build a vibrant and effective health care environment for Hoosiers. According to one health care executive, Ritch had helped "define our vision, map our strategies, deliver on our promises and guide our affiliations." And for Rich, "helping Hoosiers access the best healthcare in the mid-west" was what it was all about.

In all his endeavors, Ritch Eich has demonstrated a skill and dedication that reflect great credit upon himself, the State of Indiana and the United States Navy. I feel privileged to offer this tribute to Ritch on the occasion of his retirement from the Naval Reserve. We wish him well.●

TRIBUTE TO THE 50TH ANNIVERSARY OF THE EMMY AWARDS

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize the golden anniversary of the Emmy Awards telecast from Los Angeles. For fifty years, hundreds of the nation's brightest and most popular personalities have attended this prestigious event to honor television excellence.

Beyond the captivating glow of the Hollywood spotlight, the yearly awards presentation is a celebration of California's thriving entertainment industry. Television arts and production contribute billions of dollars to the California economy, generating rapid job growth,

higher income, and greater tax revenues. Entertainment's significant financial impact can be attributed to the rising television and commercial production within the state. Recent studies confirm that payrolls and payments for goods and services within the entertainment industry currently contribute over \$27 billion to California's economy. The Emmy Awards confer annual awards of merit to creative arts people in the television industry, as incentive to continue supporting the economic growth in California.

Now celebrating its fiftieth anniversary, the Emmy Awards was not always so celebrated and grand. The first awards banquet in 1949 was held at the old Hollywood Athletic Club, with tickets costing a mere five dollars. With few stars in attendance, the program was not even televised nationally. The ceremony was broadcast on local station KTSL beginning at 9:30 p.m. Despite the American public's unfamiliarity with the obscure, new medium, Los Angeles Mayor Fletcher Brown declared the day of the first telecast TV Day on January 25, 1949.

Sponsor of the annual awards program, the National Academy of Television Arts and Sciences has a long and venerated history. Since its early days, membership to the National Academy of Television Arts and Sciences has flourished to more than 9,000, making it the single largest television professional association in the world. The Academy not only presents the Emmy Awards, but also hosts a program for college educators and has underwritten the Archive of American Television in an effort to preserve television's rich and detailed past.

As the Emmy's golden anniversary approaches, let us pay tribute to the award show's support of the entertainment industry and recognition of quality television programming. With 50 years of telecasts to its credit, the Emmy's have become a genuine part of American history. ●

TRIBUTE TO ZACHARY FISHER, THE 1998 PRESIDENTIAL MEDAL OF FREEDOM RECIPIENT

● Mr. CLELAND. Mr. President, I rise today to honor Zachary Fisher, who on Monday, September 14, 1998 will be presented the Presidential Medal of Freedom by President Bill Clinton at the Waldorf Astoria Hotel in New York City.

The medal, which is the highest honor given to civilians by the President, is awarded annually to individuals who have made outstanding contributions to the security or national interest of the United States or to world peace, or those who have made a significant public or private accomplishment.

Zach and his wife, Elizabeth, have always felt strongly about the young men and women who serve in the U.S. Armed Forces. During WW II Elizabeth served in the USO, entertaining thou-

sands of troops while they were away from home. Zach, unable to serve because of a leg injury sustained in a construction accident, assisted the U.S. Coast Guard in the construction of coastal defenses.

Although still active in his family's construction company, Fisher Brothers, he has devoted his time and energy to his country and bettering the lives of Americans. In 1978 he founded the Intrepid Museum Foundation, in an effort to save the historic and battle-scarred aircraft carrier *Intrepid* from scrapping. Through his efforts the vessel became the foundation of the Intrepid Sea Air Space Museum, which opened in New York City in 1982.

Through the Zachary and Elizabeth Fisher Armed Services Foundation, Zach has pledged to do all he can in support of our nation's military and their families, and to offer new opportunities to our children, such as through the educational programs at Intrepid, and as part of the Fisher House Program, to build homes for families of hospitalized military personnel.

His newest effort is the Fisher Center for Alzheimer's Research Foundation, founded in 1995 to fund research in, and work towards a cure for Alzheimer's disease. In partnership with David Rockefeller, Chairman of the Board of The Rockefeller University in New York, a new research center has been founded to help develop a cure for this debilitating disease.

Zach is also involved in many other charitable causes, including the Marine Corps Scholarship Foundation, the Coast Guard Foundation, the Navy League, the Jewish Institute of National Security Affairs, the George C. Marshall Foundation, the Margaret Thatcher Foundation, the Reagan Presidential Library, the United Jewish Appeal, and many other organizations.

In addition to this year's Presidential Citizens' Medal, Zach has received the 1995 Presidential Citizens Medal, presented by President Clinton, and the Volunteer Action Award, presented by President Ronald Reagan.

Zachary Fisher truly exemplifies what it means to be a patriotic American, and continues to strengthen our Nation and improve the lives of many Americans. Mr. President, I ask that you join me and our colleagues in recognizing and honoring Zachary Fisher on many years of worth-while work and achievements which have culminated with the honor of receiving the 1998 Presidential Medal of Freedom. Zach Fisher is truly a remarkable man and a first-rate American deserving of such an honor. ●

FARM CRISIS PACKAGE

Mr. DORGAN. Mr. President, I wonder if the majority leader will entertain an inquiry.

At the conclusion of Senator BYRD's presentation, it is my intention to speak for a few moments on the agriculture crisis, and I would just like to

inquire of the majority leader, who I know was supportive in July as we moved a \$500 million indemnity piece out of the Senate dealing with the farm crisis, I would like to ask the majority leader if he has some interest and some intention of allowing us to work on a farm crisis package during the month of September.

The reason I ask the question, I know that the Senator from Mississippi, the majority leader, is trying to fit a lot of things into a very short window here, but I think he knows that Members on this side and the other side coming from farm country are having to deal with an enormously difficult farm crisis. We hope very much that that will become part of the agenda in the month of September. I would just inquire of the Senator as to his intentions.

Mr. LOTT. Mr. President, I will respond to the Senator that I am aware of the difficulties in the farm community in a number of States because of weather problems but also because of a number of problems involving falling prices and trade problems. It would be my intent that we act in that area before we go out at the end of this session.

I think it is important that we start on it quickly, in a bipartisan way. I am going to be working on that early next week.

Mr. DORGAN. Mr. President, that is welcome news. I appreciate the cooperation of the majority leader. We obviously are facing collapsed farm prices and as tough a time in farm country as we have ever seen. I appreciate the response of the leader.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 504, H.R. 1856.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Wildlife Refuge System (referred to in this Act as the "System"), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;

(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57; 111 Stat. 1252) significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

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

(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

(3) to encourage donations and other contributions by persons and organizations to the System.

SEC. 3. GIFTS TO PARTICULAR NATIONAL WILDLIFE REFUGES.

Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended—

(1) by striking “(2) Any” and inserting the following:

“(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

“(A) IN GENERAL.—Any”; and

(2) by adding at the end the following:

“(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

“(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

“(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.”.

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 2 or more national wildlife refuges or complex of geographically related refuges in each United States Fish and Wildlife Service region, but not more than 20 pilot projects nationwide.

(2) VOLUNTEER COORDINATOR.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public

Works of the Senate evaluating and making recommendations regarding the pilot projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 1999 through 2002.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting “awards (including nominal cash awards) and recognition,” after “lodging,”; and

(2) by inserting “without regard to their places of residence” after “volunteers”.

(c) SENIOR VOLUNTEER CORPS.—Section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) is amended by striking paragraph (6) and inserting the following:

“(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.”.

SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by adding at the end the following:

“(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

“(1) DEFINITION OF PARTNER ORGANIZATION.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

“(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

“(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

“(2) COOPERATIVE AGREEMENTS.—

“(A) IN GENERAL.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.

“(B) PROJECTS AND PROGRAMS.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

“(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

“(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

“(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

“(iv) advance education concerning the purpose of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

“(v) contribute financial resources to the refuge, under terms that require that the net reve-

nues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

“(C) FEDERAL FUNDING AND OWNERSHIP.—

“(i) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

“(ii) USE OF FEDERAL FUNDS.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

“(iii) OWNERSHIP OF FACILITIES.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

“(D) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.”.

SEC. 6. REFUGE EDUCATION PROGRAM DEVELOPMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 5) is amended by adding at the end the following:

“(e) REFUGE EDUCATION PROGRAM ENHANCEMENT.—

“(1) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

“(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

“(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

“(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

“(2) REFUGE PROGRAMS.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 6) is amended by adding at the end the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d) and (e), \$2,000,000 for each of fiscal years 1999 through 2004.”.

AMENDMENT NO. 3578

(Purpose: To make technical corrections to the bill)

Mr. LOTT. Senator CHAFEE has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3578.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 3, insert "Community" before "Partnership".

On page 22, line 2, strike "complex" and insert "complexes".

On page 22, line 10, insert a comma after "training".

On page 26, line 2, strike "purpose" and insert "purposes".

On page 29, line 20, strike "(d) and (e)," and insert "(d), and (e)".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1856, a bipartisan bill that has tremendous potential to improve management and operations of the National Wildlife Refuge System by supplementing scarce Federal dollars with outside services and donations by local groups and individuals.

As budgets continue to shrink, the Federal Government must look for alternative sources of funding and assistance. Volunteers have helped the Refuge System since volunteer wardens staffed the very first refuge on Pelican Island, Florida in 1903. Since 1982, when the Fish and Wildlife Service (FWS) established a formal volunteer program, the program has grown from 4,251 volunteers donating 128,400 hours of time to 28,800 volunteers donating more than 1.5 million hours in 1997. This 1997 figure represents almost 20 percent of all work done by the FWS on the Refuge System, amounting to about \$14 million worth of services, at a support cost of \$780,000.

The five refuges in my own state of Rhode Island, which are managed as a single complex, provide a wonderful illustration of how important these efforts are. With only five full-time employees working among the five Rhode Island refuges, volunteers contributed more than one-third of all work performed on these refuges. At several of our refuges, the typical visitor will interact with only volunteer staff.

The "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act" lends much needed support to the efforts of the Service to maintain and operate the Refuge System. Specifically, it establishes pilot projects for the Service to hire volunteer coordinators; it also authorizes the creation of a Senior Volunteer Corps, which is expected to be part of the Service's existing volunteer program, and for which the Secretary should explore coordination with Na-

tional Senior Service Corps programs operated by the Corporation for the National Service. In addition to encouraging volunteer efforts within the System, the bill encourages financial contributions, community partnership initiatives, and educational programs to benefit the System.

H.R. 1856 was introduced by Congressman SAXTON on June 10, 1997, and subsequently passed by the House. On June 26, 1998, I introduced a similar bill, S. 2244, within 14 cosponsors. The Committee on Environment and Public Works amended the House-passed bill to conform with S. 2244, and I now ask that the Senate take up H.R. 1856 as amended. I have been pleased to work with Congressman SAXTON on this wonderful initiative, and I urge expeditious approval by both the Senate and House, as well as by the President.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3578) was agreed to.

The substitute amendment, as amended, was agreed to.

The bill (H.R. 1856) was considered read the third time and passed.

The title was amended so as to read: "An Act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes."

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 522, S. 2094.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2094

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—[Notwithstanding"] *Subject to paragraph (2), notwithstanding*"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—*In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.*"

"[(2)] (3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes."

Mr. LOTT. I ask consent the committee amendments be agreed to and the Senate proceed to consideration of the amendment offered by Senator CHAFEE which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 3579

(Purpose: To make technical corrections)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3579.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike "plants" and insert "plant".

On page 4, line 6, strike the quotation marks and the following period.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 2094, the Fish and Wildlife Revenue Enhancement Act, a bill introduced by my colleague Senator ALLARD and cosponsored by me. This bill represents a move towards efficient use of government funds, and support for the valuable programs carried out by the U.S. Fish and Wildlife Service with those scarce funds.

Each year, the Service receives thousands of items derived from fish, wildlife and plants, such as boots, purses and wallets, made from furs and skins. These items can be forfeited or abandoned during enforcement of Federal wildlife laws, and they are eventually shipped to the National Wildlife Property Repository in Colorado. The Repository currently has about 450,000 items, of which 200,000 can be legally sold.

However, under current law, revenue from the sale of forfeited items go to the Service for certain program operations, while revenue from the sale of abandoned items go to the General Treasury. More than 90 percent of the fish and wildlife items are abandoned, so that the Service would receive very little revenue from sales of items in its Repository.

The Repository was appropriated \$310,000 for operations last year. After overhead and operations, only \$30,000 was available for carrying out the programs that loan these items to schools, universities, museums, zoos for educational purposes, and to Native American groups for religious and ceremonial purposes.

The bill would initially generate approximately \$1 million for the Service through the sale of items derived from fish and wildlife that are currently stored by the Service. This money would be used to cover the costs of storing and disposing of these items—which is now a financial drain on the Service—and to fund the worthwhile

programs benefiting education, research and Native American religious and ceremonial purposes.

I would like to note that this bill does not change existing authority with respect to items that may be sold by the Service. Indeed, it clarifies that other laws prohibiting the sale of fish, plants or wildlife equally apply to this law. Specifically, current law prohibits the sale of items derived from threatened and endangered species, marine mammals, and migratory birds.

In summary, I am pleased to cosponsor this bill with Senator ALLARD, and urge the Senate and House to approve it expeditiously.

Mr. ALLARD. Mr. President, I would like to say a few quick words in support of S. 2094, the Fish and Wildlife Service Revenue Enhancement Act.

I have toured the Repository in the Rocky Mountain Arsenal. I was impressed by the instructional programs the Fish and Wildlife Service runs from that facility. It is obvious that the Repository serves a vital educational role. The Service is trying to utilize their resources to educate and inform the public about wildlife and wildlife trade. The passage of this bill will allow them to put to good use assets that are now just wasting away, and to further their scholastic goals.

Another important reason for passage of this bill is that it benefits the National Eagle Repository. They support the cultural and religious activities of Native Americans. We all know how important Raptors such as Bald and Golden Eagles are to the various tribes. The Service goes to great lengths to match the thousands of requests they receive from Native Americans for these rare birds. Any assistance that we can give them which will improve that already excellent operation will be a credit to the Congress.

I would like to thank Chairman CHAFEE, Ranking Member BAUCUS, and their staff for their assistance on this bill. Several improvements were made during the committee process, and I believe the bill is the best possible solution to the funding and allocation problem currently facing the Repository.

I would urge my current colleagues to support the passage of this bill, and I hope my former colleagues in the House will take up this matter and pass it soon after they return next week. I thank the Chair.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3579) was agreed to.

The bill (S. 2094) was considered read the third time and passed, as follows:

S. 2094

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes."

ORDERS FOR MONDAY, SEPTEMBER 14, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, September 14. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the time until 1 p.m. be equally divided for debate relating to the motion to proceed to S. 1981, the Truth in Employment Act, with the time divided between Senator HUTCHINSON and Senator KENNEDY or his designee.

I further ask consent that at 1 p.m. the Senate resume consideration of the Interior appropriations bill. And I want to emphasize at this point that it would be my intent, the early part of next week, to be on the Interior appropriations bill Monday afternoon, Tuesday, Wednesday—until we complete action. I know there have been other issues that have necessarily been offered this week on the Interior bill, and cloture votes, but I think next week it is important that we do get a focus on the Interior appropriations and complete action on that so that we can go to the remaining two appropriations bills.

I further ask consent that at 5 p.m. there be 30 minutes of debate equally divided, again related to S. 1981, with the vote occurring on the motion to invoke cloture on the motion to proceed to S. 1981 at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, but there is some phraseology in the majority leader's request that I wish to inquire about. And I have noted the same phraseology in the requests from time to time lately, but at this moment, since we are both on the floor, I will ask the question.

What does the majority leader mean when, in his request, he uses these words, "the routine requests through the morning hour be granted"? What does that mean?

Mr. LOTT. Mr. President, if I could respond, that would mean that the routine business such as the reading of the Journal, things of that nature, would be deemed to have expired.

Mr. BYRD. Mr. President, I will not object on this occasion, but I think—I am not trying to create any problems for the majority leader.

Mr. LOTT. Sure.

Mr. BYRD. I have been in that position and I know I never liked other Members to create problems for me—but they did, often.

That phraseology includes several items, especially for a Monday.

Mr. LOTT. It does.

Mr. BYRD. So I would like, in the future, if the distinguished majority leader would find it appropriate and agreeable to do so, that that particular verbiage be a little clearer, as to just exactly what is meant.

Mr. LOTT. I believe in the past, if I might respond to the Senator, that perhaps there had been a longer explanation as to what was included. Perhaps that is the way the Senator from West Virginia did it when he was majority leader. I think probably I may have caused this by indicating or asking if we couldn't do that in a little shorter phraseology. But I will go back and take a look at the best way to say that, so that Members' rights are protected and so that they will understand what is being asked for there.

Mr. BYRD. Mr. President, if I may—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the Senator from West Virginia.

Mr. BYRD. If I may ask the majority leader to yield, and I won't take long, but having been majority leader myself, I know that there are a number of things involved there, and there may be one particular item on a particular occasion, and for a particular reason, that Senators would want to have operative according to the usual rules.

I urge that we not—Mr. President, that we not speed the operation up to the point that Senators' rights may be eclipsed. And I am not suggesting that the majority leader intends that. He has already indicated—and I knew what he was doing—he was trying to speed the operation up in a way that would be more efficient. But there are things involved in that particular phraseology which might take 30 minutes to discuss here if we started to do so.

I just hope that the distinguished Senator will have his staff look at that language and that we might be able, Senators, to reserve their rights while even agreeing to such a request, if the circumstances required it.

Mr. LOTT. Mr. President, certainly I will review that again. I remembered, when we made a modification in the language—and I do have it before me here—on February 10, 1997, I did point out what the intent was here, the phrase "the routine requests through the morning hour" are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Because I was aware that this was a change and a shortening of that. But we will take another look at it. We always certainly respect Senator BYRD's suggestions and requests, and we will do so.

Mr. BYRD. Mr. President, I thank the distinguished leader. It is not my point here to quibble or to find fault with the leader. I appreciate the spirit in which he has accepted this. I can see

that someone who really understands these rules, like myself, and I have forgotten probably more than I will ever know again, I just want to protect the rights of all Senators, and I know that the leader wishes to do that. So I hope that there is no connotation of what I am saying that appears to be sinister. I have no objection.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, on Monday, the Senate will debate the motion to invoke cloture on the motion to proceed to S. 1981, the truth in employment legislation.

In addition, the Senate will resume consideration of the Interior appropriations bill, a very important bill for our country and one I hope we can move through the regular process and get into conference so an agreement can be worked out. It is hoped Members will make themselves available Monday afternoon if they intend to offer amendments to this very important bill. I am hoping, I believe maybe there is one very important amendment that can be offered Monday afternoon. I hate to point it out, but I think we have one that could take a good bit of time, and we could have a vote on it late in the afternoon on Monday.

All Senators should be on notice that the first rollcall vote will occur on Monday beginning at 5:30, and that vote will be on invoking cloture on the motion to proceed to the truth in employment bill. Additional rollcall votes are possible following the 5:30 vote hopefully relating to possible amendments to the Interior appropriations bill. I thank my colleagues for their cooperation in that.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators KENNEDY, DORGAN, HATCH, and HUTCHINSON, and that, of course, is after Senator BYRD completes his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor. I thank Senator BYRD very much for his courtesy.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I always appreciate the problems that the distinguished majority leader has, and I have a feeling of sympathy for him. It is never my desire to throw up any roadblocks or attempt to create any problems for him unless I have very good reasons to do so. I think there is a fine relationship between us, and I want that to continue. I hope the leader has a great weekend.

Mr. President, I know that Senator DORGAN is waiting to get the floor.

I believe I will need just a few more minutes. I ask unanimous consent that I may proceed for an additional 15 minutes.

Mr. DORGAN. Reserving the right to object, and I shall not object, what I would like to do is ask consent that following the remarks of Senator BYRD, I be recognized for 20 minutes, and I also ask, on behalf of Senator KENNEDY, that he be recognized for 30 minutes following my remarks.

The PRESIDING OFFICER. Does the Senator from West Virginia make that part of his request?

Mr. BYRD. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators and, again, I thank the distinguished majority leader.

THE EPA'S PENDING NO_x EMISSIONS RULE

Mr. BYRD. Mr. President, on July 16, 1997, President Clinton directed the Environmental Protection Agency (EPA) to review its nitrogen oxide (NO_x) transport standards under the Clean Air Act. Subsequently, on November 7, 1997, the EPA announced a proposed ozone transport rule to reduce the regional transport of ground-level ozone across a 22-state region of the eastern United States, and the agency is now poised to announce its final ruling on NO_x emissions and ozone transport. The 22 states that have been targeted by this rule are some of the nation's most heavily populated, and include a large concentration of major industries, utilities, and automobiles.

Based on past experience, it is not surprising that the Environmental Protection Agency has, once again, decided to pursue a heavy-handed and arbitrary approach toward its regulation of NO_x emissions. While the EPA argues that its recommendations reflect the cooperative work of 37 states through the Ozone Transport Assessment Group (OTAG) process, OTAG actually recommended a range of options to be considered on a state-by-state basis. The EPA, in its proposed rule, has chosen the most extreme of those recommendations—an 85% reduction in NO_x emissions within the 22-state region. Far from being a flexible, tailored reduction for individual states based on their own contributions to the problem of ozone and air quality, this is a draconian, one-size-fits-all, command-and-control approach and does not take into account regional differences. I am concerned that this plan, which is apparently based on insufficient scientific information, poses potentially substantial harm to the economies of the affected states without delivering on the substantial environmental benefits it claims.

A key concern with the EPA's recommendation is that it is based on modeling results that are inconsistent with modeling conducted by OTAG. The EPA has made a finding that Mid-

west and Appalachian states significantly contribute to nonattainment in the downwind states. The OTAG modeling actually concluded that the airborne transport of ozone is only a major concern within a radius of 150 miles of the emission source. Using the OTAG results, emissions of nitrogen oxide from the Midwest and Ohio Valley simply do not affect ozone levels in the Northeast at a significant level, and the suggestion that emissions from the Mississippi area affect the eastern seaboard is even more unjustified by the empirical evidence. The OTAG modeling indicates that the greatest contributions to the ozone problem in the Northeast are emissions from sources in the Northeast and, particularly, from the growing numbers of automobiles congesting the roads and filling the air with their fumes. As my colleague, the senior Senator from Rhode Island and Chairman of the Environment and Public Works Committee, said in an April 16, 1997, letter to EPA Administrator Carol Browner, "Contrary to a public belief too readily accepted without any evidentiary foundation, our problem does not come primarily from distant smokestacks in the Ohio River Valley."

Recommendations based on OTAG's modeling ranged from targeted reductions only in specified non-attainment locations to the EPA's extreme choice of an 85% reduction across the board in all states. If the EPA forces the so-called "upwind" states like West Virginia, Ohio, Tennessee, Kentucky, and Virginia to reduce their emissions by the recommended 85%, the effect will be economically harmful, yet will do little in the long run to reduce the Northeast's ozone problem or improve its overall air quality. This recommendation is neither equitable nor cost-effective.

The consequences of the EPA's decision for the Midwest and Appalachian states will be severe. For example, my own state of West Virginia is currently in compliance for ozone. West Virginians are proud of this record and are working hard to maintain a clean environment. Unfortunately, however, despite this commendable record of compliance, the EPA is proposing that West Virginia reduce its NO_x emissions by a whopping 44%. This is a huge overnight shift in policy—from compliance to gross under-compliance in the twinkling of an eye—which would force significant, costly changes to industries and utilities in my state, but for what purpose? For what purpose?

Mr. President, studies conducted by industry officials estimate that it will cost \$500 billion for every 10% decrease in NO_x emissions, costs that will be passed onto consumers. If the EPA's proposal is implemented, electricity rates will climb precipitously in States like West Virginia, but this sacrifice reportedly will do little to improve air quality in the Northeast. According to a recent study by the Alliance for Clean Air Policy (ACAP), the EPA's

85% reduction will require an initial investment of \$6 billion and an annual compliance cost of \$1.2 billion by utilities in the 22-State region. Other industry cost estimates are even larger. Businesses and consumers in the Midwestern, Appalachian, and Southeastern States will bear the bulk of these costs. Electric power utilities will be forced to install selective catalytic reduction equipment on a large number of existing plants, but there is little experience in the United States with the use of this type of technology. What we do know is that selective catalytic reduction, SCR, technology is extremely costly and will require difficult retrofitting for many powerplants over a period of several years in order to meet the EPA's recommended reductions. By all appearances, the emissions reductions mandated by the EPA in the Midwestern and Appalachian region are unjustified and they are unfair.

We sometimes forget that, too often, bureaucratic rules have major impacts on a personal level. Electricity rates in West Virginia and the Midwest are considerably lower than those of the Northeast. If the EPA issues its rule forcing States to reduce nitrogen oxide emissions by 85%, Midwest and Appalachian utility rates will rise significantly. Meanwhile, as much of the United States is enjoying the benefits of a strong economy, the Appalachian region is still struggling to pull itself, in some areas, out of poverty. In recent years, West Virginia has aggressively sought out and won new business opportunities.

Toyota is making a very important announcement even today, within the next hour, of additional plans that it has for its plant in Putnam County, WV.

West Virginians who previously had to leave the State for career opportunities are now able to come back home to well-paying jobs that can comfortably support their families. If this stiff new rule goes into effect, families in West Virginia will find it harder to pay their electric bills; retirees on small pensions will face choices that could threaten their health and well-being; and companies, facing narrower profit margins, may consider moving their operations elsewhere because they would no longer receive the benefits of low-cost electricity. Further, communities that have invested in new infrastructure and have strained to help grow new and existing businesses could see their economic base dwindle. I am weary of regulations that lead to unnecessary economic dislocation. I want to be sure that the citizens of Appalachia can afford to heat and light their homes, and that they can receive reliable, consistent service from their utilities. I also want to be sure that each State recognizes and takes responsibility for its own air quality standards. But, I do not believe that a few States should have to shoulder the economic burdens for the EPA's hypothetical air quality improvements.

Certainly, there are better, more scientifically and economically sound alternatives to the severe rule proposed by the EPA. A number of alternative proposals have been submitted that are projected to reduce NO_x emissions and at the same time meet the attainment of the new 8-hour ozone standard in many states earlier than currently scheduled. In fact, 13 Governors have submitted alternative strategies for addressing this important issue. These alternative proposals include one by a group of six Governors, led by West Virginia Governor Cecil Underwood, who have submitted a very comprehensive proposal. Other similar alternative proposals have been submitted individually by the Governors of Kentucky, Illinois, Indiana, Missouri, North Carolina, South Carolina, and Wisconsin. These alternative plans share the same core elements and represent aggressive steps to achieve a significant reduction in NO_x emissions.

The alternative recommendation put forth by the aforementioned coalition of six Governors representing West Virginia, Michigan, Ohio, Tennessee, Alabama, and Virginia is a very comprehensive proposal. The first phase recommends a 55 percent reduction of NO_x emissions by April 2002, followed by a 65 percent reduction in NO_x emissions by April 2004. This alternative would also require significant reductions from other large non-utility sources by April 2003. By contrast, the EPA proposed an overall 85 percent reduction from major utility sources, 70 percent from major industries, and 50 percent from small industries by May 2003—a target few companies anticipate meeting without substantial costs. The EPA's compliance schedule also may threaten the reliability of electrical supplies in these and adjacent States.

In the second phase, the coalition plan calls for assessing the reductions that will be necessary to meet the new EPA-mandated 8-hour ozone standard by 2009—3 years ahead of the EPA's schedule of 2010-2012. As proposed, the assessment will be completed by 2001, the control requirements established by 2003, and additional controls in place in a reasonable period by 2007.

I support initiatives like those put forth by the 13 Governors. They demonstrate a spirit of cooperation and have numerous advantages. A phased approach would avoid disruption in the reliability of electricity services and would achieve substantial cost savings for businesses and consumers. In recognition of the limited impact of long-distance ozone transport, NO_x controls for achieving the 8-hour emission standard should be tailored at the local, State, and regional levels. The phased approach builds upon the OTAG recommendations for addressing regional transport concerns and would encourage allowance trading as a compliance tool. Finally, a phased approach would be consistent with the Clean Air Act requirements and would allow States to take the lead in devel-

oping technically sound strategies for attaining the 8-hour ozone standard.

Clearly, alternative proposals exist that are achievable and that would provide cleaner air for millions of Americans sooner than would be provided in the Clean Air Act, without the adverse economic consequences that appear inevitable as a result of the EPA's proposal. Moreover, these types of alternative approaches are consistent with the July 1997 Presidential Directive calling for a flexible, common-sense approach to address this important and complex issue.

The Governors have worked to craft reasonable, science-based, balanced, and cost-effective proposals. I hope that the White House will recognize the spirit of cooperation and commitment that these Governors have made to air quality standards that address both the environmental and the economic interests of their States and surrounding States.

I also hope that these alternative proposals are given serious consideration before any final action is taken to issue a new rule. Let us not get in too big a hurry here. If a compromise is not reached regarding this very important matter, I am concerned that it will be tied up in the courts and thus prevent the States from taking the actions to which they have committed themselves, while also delaying a real, beneficial reduction of nitrogen oxide. Mr. President, I urge the administration to work with the Governors to reach an environmentally and economically sound and common-sense solution that is in the interest of our Nation as a whole.

Mr. President, how much time do I have remaining?

THE PRESIDING OFFICER. The Senator has 14 minutes.

Mr. BYRD. I thank the Chair.

LET'S RESPECT OUR CONSTITUTIONAL PROCESS

Mr. BYRD. Mr. President, the Nation is awaiting the public release of the Starr report. The rhetoric concerning the President's future has become superheated, and is nearing the point of spontaneous combustion—and no one has even had a chance to read, let alone reflect upon, all 445 pages of that report. It will be all too easy for individual pages and charges to be pulled out and waved around to fan these flames, but that does an injustice to the dignity and stature of this Nation. So I would like to pour a little cold water on these flames, and to urge everyone—all of us—to cool it.

The world was not created in a day. And we cannot rush that clock on the wall, as much as some of us might like to do. The clock will take its time. And time will move no faster, no slower than it moved in the days of Adam and Eve in the Garden of Eden.

With the receipt of this report, a very grave constitutional process has begun. I want to emphasize that. Let me say it

again. With the receipt of this report, a very grave constitutional process has begun. And we need to respect that process and all that it may mean for the Nation now and into the future. I would like to outline that process, which is covered in its entirety in just a few brief passages of the Constitution. And they are to be found on page 59 of my book on the Senate. Of course, they can be found in the Constitution itself.

Article I, section 2, clause 5:

The House of Representatives . . . shall have the sole Power of Impeachment.

Article I, section 3, clause 6:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath of Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Article I, section 3, clause 7:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Article II, section 2, clause 1:

The President shall . . . have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

Article II, section 4:

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III, section 2, clause 3:

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . . .

Now, Mr. President, my colleagues are all well aware of the very difficult path we may be starting down now that the Starr report has been received. The House will take the first hard steps, and the Senate may—I say, may—have to follow. If we hope to restore the confidence of the Nation in their Government, and in the Congress in particular, Members must be allowed to carry out their task free from the kind of hype and speculation and inflammatory commentary that is swirling all around us. I say this as much to the public, perhaps even more so, and the media, as I do to my colleagues. Give us the time and the elbowroom to live up to our solemn constitutional obligation to the Nation.

We, in the Senate, of course, do not know at this point whether there will be any impeachment of the President by the House of Representatives. That remains in the hands of the other body. That is not in our hands. Only if and when the House were to formulate and approve articles of impeachment would any articles then come to the Senate. The Senate would then, and only then, under the Constitution, be called upon to make its judgment, up or down, without amendment, on each article.

This is a very solemn matter and this Senator will not be influenced by the hype. I shall do my very best if that time comes—and it may never come, it may never come—but if it were to, I would do my very best to render a fair judgment, not only to the person impeached but also to the Nation, to the people, always keeping in mind the solemnity of the occasion and the kinds of precedents and standards that we, ourselves, would be setting for all of the generations to come. It is not going to be a matter to be decided tomorrow or next week or the next 2 weeks or the next 3 weeks in this Chamber. The other House will act as it sees fit, based upon the evidence in the report. We would be sitting as jurors if and when articles of impeachment were ever sent to us by the other body.

It is a constitutional process. Let's keep that in mind. We must be true to the Constitution, and true to the Nation. We must be fair, and we must be seen as having been fair.

Let me, in closing, read the oath which each Senator would be required to take in the event—and I emphasize, in the event—that the Senate were ever faced with an impeachment trial. The public should know that this is the oath to which each Senator must subscribe.

Here is the oath. It is on page 61 of the document titled, "Procedure and Guidelines for Impeachment Trials in the United States Senate," revised edition, prepared pursuant to Senate Resolution 439, 99th Congress, 2d Session, submitted by Senator ROBERT C. BYRD and Senator Robert Dole, by Floyd M. Riddick, Parliamentarian Emeritus of the U.S. Senate and Robert B. Dove, Parliamentarian of the United States Senate, August 15, 1986.

The form of oath administered to each Senator, as set forth under Rule XXV, is as follows:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of [blank], now pending, I will do impartial justice according to the Constitution and laws: So help me God.

How much time remains?

The PRESIDING OFFICER. The Senator has 39 seconds remaining.

Mr. BYRD. Mr. President, I have some remarks concerning Grandparent's Day. I ask unanimous consent I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I see no other Senators seeking recognition at the moment.

CELEBRATING GRANDPARENT'S DAY

Mr. BYRD. Mr. President, this Sunday is Grandparent's Day. Like Mother's Day, this holiday has its origins in the great State of West Virginia. The Presiding Officer at the moment is from Ohio, a distinguished Senator from Ohio. He is a neighbor. His State

is a neighbor of ours. This holiday began in West Virginia.

In 1956, a lifelong mountaineer and the wife of a coal miner, Mrs. Marian McQuade, was asked to assist in organizing a "Past 80 Party." I would qualify for that party if it were held today. Well, this group continues today to annually honor and celebrate octogenarians and other seniors in West Virginia. Mrs. McQuade began gathering participants to join in these festivities by contacting nursing homes. She learned of the chronic loneliness that many of the seniors in these homes experienced, and she was deeply saddened. Her heartfelt concern engendered the idea of a special day, a specific day to celebrate grandparents.

In May 1973, West Virginia became the first State with a specially designated Grandparent's Day. Five years later, Mrs. McQuade received a phone call from the White House. This call informed her that President Carter had signed a law that designated the first Sunday after Labor Day as National Grandparent's Day. The holiday was shifted to the fall for symbolic reasons, as Grandparent's Day celebrates those in the autumn—ah, the autumn—of their lives. The first official national observance of this holiday occurred in September 1979—autumn, when the leaves are turning from green to gold to red and to brown.

The statute creating Grandparent's Day states that the purpose of Grandparent's Day is "to honor grandparents, to give grandparents an opportunity to show love for their children's children, and to help children become aware of [the] strength, information, and guidance [that] older people can offer." This is a day to celebrate sharing between the generations. It is a day for the older and younger generations to commune with one another. It is, above all, a day to celebrate the family.

All too often in our increasingly fast-paced world, we fail to reflect. Perhaps on this Grandparent's Day we can enjoy the leisure of reminiscing on earlier days and, in so doing, opening a dialog between the generations. Such a confabulation benefits all who participate.

Sharing time with grandchildren provides the grandparent not only with longed-for companionship, but also may inspire great personal joy and a renewed liveliness. The young are like a rejuvenating elixir, restoring a youthful spring in one's step. The young possess a certain charm, reminding us of what it feels like to be young again, and through them the spirit is enlivened. The aged may even see in the younger generation certain reminders of their own early ambitions, and foresee the potential that these sprouts have to take root and grow. And when these seedlings begin to bloom, finding their own success, there is no greater pride than that of the grandparent who encouraged, who listened, and who applauded along the way. And the major-

ity leader will see this one day, as he recently had a grandchild come into his family.

While grandparents' steps are enlivened by spending time with their grandchildren, the children learn upon which path these steps ought to be taken. Children, although they may, at times, view their elders as antediluvian and inveterate, will sit enraptured as they listen to stories recounted by their parents' parents. I remember how they used to sit around me when I played the fiddle. Oh, to live those days over again!

The young will often, perhaps strangely, volunteer to assist with otherwise tedious chores to be by the side of grandparents. From the tales told and the time spent tending to tasks together, youngsters learn family history, and they ought to listen to it and they ought to be interested in that family history. They learn family history, traditions, and glimpse a wiser perspective of their world. Also, that is what many of us older persons need today—a wiser perspective of our world. Narratives and demonstrations of the maxim "hard work works" have the power to convey and ingrain the principles of success that are eternal verities. It is hard to imagine or recall, with our cars, microwaves, cell phones, and laptops, just how hard our parents and grandparents labored to do things that seem so simple today. We turn up a thermostat instead of chopping wood. But if one wants to warm himself twice, he only needs to chop his own wood. We hit "spellcheck" rather than retyping term papers. When faced with future adversity, growing children may look back on such nostalgia to carry them through their own trying times.

I am lucky to share in my grandchildren's lives, I feel the pride of being a grandparent, and I recall Mrs. McQuade's story. I remember how she found that some seniors were neglected and forlorn, living lives of lonely destitution. Who knows, that may come to any one of us in time. Sadly, for some, this is still the case.

Although many of their loved ones may have passed on, other seniors, thanks to advances in medicine and to Federal programs that provide a safety net of social services, continue to carry on. Many find ways to remain active in their communities, organizing events or sharing their time with others. Some have even taken on the burden of raising their children's children or acting as surrogate grandparents to those children who have lost their natural grandparents or who never knew them. Our older Americans have sweated and labored to defend and fight for our Nation, educate our young, mine the fuel to keep our homes warm, and shelter the values which we treasure the most. A greater obligation to our venerable matriarchs and patriarchs who have served as such wonderful role models to not one, but two, generations is our duty.

This is why I am proud to add my name as a cosponsor of a bill to reauthorize the Older Americans Act. This Act helps to assess the needs of seniors and provide services to fill these needs. Funding through this Act provides nutrition, disease prevention, and in-home health service programs for the elderly. The Older Americans Act will also provide for community service employment for senior citizens with low income, so that they may continue to demonstrate the strength of their work ethic. Furthermore, the Act will allow state and local aging agencies to operate as advocates to promote the rights of older persons. As more and more Americans enter the older generation, it is critical that the mechanisms which have provided assistance continue to be able to lend support. We must not forget the lessons which these men and women have passed on to us and to our children. To do so would be to debase their contribution to the prosperity of our own posterity. The generous contributions our seniors have made will continue to propagate long after the grandchildren of today leave this world. Remembering our older Americans, and the importance of their influence on many young, fresh lives, is perhaps the most apt offering we can bestow as we celebrate Grandparents' Day.

Mr. President, I yield the floor. In doing so, may I thank my friend from North Dakota, Mr. DORGAN, for his patience, and all others on whose time I have transgressed.

I thank him also for his contributions to the work of the Nation, for his knowledge, for his clearheadedness, for his evenhandedness, and for the inspiration that he gives to me and all of my colleagues.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia for his kind words. He always contributes immensely to this Senate when he rises and speaks to the Senate and to the American people. I am enormously proud to serve with Senator BYRD, as I have indicated on previous occasions.

THE FARM CRISIS

Mr. DORGAN. Mr. President, I come to the floor today to talk briefly about a couple of issues that are of critical importance to the country, and especially to that part of America that I come from—North Dakota, the farm belt. It is an important part of our country. Our country is made up of many parts—of cities, of country, of family farms, of main streets, and small businesses. But we are going through a very, very tough time in rural America.

I asked the majority leader some moments ago on the floor of the Senate about the ability to deal with this farm crisis through some action by this Con-

gress before we adjourn. I was impressed that he indicated that it is his intention for us to take up legislation to address this farm crisis once again as we did in the month of July. It is an urgent situation.

The future of many family farms and the future of many families living out in rural America depends on this Congress stepping up and making the kind of decisions that will give them the opportunity to make a decent living on the family farm.

When I talk about my part of the country, or our part of the country, I am reminded of something that Daniel Webster said. He was one of the giants of this institution. In fact, his portrait is on the wall out here in the reception room of the U.S. Senate. He is recognized as a giant in the history of this body. When THOMAS Jefferson made the Louisiana Purchase, which was fairly controversial at the time, let me read to you what Daniel Webster said. Remember; this a part of the country that I come from. About that Louisiana Purchase, Daniel Webster said:

What do we want with this vast, worthless area, this region of savages and wild beasts, of desert and shifting sands and whirlwinds, of dust, cactus, and prairie dogs? What can we ever hope to do with this western coast, a coast of 3,000 miles, rockbound, cheerless, uninviting, and not a harbor on it? What use do we have for this country?

Daniel Webster is not considered thoughtless because he made this statement. But it is quite clear, I suppose, to all of us now that he missed the mark some.

"What do we want with this vast, worthless area?"

Gosh. What a remarkable part of our country that Louisiana Purchase became.

Then a couple of years after Daniel Webster asked this question about that part of America, Thomas Jefferson sent Lewis and Clark to explore that area, and it was one of the great expeditions in the annals of American history.

Lewis and Clark, on May 14th, 1804, left St. Louis, MO, with 44 men and 120 gallons of whiskey, by the way, purchased with government vouchers. The President said, "Buy whatever you need." I have made jokes about the need to purchase 120 gallons of whiskey to get them through certain States. But I will not repeat those jokes here. I do that only because I think it is interesting to study the history of that Lewis and Clark Expedition. It was a remarkable expedition.

In April of 1805—April 7, to be exact—after Lewis and Clark had gone from St. Louis up to what is now near Washburn, ND, and spent the entire winter with the Mandan Indians, before they began the next portion of their journey to the West Coast, April 7, 1805, Captain Lewis wrote a letter to Thomas Jefferson. That letter—a six-page letter—was put on a keelboat with some soldiers and sent down the Missouri back to St. Louis, then down to New Orleans by boat, then to Washing-

ton, DC, to Thomas Jefferson. And then we never heard another word from Lewis and Clark for 17 months. Then we discovered on the conclusion of that remarkable expedition that they had been to the West Coast and back. And they told us what they found in this remarkable country of ours.

That letter, by the way, just for interest sake, was never viewed by the public until a couple of months ago. That letter, in a special effort by the Library of Congress, is now being viewed publicly at an Interpretation Center of Lewis and Clark near Washburn, ND, with all proper security, about a mile from where Captain Lewis wrote the letter in the year 1805 on April 7. He sent it by keelboat down the Missouri, all the way around to President Jefferson, and, of course, it came back in by jet airplane nearly 200 years later.

I tell you that just to say that this is a wonderful, remarkable country, and in our part of the country, which is called the farm belt, a rural area of the country, we are having an enormous amount of difficulty, one that requires this Congress' attention.

There are two things that are of great concern to us.

The collapse of grain prices means that we see the threatened loss of thousands and thousands and thousands of families who now live out on the family farm. Grain prices have flat out collapsed. Crop disease has come and visited our State—the worst crop disease of the century at the same time that grain prices have collapsed. And, on top of that, these farmers also fail because of unfair trade, unfair trade which helps cause the grain price collapse; an enormous amount of unfair trade, unfair trade that no one seems to be interested in doing anything about.

That brings me to the point I want to make today dealing with our trade problems, especially with our neighbors to the north—the Canadians—but these trade problems relate to Mexico, to France, to China, and to other countries as well.

Let me describe the problems just briefly, as I have before, and then tell you why I am especially interested today.

Trade agreements: There are those talking about this mantra of free trade saying let's do more free trade agreements, and the more we trade, the better off we are, and the better it is for our country. Trade statistics show that as we negotiate these agreements, agreement after agreement, whoever is negotiating these agreements must not be keeping their eye on the ball, because agreement after agreement we see deeper and deeper trade deficits for this country.

I ask those who negotiate our agreements: Is there any chance you might negotiate a trade agreement that is in our country's best interest just once; something that benefits our country instead of deepens our trade deficits?

The economic all-stars in trade have become America's family farmers. We have an abiding and abundant trade surplus in agricultural commodities and products. But that is shrinking, as you can see. That is shrinking because the trade agreements that have been developed over the years with other countries—the Canadian agreement, Mexican, and others—have not been in the interest of our farmers. They have created a bifurcation of trade strategy so that we become a sponge for virtually anything anyone wants to send into our country, even if it is sent here unfairly. And we increasingly cannot get our products into other countries' markets. The result is that the agricultural trade surplus, which once was healthy and which once reflected the one bright spot on our trade picture, is now itself diminishing.

Our foreign debt grows to finance this trade deficit. You know what red means, and I have shown many of these charts before that show that the trade debt is increasing and increasing dramatically.

Now, we have a U.S. trade ambassador's office that negotiates trade treaties. I voted against, I guess, the last three or four of the treaties they have negotiated. They went and negotiated one with Canada and, fundamentally, in my judgment, sold out the interests of American farmers. I think I can demonstrate it; I think I have. Then they negotiated NAFTA with Canada and Mexico. Same thing—a wholesale exodus of American jobs. They negotiated GATT—fundamentally unsound in the way it was negotiated to protect our producers' economic interests. I am not talking about being protectionist now. I am talking about standing up for the economic interests of our producers to say, if you must compete—and that is a worthy objective—then we will make sure the competition is fair.

Has that happened in all of these recent trade agreements? Not at all. Because these folks are interested in negotiating agreements, some kind of trade agreements that comport with some notion of free trade they have, a notion that is foreign to the folks where I grew up.

Is it free trade to say to an American producer, you go ahead and produce a product, then ship it to a marketplace and try to sell it? And by the way, you are going to compete with a manufacturing plant in Sri Lanka or Indonesia or Bangladesh, and they are going to hire 14-year-old kids and pay them 14 cents an hour; they are going to work them 14 hours a day, and they are going to make that product dirt cheap so they can increase their corporate profits; they are going to ship that product to Philadelphia, Los Angeles, Pittsburgh, or Fargo, and you, Mr. and Mrs. Producer, compete with them, go ahead, compete with them. Is that fair trade? Absolutely not.

Or how about saying to a mom and pop operation in this country that is

producing a product, you produce a product, but we need to make sure you are not polluting our air, not polluting our water, not hiring kids, and you don't have unsafe plants?

So we have restrictions on air pollution, restrictions on air and water pollution, we have child labor laws, and we have worker safety provisions. And then we say, you produce that product under those conditions—and I support all of those conditions, by the way—and then go compete, and when you compete, you compete against a plant in some country tens of thousands of miles away that doesn't have any restriction on dumping chemicals into the air, chemicals into the water, hiring kids or having unsafe factories. And so they increase corporate profits, make cheaper products and ship them here and compete unfairly.

I ask our trade ambassadors to defend that; defend that. And if you can't, then don't go negotiate another treaty for this country unless you can demonstrate to the American people you are willing for a change, for once, to stand up for this country's economic interests.

Now, there will be some people in this town who will listen to this, and they say, well, this guy is some xenophobic isolationist, and that is what all this language is about. I am not that; we need to find a foreign home for much of what we produce in farming today.

I want expanded trade, I want expanded trade opportunities around the world, but I am flat out sick and tired of our farmers and our business men and women being consigned to trade internationally in a circumstance where our trade negotiators have negotiated trade agreements that, A, are incompetently negotiated so they put us at a disadvantage and, B, totally non-enforced, unenforced. They won't lift a finger to enforce a trade agreement that I can see.

This morning I read in the paper that our steel industry is going to file an action alleging that there is dumping going on in this country. I don't even know much about it, but I say to the steel industry, sign me up as a supporter. It is about time people start standing up for their interests and demanding that trade competition be fair competition.

The first 25 years after the Second World War, trade policy could be foreign policy and we could tie one hand behind our back and beat anyone, anytime, anywhere. That was fine. Wartorn Europe was trying to restore itself, and we were dealing with weak competitors. That is not true anymore. Now we have shrewd, tough international competitors, and the fact is our trade policy is still half foreign policy and our negotiators and our trade agencies don't seem to give a whit about either negotiating good agreements or enforcing the agreements we have.

That brings me to the issue of Canada especially. While our farmers face

collapsed prices and are having auction sales the Trade Representative does nothing. You can go to those auction sales and see the tears those farmers cry because they have lost more than a farm and a home; they have lost their hopes, their dreams and everything they wanted to do in life. And one of the reasons that that is happening and that prices are collapsing is this grain from Canada, durum, wheat, barley, is flooding through our back door because of a trade agreement that was, again, incompetently negotiated.

It is unfair trade, in my judgment. That is quite clear. It is sent here by a State trading agency in Canada which would be illegal in this country. A State trading monopoly in Canada would be illegal here. It sends that grain with secret pricing. By the way, we don't have secret prices here. Their prices are secret, and yet our trade agency refuses to lift a finger, doesn't lift a finger. And they boast about all the work they are doing.

Senator BYRD once talked about Aesop's fly. It probably fits here. Aesop's fly, sitting on the axle of a chariot observing, "My, what dust I do raise." Yes, my, what dust this USTR does raise. It is not even relevant to what is going on. The fact is, there are levers, there are opportunities, for our agencies to use, including the USTR, to stand up and fight for fair trade for our producers, our farmers, and our manufacturers, and they consistently refuse to do it.

I will have more to say about this specifically next week and specifically about USTR and specifically about the trade agreement with Canada. I will have more to say about it next week. But this country and this Congress should not allow this to continue where our producers are confronted with unfair trade circumstances. We either ought to expect an agency to stand up and fight trade fairness or get rid of the agency; just get rid of it. Stop pretending.

Mr. President, I mentioned Canada. I could talk about beer, Mexican beer coming north and American beer not going south. That is liquid barley, I guess. You know that is where beer comes from. I could talk about looking at trade through the eye of a potato, whole potatoes south, french fries north with the Mexican agreement. Or maybe we could do it with something everybody understands—Beanie Babies. You go stand at the border and see a convoy of trucks coming south with millions of bushels of Canadian grain, coming into a country that already has too much grain, and the result is prices are collapsed. And at the same time those convoys of trucks and railroad cars with millions of bushels of Canadian grain are coming into our country, trading unfairly, incidentally, at the same time that happens, try to bring a Beanie Baby in, and they stop you at the border and say, oh, no, you can only bring one—one. You only get one Beanie Baby to come across the border.

So we are willing to stand up for cloth dolls filled with beans but not for family farmers whose lives, whose economic lives are threatened, who are going out of business in record numbers, going out of business so fast that they have had to call auctioneers in my State out of retirement to handle the auction sales.

Am I upset about this? Yes. I am upset because I am a part of a system here that anticipates that those in the system will do what they are supposed to do, and I am especially upset with the U.S. trade ambassador's office. It is not new. I have been upset with them for years. But there is a new energy at this point because they are sitting on their hands doing essentially nothing while our farmers are going out of business. And there is a real and abiding problem that all of us understand that they refuse to take action to deal with it.

I will revisit this subject next week, early next week on the floor of the Senate and have more to say about the USTR with some specifics, and also about Canada.

But I wanted to make the point today, once again, that as part of the response to the farm crisis that I asked Senator LOTT about today, we must deal with strengthening prices. We must deal with an indemnity program that Senator CONRAD and I got passed.

But we must also deal with the trade component, because we can't continue to try to find a way to deal with strengthening prices and finding new markets overseas for our grain products and then have a flood or an avalanche of grain coming through our back door, unfairly traded into our country.

That is not fair to farmers. They ought to expect more. I certainly expect more. And the President ought to expect more from the U.S. Trade Ambassador's office, and as I said, I will have more to say about that early next week.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, let briefly turn to one additional subject. That is the question of interest rates and the Federal Reserve Board. I want to talk about this because it also affects farmers—not just farmers, but all producers and all Americans. There is a lot of discussion these days about what is happening to the economy in our country. We have plenty of challenges. But it is also hard to miss some good news. The unemployment rate has gone way down. And the Federal Reserve Board, as most of us will recall, said: Now be careful, because if the unemployment rate ever falls below 6 percent there is a natural rate here below which we will get new waves of inflation; go below 6 percent, the Fed said, and we are going to have inflation problems.

Of course, the Fed was dead wrong. We have had unemployment below 6

percent for 4 years now. Inflation has not gone up, it has gone down. But this is good news for the economy. The unemployment rate continues to be down. The Consumer Price Index has gone way down too. The core rate with respect to the CPI is 2.2 for the last 12 months ending in July.

Finally, the real Federal Funds Rate, that is the short-term interest rate, adjusted for inflation, that the Federal Reserve Board sets, is 3.9 percent, the highest it's been in nine years. When inflation is way down here and the Federal Funds Rate, the real interest rate, is up here, you ask the question: Why? Let me see if I can answer that question and give just a bit of advice to the Federal Reserve Board.

The Federal Reserve Board is doing its best imitation of petrified wood. It is not a tough imitation for them. All you have to do is look at the Federal Reserve Board and it resembles the Petrified Forest. In fact, what I would like to do is, just for those who might be watching or those who might be interested, I would like to show them the Federal Reserve Board's Governors and regional bank presidents, because they don't get enough attention.

Here is who they are, here is where they are educated, largely their experience, and this is how much money they make. This is who sets interest rate policy in this country; interest rate policy which now has short-term rates too high and therefore the prime rate and other interest rates is too high.

Jerry Jasinowski, President of the National Association of Manufacturers, says:

Interest rates are a dangerous drag on the economy in view of the fact that 1/3 of the world is in a recession.

He calls on the Fed to cut interest rates.

Dr. Sung Won Sohn, Norwest Corporation:

If the Fed were to cut interest rates today, it would help ease the farm crisis, which has become critical because of low commodity prices, bad weather, crop disease, and so on.

James Glassman—I don't quote him very often, but James Glassman says:

[Interest] rates are not really as low as they seem. After adjusting for inflation, long-term rates are high, and short-term rates are even higher. . . . The longer the Fed waits (to cut rates), the closer a serious slowdown, or recession, becomes.

Mr. President, the Federal Reserve Board's Open Market Committee will meet on September 29. Two of these folks still probably think that interest rates ought to be increased, despite the fact that our economy is slowing down and the real interest rates are far too high now. It might serve the money centers' bankers' interests. It certainly does not serve the interests of the producers in this country. And there has been, for 200 years in this country, a tension between those who produce and those who finance production. At this point, with this crowd, it tilts in favor of those who believe it might be in the interests of the Fed to serve their con-

stituency, the money center banks. But there is no reason, given the economic circumstances in our country today, for them not to put interest rates where they belong, given the current rate of inflation, and that would augur not for an interest rate increase on September 29, but a cut.

Here are the folks. Here are their names. You could put them in a barrel and shake them all up and you would still have a gray suit, somebody with an economics background, no one from my part of the country, and no one who has ever fixed anything or built anything.

In fact, we have a vacancy now, and I said I would like my Uncle Joe to be considered for that. My Uncle Joe doesn't have any particular skills that would suggest him for the job, but he used to fix generators and alternators, so he has run a business and worked with his hands. He fixes things. Nobody here represents producers. Nobody on the Federal Reserve Board has an understanding, in my judgment, about the productive side of our economy.

My Uncle Joe is not going to be seriously considered, I suppose. But what we will probably find is this administration, like all others, will find somebody who looks just like this, same color suit, Ph.D. in economics. Certainly nobody from the Upper Midwest where they have been farming or their folks have run a small business or anything like that.

I guess the point I wanted to make today is, as we head towards September 29, all of the evidence suggests that we ought to be seeing a cut in interest rates. I should confess that I actually used to teach economics a bit in college. I have been able to overcome that and lead a reasonably productive life. All I ask from the Federal Reserve Board is to look at this from the standpoint of this country's long-term economic health and the economic facts that are now self-evident.

There is nothing that could persuade a couple of these people, as I understand they still believe that we ought to have higher interest rates except that they must represent some narrow self-interest for the money center banks. Certainly most of them ought to be able to look at the facts and understand we need—and this country deserves and our economy requires—a lowering of Federal Funds rate and therefore a lowering of the prime and other interest rates that represents where we ought to be, given the historical interest rates and declining inflation.

Mr. President, I understand that when you come down and are even obliquely critical of the Federal Reserve Board, it is like taking on the last American dinosaur. I regret that I do that. But it is the last part, the last institution that remains impervious to the broader public interest. Some think that the Fed is a hero for whatever has happened in our economy. I don't happen to view it that way. I

think they view themselves as a set of human brake pads, and they keep their foot on the brake—and good for them. Except that what we have now is a need to put interest rates back where they ought to be for producers and farmers and others, given the fact that overall inflation is down at 1.7 percent over the last twelve months and only 1.5 percent since the beginning of this year.

Today's announcement was that the Producer Price Index for finished good in August fell 0.4 percent. This means that producer prices have fallen 1.6 percent over the past twenty months. All these numbers augur very hard for the Federal Reserve Board to do something that some suggest they are not prepared to do. I ask Fed Chairman Greenspan and others to see if they can't do what some people now don't expect them to do, but do the right thing: On September 29, we reduce those interest rates.

Several of us in Congress are considering offering at least a sense-of-the-Congress resolution to send a message to the Fed. Who knows whether it will get through the door there, but at least send a message to say here is what we think. Interest rates have a significant impact on virtually every family in America, on every producer, business and farmer in this country. And my hope is that at the end of this month, given the uncertainty we face in the world, given the numbers from the last quarter here in this country showing a slowing of our economy, and given the historical low rate of inflation and the fact that we are now overpaying because of the Federal Funds Rate, the Federal Reserve Board will finally do the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO DR. ROGER WILLIAMS

Mr. HATCH. Mr. President, I rise today in tribute to a great Utah man of science, Dr. Roger R. Williams, whose life came to a tragic end last Wednesday in the horrific crash of Swissair Flight 111.

Tomorrow, Dr. Williams' remarkable life will be celebrated at a memorial service in Salt Lake City.

In the wake of this solemn occasion, I ask that my colleagues pause for a few moments in remembrance of those husbands and wives, sons and daughters, brothers and sisters who perished in this terrible crash.

(Moment of silence.)

Like Dr. Williams, each had abundant potential which was so unfairly cut short.

Dr. Roger Williams was known throughout the world, not only as a distinguished professor of internal medicine at the University of Utah, but also as a leading expert in the field of cardiovascular genetics.

In fact, at the time of his death, our Utah scientist was on his way to Gene-

va to chair an international panel of the World Health Organization, which is working to promote the prevention of premature death through early diagnosis of genetic cholesterol abnormalities.

Dr. Williams was the founder and director of the University of Utah's Cardiovascular Genetics Research Clinic, which fosters collaborative investigations involving numerous fields of medicine.

He was the author of more than 200 professional publications and a frequent chair of National Institutes of Health advisory committees.

But what I remember most about Dr. Williams was his abundant spirit, his tremendous enthusiasm for life and for his work, an exuberance that was virtually impossible not to get caught up in.

I can recall many occasions when he visited my office to educate, cajole—and even plead—for an enhanced Federal commitment to research on the genetic basis of familial cholesterol problems.

In fact, earlier this year, Dr. Williams' and I began work to design a program leading to the diagnosis and treatment of the unmet needs of many thousands of persons with strong familial predisposition to preventable early deaths.

It is ironic that Dr. Williams' promising research was so abruptly halted by his own premature death.

Mr. President, I am grateful for these opportunities to have worked with such a fine man, a man who did so much for our State, our country, and indeed, the world at large.

Dr. Roger Williams will truly be missed—not only because of his contributions to science and medicine, which brought him international acclaim—but also because he was simply a good, decent man who always wanted to be fair.

It is hard to forget a statement made by his son last week that captured the true essence of Roger Williams.

Tom Williams remarked that his father was known to say "If you wouldn't do it for the guy on the bottom, you can't do it for the guy on the top."

I think we can all learn a valuable lesson from the life and work of Roger Williams, a man who always lived his life with the highest possible integrity and kindness, a man who regarded his happy marriage and seven children as his most important accomplishment and responsibility.

Dr. Williams' passage is a tremendous loss to the State of Utah, the world of medical research, and to all those who knew him and knew him well.

My heart goes out to his wife Linda, to his children, and to his extended family, including his colleagues, during what I know is a most difficult time. They will all be in our thoughts and prayers.

We know that they will be blessed because of the lives that they live as well.

This was a great man, a person who had unlimited potential. It is hard to understand why a life like this—indeed lives like all the others on that plane—were snuffed out. The fact of the matter is that, believing in a life hereafter and believing that there is a God who rewards people for the works that they do on this Earth, I have no doubt that Roger Williams will be with our Father in Heaven as one of his chosen people. It is my prayer all the passengers on flight 111 will be as well.

I personally express my gratitude and appreciation for what Roger Williams has meant to this country, what he has meant to the University of Utah, what he has meant to our State, and what he has meant to so many other persons.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 4TH

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending September 4 that the U.S. imported 8,549,000 barrels of oil each day, 998,000 barrels a day more than the 7,551,000 imported during the same week a year ago.

Americans relied on foreign oil for 57.2 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the U.S. if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.: now 8,549,000 barrels a day at a cost of approximately \$100,963,690 a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 10, 1998, the federal debt stood at \$5,545,657,954,586.91 (Five trillion, five hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents).

One year ago, September 10, 1997, the federal debt stood at \$5,410,105,000,000 (Five trillion, four hundred ten billion, one hundred five million).

Five years ago, September 10, 1993, the federal debt stood at \$4,384,113,000,000 (Four trillion, three hundred eight-four billion, one hundred thirteen million).

Twenty-five years ago, September 10, 1973, the federal debt stood at \$459,532,000,000 (Four hundred fifty-nine billion, five hundred thirty-two million) which reflects a debt increase of more than \$5 trillion—\$5,545,657,954,586.91 (Five trillion, five

hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents) during the past 25 years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, earlier today the majority leader propounded the unanimous consent request relevant to the bankruptcy legislation. In that proposition, he had indicated that the first amendment to be considered to the bankruptcy bill would be the amendment which I will offer with a number of our colleagues on behalf of the Americans who are at the bottom two rungs of the economic ladder, those who are making the minimum wage in our Nation.

It is an amendment to increase the minimum wage by 50 cents in January of next year and another 50-cent increase the following year. The total increase would be a \$1 increase in the minimum wage. We will have an opportunity to debate that issue on Tuesday morning, with a vote on that sometime around the noon hour. At that time, the membership will express itself on whether we are going to reward work in the United States of America, whether we are going to say that our fellow Americans who are at the lower end of the economic ladder, who have lost more than any other group in our society in terms of their purchasing power over the period of these last years, whether they are going to be able to have a very, very modest increase of \$1 over the period of the next year and a half to 2 years to their wages.

Mr. President, there are a number of reasons for this increase. I think the most compelling one is the reason that those of us in this country have a sense of common purpose, have a sense of community, have a sense of caring about our neighbors and those who are fellow citizens. That has been a strength of our Nation ever since its earliest days.

We also put a strong emphasis and a strong quality on the issue of working. What we are saying is that those who are going to work 40 hours a week, 52 weeks of the year, should no longer live in poverty. That has been the reason for the minimum wage in the first place, following the Great Depression and over a long period of time. There

have been five raises in the minimum wage since 1955. Raising the minimum wage has been supported by Republicans and Democrats, Republican Presidents, Democratic Presidents. It has by and large been a bipartisan effort over the recent years.

The principal cautions in raising the minimum wage have been, would the raising of the minimum wage result in an increase in the rates of inflation which would work to the detriment of other workers in our society, and would it contribute to increasing unemployment in our society and, in that respect, have a disadvantaging impact on the various people we are trying to help?

Those are powerful economic issues. And they ought to be considered at any particular time. And we are glad to consider those issues at this time as we are advancing the cause of workers in our society, workers who have not benefited from this extraordinary prosperity which we as Americans have seen over the period of the last 6 years, the greatest economic growth, the greatest price stability, the lowest unemployment, the lowest rates of inflation. The economy, with all of the ups and downs of the stock market, is extremely strong, and it has been strong, and it continues to be strong.

Nonetheless, we have seen that over the period of recent years the purchasing power of those at the lower level of the economic ladder has deteriorated significantly. And what we are attempting to do is to say to our fellow Americans, as we as a nation move ahead in terms of the economic prosperity, that we want all of our fellow citizens to move along together. It is not asking very much to have a 50 cent increase in the minimum wage or \$1 over a period of the next 2 years. That is the issue, Mr. President, that will be squarely before this body on Tuesday next and where we will have an opportunity to vote on it.

Mr. President, as we have on other occasions, I think it is fair to look at where the minimum wage is today and where it has been. The inclusions in our amendment, are they really reasonable given the current economic conditions? We maintain they are extremely reasonable.

On this chart here, the real minimum wage reflects where the purchasing power of the minimum wage in real dollars is—in real dollars from 1955, 1998, and beyond.

If you look at this end of the chart, Mr. President, you will see 1997, 1998; and you will see where my pen is, that at this point here we are talking about a \$1 increase from \$5.15 to what would be \$6.15, with the increase in the minimum wage in real dollars. By the year 2000, it will only amount to \$5.76 in real dollars.

If you go across this line, Mr. President, going back through the 1960s all the way through the 1970s, you will see even with this kind of increase in the minimum wage of \$1, the purchasing

power of the minimum wage for working families will still be lower than it was for a period of some 20, 23 years from 1960s all the way through the early 1980s. So even with this increase, it is extremely modest, Mr. President, extremely moderate—it still does not bring us back to the purchasing power that the minimum wage has had for the better part of our postwar period. But, nonetheless, it is important progress for families.

All you have to do is ask any family what a difference it makes for a 50-cent or a \$1 increase in the minimum wage. They will answer very quickly, "It means that we'll have to have two jobs instead of three jobs." That will be their first answer. And secondly, an increase of \$1 in the minimum wage will mean the purchase of groceries for probably 6 months of a year. It will mean the rent for a working-poor family of about 7 months of a year. It will be about two-thirds the cost of the tuition for a son or a daughter, of a working family earning the minimum wage, to attend a public university in their State. This is very important to those at the lower end of the economic ladder. That is basically the historical situation, Mr. President.

It is fair to ask ourselves now, what has happened in the rates of inflation? Let us take a look at inflation and the minimum wage. Many say, "If we increase the minimum wage, we're going to see a bump in the rate of inflation." Well, if we look at what happens to the minimum wage—and in this particular chart here we go from 1996 all the way up to 1998—we look at what is happening to the rate of inflation.

Prior to the rise in the minimum wage, which was in October 1996, the rate of inflation per month was three-tenths of 1 percent. Then we raised the minimum wage to \$4.75. And if you look at this chart here, you will find that it continued along virtually the same three-tenths of 1 percent. It dropped down here in the wintertime, it rose again in the early spring, dropped again, and then settled into a significant drop. If you are talking of three-tenths of 1 percent per month to two-tenths of 1 percent, you are talking about a significant drop in the rate of inflation, even with the last increase in the minimum wage. Then it rose another 50 cents in 1997. And the inflation rate was two-tenths of 1 percent.

Look what has happened since that last raise to \$5.15. It went along for a period of time, dropped, bounced up, and is now down to one-tenth of 1 percent.

Mr. President, the clear signal from this chart is that the last increase in the minimum wage virtually had no impact on the rate of inflation. And if we are to look at the history of these last several years, we will see that the rate of inflation has actually gone down. It is not a valid point to say that if we try to do something to raise the minimum wage, it is going to add to inflation.

Now, if we look at what the impact is on unemployment, this is a second argument. If we raise the minimum wage, it is going to have an adverse impact on inflation and it is going to increase unemployment. Again, if we go back to October 1996 where we saw an increase in the minimum wage, we had 5.2 percent unemployment, a little bump, and then a gradual decline through September 1997, when the last increase in the minimum wage went to \$5.15. Since that last increase in September of 1997, up until August of 1998, we have seen a continuing reduction of the unemployment, down at the present time to 4.5, 4.4 percent. It has not added to inflation. It has not added or contributed to unemployment. Those two economic arguments do not stand.

If we look at the impact on our teens, the arguments are made, "Senator, we are concerned about what the impact is going to be on teen unemployment and particularly among the minorities." The fact is, about 20 to 25 percent of all those who receive the minimum wage are teenagers. Most of the teenagers in my State who are receiving the minimum wage are out there their first year in college trying to make ends meet.

Travel with me to the University of Massachusetts in Boston at the campus. Mr. President, many of the children who go to that excellent school are from families where the parents never went to the school. And much of the student body is working 25 hours a week or more. These are teenagers. These are many of the children who are trying to gain sufficient income to fund their education. We should think it is a worthwhile and valuable endeavor in trying to support kids who are trying to go to school and stay in school, many of whom are coming from difficult and complex backgrounds. Nonetheless, they go on.

Take the minorities. In this case, the black teen unemployment—we can go through any of the various groups in terms of unemployment—and what we see again is the increase in the minimum wage, the continued decline in terms of unemployment of black teenagers and minority teenagers. This chart is just a reflection of the same trend. We see that the total number of employment in terms of teenagers 16 to 19, with the increase in the minimum wage, these are the individuals who find the employment going up. Increase in the minimum wage based upon sound economic principles, and we see that there has not been an adverse impact on the issues of employment or inflation.

Now, I think it is worthwhile to ask who is really for this increase in the minimum wage. Mr. President, 170 organizations—170 organizations—representing not just workers. The AFL-CIO, even though their workers are all receiving far above the minimum wage, is certainly interested because of respect for the value of work. The principal church groups and church leaders

are strongly supportive. The leaders of the various women's and children's organizations are strongly supportive. The various civil rights organizations, knowing the importance of this in terms of the individuals, are strongly supportive.

I ask unanimous consent to have printed in the RECORD a list of the various groups and organizations that are in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMPAIGN FOR A FAIR MINIMUM WAGE—
PARTICIPANTS¹

A. Philip Randolph Institute.
ACORN.
AFL-CIO.
Alliance To End Childhood Lead Poisoning.
American Association of University Women.
American Ethical Union, Washington Ethical Action Office.
American Federation of Government Employees (AFGE).
American Federation of State, County and Municipal Employees (AFSCME).
American Friends Service Committee.
American Friends Service committee, Philadelphia, PA.
American Income Life Insurance Co.
American Nurses Association.
American-Arab Anti-Discrimination Committee.
Americans for Democratic Action (ADA).
Arkansas Jobs With Justice, Religion-Labor Committee, Hampton, AR.
Asian American Legal Defense and Education Fund, New York, NY.
Asian Pacific American Labor Alliance.
Asian Pacific American Legal Center of Southern California, Los Angeles, CA.
Association of Catholic Colleges and Universities.
Black Women's Agenda, Inc., Springfield, VA.
Bread for the World.
Campaign for America's Future.
Catholic Charities USA.
Catholic Charities Archdiocese of Louisville, Louisville, KY.
Catholic Charities, Oklahoma City, OK.
Catholics for a Free Choice.
Center for the Child Care Workforce.
Center for Community Change.
Center for Economic Options, Inc., Charleston, WV.
Center for Law and Social Policy.
Center for Women Policy Studies.
Children's Defense Fund.
Church Women United.
Clearinghouse on Women's Issues.
Coal Employment Project, Tazewell, VA.
Coalition for Economic Justice of Western New York, Buffalo, NY.
Coalition of Black Trade Unionists.
Coalition of Labor Union Women (CLUW).
Coalition on Human Needs.
Communications Workers of America (CWA).
CWA, Local 6310, St. Louis, Mo.
Community Food Resource Center, Inc.
The Congress of National Black Churches, Inc.
Democratic Socialists of America.
Disabled in Action, New York, NY.
East 10th United Methodist Church, Indianapolis, IN.
Ella Baker Center for Human Rights, San Francisco, CA.
The Episcopal Church.
Faith Community For Worker Justice, Wauwatosa, WI.

Family and Children's Service, Minneapolis, MN.
Family Service America.
Farmworkers Support Committee, Glassboro, NJ.
Federally Employed Women, Inc.
Florida Impact, Tallahassee, FL.
Food Research & Action Center.
Friends Committee on National Legislation.
Friends of the Earth.
Friends of the National Hook-up of Black Women, Inc., Chicago, IL.
Gray Panthers.
Greater New York Labor-Religion Coalition, New York, NY.
Growing Up in Cities, Frankfort, KY.
Heartland Center/Office of Peace & Social Justice, Diocese of Gary, Indiana.
Institute for Mission in the USA, Evangelical Lutheran Church in America, Church & Labor Concerns, Saint Paul, MN.
Institute for Mission in the USA, Evangelical Lutheran Church in America, Trinity Lutheran Seminary, Columbus, OH.
Institute for Southern Studies, Durham, NC.
Institute Justice Team, Sisters of Mercy of the Americas, Des Plaines, IL.
Interfaith Alliance.
Interfaith Committee on Worker Issues, Detroit, MI.
IPS/Progressive Challenge.
Jewish Council for Public Affairs, New York, NY.
Jewish Labor Committee, New York, NY.
Jobs with Justice.
Justice and Peace Office Archdiocese of Seattle, Seattle, WA.
Labor Council for Latin American Advancement.
Latino Workers Center, New York, NY.
League for Industrial Democracy.
Mennonite Central Committee, U.S..
Migrant Legal Action Program.
Mississippi Hunger Task Force, Jackson, MS.
Mon Valley Unemployed Committee, Homestead, PA.
NAACP.
National Association of Commissions for Women.
National Association of Community Action Agencies.
National Association of Social Workers.
National Association of Social Workers, Connecticut Chapter, Rocky Hill, CT.
National Association of Social Workers, North Carolina Chapter.
National Association of Working Women (9 to 5) Milwaukee, WI.
National Black Child Development Institute.
National Caucus and Center on Black Aged, Inc.
National Coalition for the Homeless.
National Committee on Pay Equity.
National Conference of Puerto Rican Women, Inc.
National Consumers League.
National Council of Churches.
National Council of Jewish Women.
National Council of La Raza.
National Council of Negro Women.
National Council of Senior Citizens.
National Council on Family Relations, Minneapolis, MN.
National Education Association (NEA).
National Farmers Union.
National Hispana Leadership Institute.
National Low Income Housing Coalition.
National Partnership for Women & Families.
National Puerto Rican Coalition.
National Rural Housing Coalition.
National Urban Coalition.
National Urban League.
National Women's Conference Committee, Women's Studies, University of Wisconsin, Eau Claire, WI.

¹ Coalition in formation (August 27, 1998).

National Women's Law Center.
 National Women's Political Caucus.
 Nebraskans for Peace, Lincoln, NE.
 Neighbor to Neighbor.
 Network: A National Catholic Social Justice Lobby.
 Nontraditional Employment for Women, New York, NY.
 North Texas Jobs with Justice, Dallas, TX.
 NOW Legal Defense and Education Fund.
 Nurses Professional Organization UNA/AFSCME, Louisville, KY.
 Office of Justice and Peace, Jacksonville, FL.
 Older Women's League (OWL).
 Oregon Food Bank, Portland, OR.
 Peace and Justice Committee of the Congregation of the Sisters of Divine Providence of Kentucky, Melbourne, KY.
 Philadelphia Unemployment Project, Philadelphia, PA.
 Phoenix Interfaith Committee For Worker Justice, Scottsdale, AZ.
 Project South: Institution for the Elimination of Poverty and Genocide, Atlanta, GA.
 Project South: Institution for the Elimination of Poverty and Genocide, Washington, DC.
 Quaker Committee on Kentucky Legislation, Frankfort, KY.
 Rainbow/Push Coalition.
 Religion and Labor Council of Kansas City, Kansas City, MO.
 Retail, Wholesale and Department Store Union, (RWDSU), Alabama & Midsouth Council, Birmingham, AL.
 Sakhi for South Asian Women, New York, NY.
 Service Employees International Union (SEIU).
 SEIU Local 100, New Orleans, LA.
 Social Democrats USA.
 Southern Christian Leadership Conference (SCLC), Atlanta, GA.
 Southern Regional Council, Atlanta, GA.
 Stakeholder Alliance.
 Tampa United Methodist Centers, Tampa, FL.
 Texas Mental Health Consumers, Austin, TX.
 Union of American Hebrew Congregations/Religious Action Center.
 Union of Needletrades, Industrial, and Textile Employees (UNITE).
 Unitarian Universalist Association of Congregations.
 Unitarian Universalists for a Just Economic Community, Pittsburgh, PA.
 Unitarian Universalist Service Committee.
 UNITE Local 116, McComb, MS.
 UNITE Local 551, Como, MS.
 United Automobile Workers (UAW).
 UAW Local 2324, Boston, MA.
 United Church of Christ, Cleveland, OH.
 United Church of Christ, Office for Church in Society.
 United Food and Commercial Workers International Union (UFCW).
 United Methodist Board of Church and Society.
 United Mine Workers (UMW).
 United Paperworkers International Union (UPIU), Nashville, TN.
 United States Catholic Conference.
 United Steelworkers of America.
 U.S. Jesuit Conference.
 Washington Association of Churches, Seattle, WA.
 Washington City Church of the Brethren.
 Western MassCOSH, Springfield, MA.
 Western Pennsylvania Living Wage Campaign, Pittsburgh, PA.
 Wider Opportunities for Women.
 Wisconsin Committee on Occupational Safety and Health (WisCOSH), Milwaukee, WI.
 Women Employed, Chicago, IL.

Women Strike for Peace.
 Women Unlimited, Augusta, ME.
 Women Work!
 Workers Organizing Committee, Portland, OR.
 Workplace Project, Hempstead, NY.
 YWCA of the National Capital Area.

Mr. KENNEDY. Mr. President, I want to take a few moments, now that we have the statistics behind us and we have dealt with the economic issues. If there are those who have differing economic indicators, we welcome them. Present those so we will have a chance to debate. But we have not heard from them as we have been making this case in the past weeks and past months, even the past year, about the importance of this increase. We haven't heard those arguments made.

Let me indicate to this body who we are really talking about, because I think it is important that we realize who these individuals are who are the recipients of the minimum wage. Mr. President, 33 percent of those who benefit from this increase are in service occupations, including home health care workers. These are workers like Cathy Adams, a home health aide from Viola, IL. Cathy is a high school graduate, who is currently enrolled in a computer training program at the local community college. She lives with her two daughters, who are 10 and 11.

Cathy works 11½ hours a day, 5 days a week. She cares for a woman with multiple sclerosis. She bathes her, dresses her, and feeds her. She does the grocery shopping, the laundry, and the cleaning. She runs errands and schedules doctor appointments.

Cathy likes her job and is fond of her client, but she finds it hard to live on \$5.30 an hour. In March, she told a minimum wage forum:

I literally live paycheck to paycheck. After paying the bills, whatever is left over goes to groceries. I have \$9 in my savings account and worry about being able to save for my girls' education. We rarely have money to go to a movie or eat out at a restaurant. The other day, my girls asked me to take them ice skating at school. While it only costs \$10, I had to think twice about whether we could afford it. Most of the clothing I buy for my kids and for myself comes from yard sales and secondhand stores.

This is a minimum wage worker, someone who will be affected by our amendment.

A second group, is child care workers. According to "Worthy Work, Unlivable Wages," a recent study by the Center for Child Care Workforce, in 1997, the average wage for a teaching assistant in child care centers ranged from \$6 to \$7 an hour. This is less than the 1998 poverty level for a family of three—\$13,650. Turnover among these assistants is high, 40 percent.

We talk about what we care about in terms of our children. One of the most important aspects of the child's life is what is happening to them in their home, primarily, but also what happens to them when they are in some kind of child care setting, in a Head Start child care setting. So many of

those who take care of those children are child care workers. Those child care workers, by and large, are receiving the minimum wage.

One of the reasons you have the great turnover is because they can't make it. Rather than having the child care workers who stay with your children throughout the year and interact with them and help and assist them getting a decent, livable wage, we have this very considerable turnover. The study found that centers paying higher than average salaries had lower turnover rates than centers paying less.

We find that true in the Head Start programs, as well. We care about children. We care about fairness and we care about child care workers. We need to do something about a minimum wage.

These are workers like Kimberly Frazier, a child care aide from Philadelphia. Kimberly works full time and earns \$5.20 an hour. She is a single mother with three children and has worked at the same center since 1992.

Kimberly says her salary barely covers her bills—rent of \$250 a month, food, utilities, clothing for three growing children, and carfare to get her daughter and herself to the child care center. She told our forum:

Of course, there is never money for a vacation for my children or me. I go without new clothes for myself because I have to keep buying new sneakers for my children, they outgrow them so fast. I can't afford a car and pay for gas and insurance so I rely on public transportation. If I had a car, I could get out to the places where there are better paying jobs. And, like all Americans, I dream of buying my own house so that I can raise my kids in a neighborhood that has less crime and more trees. But I know that, although I work and study as hard as I can, I will never have the down payment for a house earning the minimum wage.

She concluded,

A dollar an hour probably doesn't sound like a lot to many people, but to me and my children it would mean a real improvement in our lives.

Many minimum wage workers are janitors, cleaning offices in buildings across the country. They are people like Valerie Bell. Valerie works as a custodian at the Baltimore City World Trade Center. Since 1995, that building has been covered by Baltimore's Living Wage Ordinance, which requires city contractors to pay \$6.10 an hour. That's higher than the federal minimum, but still lower than the level that I have proposed.

According to Valerie Bell, the living wage means dignity for workers and their families. As she puts it, "under the living wage, we no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store. We can possibly work two jobs rather than three low wage jobs and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having benefits in these jobs. The best welfare reform is a living wage job."

Nationwide, most security screeners at airports earn the minimum wage. These workers screen passenger luggage, operate metal detectors and work x-ray machines. They are responsible for the safety of millions of passengers and thousands of airplanes entering and leaving airports around the country—yet they earn the minimum wage.

These are workers like Melvin Ware, a customs carousel handler at the Los Angeles Airport. He takes home about \$317 every two weeks. "By the time you pay rent and utilities, you're broke," he said. "There's no life after work." Raquel Littlejohn screens passenger luggage, and spends much of her day at a computer terminal. This strains her eyes but, with take-home pay of under \$400 every two weeks, she can't afford to get them checked. A sympathetic L.A. Councilwoman said, "I don't think it's good that the person who is doing such an important job has to be worrying about trying to get to the next one because the security job doesn't pay a living wage."

Eighteen percent of today's workforce is employed in the retail industry—that's 22.5 million workers. Many are paid the minimum wage.

These are people like Cordelia Bradley of Philadelphia. She works at a clothing chain just outside Philadelphia. She is the mother of one son, and she earns \$5.15 an hour.

She told our minimum wage forum in March that:

I am currently living in a rented room for which I pay \$300 a month. I would like to have my own apartment but I cannot afford one. In addition to paying my rent, I pay for food, clothing and transportation. . . . If the minimum wage was higher I would be able to save up for my own apartment for me and my son. . . . I ask you to reward the people who go to work by raising up the minimum wage. Things are very rough for people, not just people on welfare. There are many people like me who go to work every day and cannot afford to live. Please do the right thing.

Then there are laundry workers, and the list goes on. These are the individuals whose lives would be impacted by the increase in the minimum wage. We are talking about a dollar—a dollar an hour. We are talking probably \$2,000 over the course of a year. That's not two-thirds as much as the increase that every Member of the U.S. Senate received in this Congress—two-thirds as much as we have received in this Congress. We are being asked whether we are going to try to give those individuals some relief, some help, some assistance, as we have in the best days of our past, to say that these individuals could and should be able to have an impact.

Nationwide, the soup kitchens, food pantries and homeless shelters are increasingly serving the working poor, not just the unemployed. According to a recent study by Second Harvest, the nationwide networks of food banks, in 1997, 39 percent of households seeking emergency food aid had at least one member who was working. Eighty-six

percent of households receiving emergency food aid earned under \$15,500 a year, and 67 percent of the households earned less than \$10,000 a year.

According to a U.S. Conference of Mayors study, requests for emergency food aid increased 86 percent in the cities survey. And 67 percent of the cities cited low-paying jobs as one of the main causes of hunger. These aren't only just for the parents, these are for the children. This is not a Member of Congress that is saying it, these are the mayors of the country saying what is happening out across the Nation, which is that individuals can't make it with this kind of an income, and there is something that we can do.

We are facing many complex problems here in the United States Congress and Senate. We have faced many of them. But one that we can impact and one that we should impact is trying to make sure that people who work will not be in poverty for themselves and their children. We hear a lot about American values in our country, about what is important and what is unimportant. The newspapers are filled with that. Well, this is something that is important.

I welcome the fact that President Clinton has been a strong supporter of this particular issue. So we will have an opportunity, Mr. President, to come back and visit this issue. Nothing, I believe—and I have had a chance to vote and participate on many different issues over 37 years in the U.S. Senate—there is no single issue that is more defined in terms of fairness than the issue of the minimum wage. Nothing. Just in terms of fairness, are we going to be fair to working people in our country and in our society? Are we going to be fair against the background and history of Republicans and Democrats that were fair?

We are going to be asked next Tuesday whether this body will be fair. We will have a chance then to speak to that issue.

THE TRUTH IN EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, last night my Republican colleagues filed cloture on the so-called Truth in Employment Act. Supporters of this deceptively-titled bill claim that it is designed to bar a union organizing technique known as "salting." Under that technique, union supporters seek a job at a non-union shop with the intention of persuading co-workers to join the union.

I oppose this legislation, and I urge my colleagues to oppose cloture. I believe that salting, like other types of organizing activity, should be protected by the labor laws.

Under the bill, employers could make employment decisions based on their subjective view of an employee's motivation. If an employer believed that a person was likely to try to organize a union, the employer would be free not to hire that person. If an employer uni-

laterally determined that an employee's interest in organizing co-workers would interfere with her ability to do the job, the employer could refuse to hire her. If an employer rightly or wrongly decided that an employee might work together with colleagues to change conditions on the job, the employer could discharge or discipline the employee.

Many may remember the movie "Norma Rae," starring Sally Field. In that film, Norma Rae decided she had had enough of the abusive practices in her factory, so she worked with a labor union to organize her co-workers so they could stand up to these abuses together. But under this bill, Norma Rae could be fired.

This bill would make mind-reading a protected right under the National Labor Relations Act. It would let employers deny work to employees based on a perception that they might try to organize a union. That perception is most likely to come from the employee's membership in a union. In effect, this bill would institutionalize the blacklist. That is unacceptable.

Let us be clear what types of activity are protected under the labor laws, and what kinds of conduct would be left open for employer retaliation under this bill. Section 7 of the National Labor Relations Act protects employees' rights to organize, bargain collectively, and engage in other concerted activities for mutual aid or protection.

If this bill became law, an employer could refuse to hire an employee based on a fear that she might band together with co-workers to push for an on-the-job child care center. The employer could claim that this activity was undertaken in furtherance of an organization other than the employer, be it a union or a women's rights organization. Therefore, the workers' conduct would not be protected, and the employer could discriminate or discharge at will.

Under this bill, a firm could fire African-American workers who together sought Martin Luther King's birthday as a holiday. Once again, the employer could argue that the workers were acting in furtherance of a civil rights group's goals, and therefore were not protected by the National Labor Relations Act.

Under this bill, a company could deny jobs to employees it believed might try to persuade others to support a political campaign, or get involved in a community group, or contribute to a church or synagogue. And, a firm could refuse to hire workers because they might join a union, or persuade others to do so.

Most of us would agree that discrimination on the basis of race, or religion, or gender, or political belief—and many of us would also put sexual orientation on that list—is unacceptable in this society. The right to self-expression on these important issues flows from the First Amendment, and

has been protected by decades-old federal laws. The National Labor Relations Act places an employee's right to organize and bargain collectively on an equal footing with these other rights, and so it should.

This bill would effectively repeal that right. It leaves employees in an intolerable position.

In 1995, the National Labor Relations Board ordered nearly 7,500 workers reinstated. Those workers had been fired unlawfully for union activity. Over 26,000 workers discharged for unionizing were awarded back pay. On average, workers waited four years from the date of the unlawful discharge before being awarded any relief. And, the Dunlop Commission on the Future of Worker-Management Relations found in 1994 that union supporters were unlawfully fired in one out of every four union election campaigns.

These figures demonstrate that workers who become active supporters of a union after they are hired run a substantial risk of being fired. Under this bill, if the employer thinks an employee might become active in a union, that worker never gets the job in the first place. This is not progress. Instead, it takes us back to the days when employees could be required to sign "yellow dog contracts," promising never to join the union, in order to be hired.

The Supreme Court has emphatically rejected this approach. In 1995, the Court unanimously ruled that union supporters are employees protected by the National Labor Relations Act when they apply for a job. In the *Town & Country* decision, the Court dismissed the employer's claim that union organizers are inherently untrustworthy because they owe their primary loyalty to the union. But that is precisely the premise underlying this bill.

Current law gives employers many ways to advance their legitimate interests in an efficient and productive workforce—without undermining employees' rights to engage in concerted activity. For example, an employer can establish a policy barring its employees from all outside employment. The Sixth Circuit Court of Appeals held just a few months ago that such a policy can be applied against union organizers, so long as it is also applied neutrally to all other types of employment.

Workers who neglect their job duties in order to organize other workers can be disciplined or discharged. The Fourth Circuit Court of Appeals has held that it is lawful for an employer to fire employees who fail to carry out their duties because they are trying to organize.

Employers can lawfully discipline employees who fail to do the job they were hired to do, or disrupt the employer's operations, or engage in unlawful conduct. Employers can file charges with the National Labor Relations Board, or even the police, if the conduct is criminal. In short, employ-

ers have many tools available today to address the concerns that supposedly motivate this bill.

Finally, I note that many of this legislation's proponents are also strong supporters of the so-called TEAM Act. TEAM Act supporters claim that bill is necessary in order to promote employee participation in the workplace. The present bill would permit employers to refuse to hire workers who band together in order to participate in the workplace.

It is ironic that supporters claim to favor employee participation in the one context, but seek to squelch it in the other. The common thread appears to be employer domination. Participation is seen as desirable only if employers can control the "team," and worker-controlled groups such as unions can be prohibited.

This legislation poses a significant threat to employee rights that have been fundamental to our industrial democracy for over 60 years. Because the bill is dangerous as well as unnecessary, I must oppose it.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

THE FARM CRISIS

Mr. BREAUX. Mr. President, I will not take a long time. I know the hour is late. But there are still very important issues that I think Congress needs to pay attention to and to address. I know that all of the news in Washington today has been generally about the problems of the President. While I understand that, it is also very important, I think, for all of us to realize that we cannot pretend to be ostriches and stick our heads in the sand, and not face other very serious problems that many of our constituents are facing around this country.

I would like to bring to my colleagues' attention the very serious agricultural disasters that exist as we stand here in Washington today throughout a large portion of the agricultural belt in the United States of America. It is a serious problem. We cannot allow the problems of the moment to distract us from very important duties that we have, as legislators, to do everything within our power to try to help solve the problems of America's farmers.

It is really interesting, because while the farmers are having problems throughout the United States, there are different reasons for the disasters which I would like to point out.

In the northern and many of the western parts of the country—the northwestern part of our United States—the problems in agriculture are very simple—they have very low prices for their products—while in the South, in the Southwest, and in my State of Louisiana, the problem is also very

simple to understand: It is not that the crops have low prices but, rather, that they have no crops. They have no crops because of the drought conditions that have caused an economic, agricultural, farming disaster.

While the reasons for the problems for the farmers are quite different, the results are the same. Whether you are a farmer in the northern part of the United States who can't get enough money for your crop to justify your cost of production, or whether you are a farmer in my State of Louisiana, which has no crop because of the extreme drought that has ravaged my State, the end result of the farmer and the family farm is the same; it is loss of income; it is loss of the ability to continue as a family farm. What happens to a family farm affects not only that family farm but it affects the community that they live in. When farmers suffer economic loss, the entire State suffers as well.

What I want to mention is the severity of the problem in my State, which is not unlike many other States. We just recently had the Louisiana State University Agricultural Economic Department review the losses that my farmers in Louisiana have faced. Their report as of August 14 is truly astounding. The total State reduction in farm income for the following crops is as follows:

For the corn crop, it is over \$64 million of loss;

For cotton, it is over \$50 million of loss;

For just soybeans, it is over \$72 million;

For rice, it is over \$14 million;

For sugar, it is nearly \$45 million;

For sorghum, it is over \$4 million.

The total crop loss they are estimating is \$254 million.

Sweet potatoes, over \$8 million;

Commercial vegetables, almost \$4 million;

The pine seedlings for forest reproduction is estimated at \$10 million;

Pasture, \$90 million;

Hay, almost \$25 million.

The current estimated total as of August 14 was over \$390 million.

When you factor in the problems with some of the diseases that are being experienced— aflatoxin, for instance—you have to look at about \$420 million. This is just in one State.

So the loss is truly devastating.

These are real problems. These family farm problems affect not only the family farmers, as severe as that is, but they affect the economy, the community, and the people who sell the harvesting equipment, the tractors and combines; the people who sell the seed and the fertilizers; the people who sell shoes and clothes and food in town. If the farmers do not earn a living, they cannot buy the other products; the implement dealer and the car dealer, all suffer. It has a ripple effect throughout the United States of America.

The problems in the North—as I said, because of low prices, because of cheap

imports being dumped from Canada, because of the overall depressed economy in many parts of Asia and Europe, and particularly in the South, in addition to low prices on the crops, we have no crops.

So the question is now not the extent of the problem. We know that. The question is now, What do we do?

I just think it is interesting. When we have a hurricane, tornado, or earthquake, there is always a rush to provide economic assistance. There is always on the nightly news when someone is visiting a hurricane-ravaged area or area that has been hurt by a tornado, a reaching out to the people. When you have the earthquake, it is the same result. Somehow it seems like it is different with the farmers because I think it is so gradual. If you have an earthquake, it happens, it is over, the people come in, they leave, and they have made an expression of their concern. But when it is an economic disaster over a longer period of time, it is harder to have people focus on the severity of the problem.

I think that is what is true in the agricultural disaster that we are now experiencing in my State. But the loss is just as severe, the hurt is just as severe. When you have to sell the family farm and move, and you can't pay your bills, you are hurting just as much as someone who has lost a family home because of a tornado, earthquake, or hurricane, or some other natural disaster.

The question now is, What do we do? It is clear, in my opinion, that the current agricultural programs that are designed to address assistance are too bureaucratic.

They do not work. They are outdated. They need something else to be helpful. What I mean by that is, for instance, with the loan program, emergency loans, the Government tells a farmer, well, you have to get turned down by three lending institutions in your local area and then you can come to the Government and get some financial assistance in terms of a Federal loan. If you could get the local loan, you would not need the Federal loan. But somehow you have to show that you could not get the local loan, but that if you get the Federal loan you can pay it back. If you could pay back the Federal loan, you could have paid back the local loan and you would not have had any need for help at the Federal level in the first place.

Those programs, well intended as they are, are simply too bureaucratic and do not work in providing real assistance to millions of American farmers.

What we are working on is to try to present a package, and this should be bipartisan. Republicans did not cause the problem and Democrats did not cause the problem, but the truth is we are going to have to work together to solve the problem. If we do not work together, chances are it is not going to get solved. This is not a political prob-

lem; it is a natural disaster problem. So what we are trying to do is provide some assistance.

Some have suggested increasing the loan levels, the artificial target prices, removing the caps on those programs to allow for a higher loan rate in order to give more assistance to farmers. That is a good thing to do. But in my area, it does not really help because my farmers don't have a crop to put in the Federal loan program. So in the South where you have no crop, we support what we are trying to do for our northern farmers. It is very important and I think it is the right thing to do. But in the southern portion of the United States where there is no crop at all and they have not been able to benefit from the program, we are suggesting direct financial assistance. It would go to farmers who do not have their losses covered by any other type of program. If someone has crop insurance, well, they may be helped a little bit. And the amount of help they get under the Crop Insurance Program should not allow them to double dip, but crop insurance is not going to cover their entire losses. So that part of their loss which is not covered by some insurance program should be clearly eligible for direct financial assistance. And for many of our farmers, they can't even afford crop insurance and so they have nothing. So their losses should be also covered, obviously, by any type of direct financial assistance to try to help them survive.

It is strictly a question of this one-time aid to help them survive until the next year so they can still be around to plant and grow the crops that help feed most, if not all, of America and much of the rest of the world.

Some will say, well, Senator, this is going to be expensive. Where is it going to come from? Well, No. 1, because of the good economic conditions, I think because of many of the things we have been able to do in the Congress, fortunately, the economy of the country is good in other areas, and, fortunately, we do not have a Federal deficit which we used to have—we now have a Federal surplus and we have had estimates of \$50-, \$60-, \$75 billion just in this year—why not look at this disaster as an emergency, and if you have a surplus in the Federal budget, let's consider using that surplus to address a real economic disaster which has huge consequences if we do not do something to help out family farms.

Some say, well, we should use the surplus for a tax cut. There is certainly room for a tax cut. I think if it is the right type of tax cut and is helpful to the people who need help, we should move in that direction. Should we use it for saving Social Security? Yes. Certainly, that is a higher priority. But should we also use some of it to help save family farms that are facing an economic disaster beyond their control? They had absolutely nothing to do with it. The answer is yes.

This is what Government is all about, trying to help those who are in

need and creating an economic climate whereby through hard work and industrial spirit they can produce and be profitable. If something happens not related to anything they have done that causes an economic disaster, I think we in Government have an obligation to participate in finding some solution to that problem. That is why, hopefully, in the coming week we will be able to join forces, Republicans and Democrats, and say, look, no one here caused the problem but, by golly, we had better work together in order to solve it; otherwise, we will not have done our duty. I certainly want to participate in that effort and plan to be very actively involved.

Just this week we had a very good meeting with the Secretary of Agriculture, Dan Glickman. The Secretary understands the nature of the problem. He understands the severity of it. He also understands that many of the programs we have on the books simply are not enough to address the problems that we are experiencing this year, and he has pledged his cooperation to try to come up with something that can provide the type of direct financial assistance that is certainly needed in my State of Louisiana. I look forward to accomplishing that in the coming weeks.

Mr. President, that concludes my remarks.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M.
MONDAY, SEPTEMBER 14, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Monday, September 14.

Thereupon, the Senate, at 2:44 p.m. adjourned until Monday, September 14, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1998:

DEPARTMENT OF STATE

CRAIG GORDON DUNKERLY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DANIEL AVENANCIO
PHILIP J. BECKMAN
JEFFERY J. BERNASCONI
STEPHEN J. BOHN
CURTIS L. BROWN
JAMES S. CAMPBELL
MICHAEL R. COUGHLIN
MICHAEL L. CROCKETT
JAMES E. CROSBY
LARRY DEATON
ALAN D. DORRBECKER
RANDELL DYKES
BRIAN P. ECKERLE
PIERRE A. FULLER
NICOLAS GERACE
MICHAEL E. GOCHENOUR
DOUGLAS V. GORDON
CHRISTOPHER JACOBSEN
THOMAS KISS

JOHN M. KUBERA
MICHAEL LEHMAN
OLIVER T. LEWIS
KENNETH S. LONG
RONALD LUNT
RICHARD MALONEY
MICHAEL G. MCLOSKEY
MARK F. MILLER
ELMER M. NAVARRO
ALBERT G. ONLEY
ENRIQUE N. PANLILIO
BRIAN M. REED
ANGUS P. REGIER
JOHN F. RINKO
STEVEN F. SMITH
DANIEL SPAGONE
JEFFREY SULLIVAN
JAMES S. TALBERT

VINH X. TRAN
DEAN VESLEY

TIMOTH R. WEBER
CARL B. WEICKSEL

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KARLA M. ABREUOLSON
CHAD F. ACEY
GREGORY A. ACHORS
BRIAN S. ADAMS
ROBERT G. ADAMS III
WILLIS R. AGEE
JAMES A. AIKEN
KACY W. AINSWORTH
ANGELA D. ALBERGOTTIE
CHARLES N. ALBRECHT
CONRADO K. ALEJO
WILLIAM T. ALEX
RANDY E. ALEXANDER
TIMOTHY S. ALEXANDER
THOMAS R. ALLBEE
DAVID W. ALLDRIDGE
CLAUDE A. ALLEN
JAMES C. ALLEN
EDGARDO G. ALMINAR
RANDY P. AMATO
THOMAS R. AMBLAD
CHARLES R. AMBROSE
MARK S. ANDERSEN
CRAIG A. ANDERSON
MARK A. ANDERSON
NICHOLAS M. ANDERSON
PAUL B. ANDERSON
VINCENT D. ANDERSON
ALLAN D. ANDREW
DOMINIC A. ANTONELLI
TANYA L. ANTONIUK
BRUCE A. APGAR
JOSE P. ARAGON
CHRISTOPHER J. ARENDIS
DANIEL D. ARENSMEYER
RAYMOND A. ART
SCOTT W. ASKINS
CAL D. ASTRIN
RUSSELL B. AUSLEY
PAUL K. AVERNA
RICHARD AYALA
CATHALENE M. BABINEAUX
OCTAVIO O. BABUCA
GEORGE M. BAIN
JEFFREY S. BAKER
REGINALD BAKER
STUART P. BAKER
BARRY BAKOS
NICHOLAS BALICE
JAY C. BALLARD
MICHAEL A. BALLOU
JOHN S. BANIGAN
MICHAEL P. BARATTA
CARLOS M. BARBOSA
ERIC T. BARKDULL
CHARLES A. BARKER
GLENN A. BARKER
TRACY A. BARKHIMER
CHRISTOPHER K. BARNES
USHER L. BARNUM, JR.
BENJAMIN K. BARRETT
GREGORY L. BARRINGER
JAMES E. BARROWS
JEFFREY B. BARTA
Robert B. Barthelmes,
Jr.
Robert B. Bassett
Mickey S. Batson
Jeffrey R. Bay
KENNETH G. BECK
WILLIAM G. BEDDIE
MARK W. BEDDOES
JAMES C. BEENE
STEVEN T. BELDY
ALAN E. BELL
JOSEPH E. BELL
TODD A. BELTZ
JON G. BENAVENTE
THOMAS R. BENDEL
RAYMOND J. BENEDICT
AUGUSTUS P. BENNETT
JAMES H. BENTON
BRENT A. BERARDUCCI
STEVEN BERGMAN
TODD J. BERHOW
Michael D. Bernacchi,
Jr.
Paul R. Bernardo
Joyce M. Bernard
Matthew T. Berta
William R. Bertram
Thomas A. Best

Michael P. Betts
Bruce M. Bicknell
Willie D. Billingslea
John G. Bischieri
James A. Bishop
John H. Bitting III
Rick L. Black
Randy B. Blackmon
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THAD E. NISBETT
DANIEL E. NIXON
NORBERTO M. D. NOBREGA
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MARK J. OBERLEY
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TIMMY SMITH
TIMOTHY J. SMITH
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 WILLIAM R. STEVENSON
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 KRISTIN B. STRONG
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 KEVIN P. SUDHOFF
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 SCOTT B. SWENSON
 ADAM M. TAFF
 BRIAN S. TAIT
 PAUL TANKS, JR.
 RICHARD TARASEWICZ
 ARIEL E. TARRAGO
 RANDALL D. TASHJIAN
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 PAUL M. TERHAAR
 MICHAEL J. TESAR
 FREDERICK N. TEUSCHER,
 JR.
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 ELIZABETH A. THOMAS
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 THOMAS L. THOMPSON
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 RYAN C. TILLOTSON
 TODD L. TINSLEY
 GAIL M. B., TISCHKE
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 VINH X. TRAN
 MARC G. TRANCHEMON-
 TAGNE
 JAMES H. TRAVERS
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 DEAN C. VANTOL
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 MICHAEL R. ZAHN
 PETER J. ZAMESKA
 BOYD T. ZBINDEN
 JEFFREY R. ZEUNER
 CHRISTOPHER S.
 ZIMMERMAN
 KRISTOFER L. ZIMMERMAN
 RICHARD J. ZINS
 THEODORE A. ZOBEL
 GLEN A. ZURLO

EXTENSIONS OF REMARKS

ENDANGERED SPECIES ACT REFORM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. THOMAS. Mr. Speaker, I rise today to introduce three bills which will reform the Endangered Species Act and restore sensibility and reasonableness to a system that has run amok. Each bill is targeted toward narrow problems of the Endangered Species Act.

The Fair Process Reform bill will ensure open and equal access to information relied upon by Federal agencies when making decisions on endangered species. Perhaps the single worst complaint I have heard about the current Federal system is that the people who are directly affected by government decisions and bear the burden and cost of compliance are left out of the decision process. From their point of view it is "taxation without representation". Landowners are now stuck with paying the cost of preserving species; yet, they do not have access to the same information held by the Federal government and their input is ignored.

My bill includes provisions for an open access to the public for scientific studies and underlying study data. It also replaces the secret listing process with an open hearing so landowners can participate in the decision making process, and landowner representatives can cross-examine agency personnel and experts. My bill also includes provisions to improve the scientific basis of government decisions such as a minimal information requirements for petitioners, peer review of multiple scientific studies used to support listing or government action, and economic impact analysis of its actions required for listings.

The Fair Land Management Reform bill will ensure that the government pays for obligations it imposes on landowners. This bill includes a provision to compensate landowners for significant government takings. Rural landowners like farmers bear most of the burden for protecting species that society wants to protect; yet, these landowners are the least able to bear that burden. It has become too easy for so-called environmentalists to make "someone else pay" for environmental causes. It's time for society to step up and pay for environmental causes. It's time for society to step up and pay for what it wants.

I also include a provision that limits the mitigation requirements that can be imposed by government. Without proof of any actual species on the land, the Federal government can and does routinely require a landowner to "mitigate" for land use by purchasing other land to relocate or otherwise create habitat for species. Often, several acres of land must be bought for every one acre a landowner wants to use. It doesn't stop there. A landowner must often manage the new "biology project" for the government by putting up fences and hiring biologists for years to look after the

habitat. My bill would limit how much mitigation the government can require.

The Liability Reform bill will stop unfair government penalties against landowners. Rural landowners are frustrated enough at having their lands confiscated for government use. It adds insult to injury when no species are even on the land, yet the government continues to impose these onerous burdens and even the threat of penalties of landowners. Criminal and civil penalties should be limited to actual and intentional takings of an endangered species, not accidental or hypothetical ones. Moreover, if the government knows of a violation occurring, it should warn landowners and give the opportunity to correct the violation through mitigation or repair. My bill includes provisions to do this. My bill also includes "Safe harbor" and "No surprises" provisions to end the string of broken promises and added obligations put on landowners by the government.

The Endangered Species Act needs to be reformed now. My bills are a fair and balanced response to the tragic failures of the current system. I look forward to presenting my bills at House hearings and rapid passage of these bills.

A SPECIAL TRIBUTE TO THE DEFIANCE HIGH SCHOOL MARCHING BAND OF CLASS FOR THEIR PARTICIPATION IN THE 1999 TOURNAMENT OF ROSE PARADE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding group of young men and women from Ohio's Fifth Congressional District. The Defiance High School Marching Band of Class.

On January 1, 1999, the Defiance High School Marching Band of Class will be participating in a very special event. On that date, they will be participating in the 1999 Tournament of Roses Parade in Pasadena, California. This is truly a wonderful experience and quite an accomplishment for these talented young people from Ohio's Fifth District. Each January, the parade takes place in conjunction with a plethora of activities surrounding one of the most celebrated athletic contests in all of sports and entertainment—the Rose Bowl.

Historically speaking, the Rose Bowl, the "Grand Daddy of Them All," pits the Big Ten Champion against the winner of the PAC Ten. And, in future years, could very well be the site of college football National Championship Game. I cannot think of a better script than to have the DHS Marching Band of Class in attendance for the entire experience surrounding the Rose Bowl and Tournament of Roses Parade.

The pageantry comradery, pomp, and ceremony that encompass the Rose Bowl and the Tournament of Roses Parade, truly makes

these two enjoined events among America's most wholesome and celebrated gatherings. I cannot think of a more representative, respected, and talented group of young men and women to be Northwest Ohio's ambassadors to the 1999 Tournament of Roses Parade and the Rose Bowl.

Mr. Speaker, the DHS Marching Band of Class is just that—a class organization. From the students who work and train so hard, to the parents and teachers who assist them along the way, the Defiance High School Marching Band of Class is world-class, and in a category all to itself. I urge my colleagues to stand and join me in paying special tribute to the Defiance High School Marching Band of Class, and in wishing them the very best at the 1999 Tournament of Roses Parade. We are very proud of your honors and achievements. Good Luck!

POUDRE VALLEY HOSPITAL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, the Poudre Valley Hospital opened its doors with an invitation to speak with administrators and view the first-rate care the hospital provides to the residents of Fort Collins.

Built 70 years ago, the Poudre Valley Hospital has grown with the community to become a regional medical provider with 27 staff specialties, 1,888 employees, and a multitude of special services serving communities in northern Colorado, southern Wyoming, and western Nebraska. The hospital maintains a Level 2 regional trauma center, a regional heart center, a regional neurosciences center, and a regional orthopedic program in addition to standard hospital services. Through affiliations with smaller clinics throughout its service region, the hospital is able to provide comprehensive care to many people. As a non-profit entity, Poudre Valley also sustains community programs for the poor, the elderly, and the general population.

While proud of the success and growth experienced by the hospital, administrators are frustrated by the Medicare system which comprises 42% of their business. Not only does the Medicare system provide inadequate reimbursement, its labyrinthine regulations make it difficult to work within the system. Regulations and supplemental information bound in black books fill the administrator's cabinets. Additionally, government workers and intermediaries often have different interpretations of the rules or no clear answers at all to the hospital's questions.

Medicare must be reformed. The burdens and inefficiencies of Medicare must also remind us that any attempt to socialize any other facet of health care must be resisted. There is a better way.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

In spite of these difficulties, Poudre Valley Hospital continues to provide a great service to Fort Collins and the surrounding area. Additionally, I would like to thank Army Hall, Carl Smith, and Lesley Fagerberg for their time and for their commitment to the health care profession.

TRIBUTE TO WANDA WASHINGTON
HOPKINS

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. DIXON. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from the great state of Missouri, the Honorable WILLIAM L. CLAY, in saluting an outstanding businesswoman and good friend, Mrs. Wanda Washington Hopkins. On Thursday, September 17, 1998, the National Federal of Black Women Business Owners will honor their fellow board member as she prepares to retire after a distinguished career of 31 years with Philip Morris Companies, Inc. We have been privileged to have known and worked with Wanda for most of her career with Philip Morris Companies, and are especially proud to have this opportunity to highlight her many achievements with our colleagues.

Born June 6, 1997, in New York City, New York, Wanda joined Philip Morris Companies in 1967. During her profession, she has held the positions of sample distributor and urban affairs assistant, rising to her current position of Specialist, Public Programs, which includes managing the Philip Morris corporate exhibit.

Prior to joining Philip Morris Companies, Wanda worked for the District of Columbia and Federal governments, as well as for Howard University. In addition, she worked for the Washington Teachers Union along with several laws firms in the Washington, D.C. metropolitan area.

Wanda's professional and personal life has been dedicated to helping to enrich the lives of the disenfranchised, and to ensuring that children, born not of privilege, have every opportunity to pursue his/her dreams through higher education. She has served as the social conscience of Philip Morris Companies in seeing to it that hundreds of thousands of the company's corporate profits have been directed to programs to benefit educational excellence, and to uplifting communities once bereft of hope. And that's just her corporate influence.

In her personal endeavors, she has for years been involved in numerous business, professional, and social organizations. One in particular, the Justice, Unity, Generosity, and Service, Inc. club, or J.U.G.S., Inc., a non-profit organization that awards scholarships and benefits handicap children, has been near and dear to her heart. Over the years, she has worked selflessly to raise funds for this organization. Because of her efforts and commitment to the kids, children who were once written off, can now look forward to programs designed to help them reach their potential, beyond the expert's expectations.

In addition to her work with the J.U.G.S., she is a member of the National Coalition of Black Meeting Planners, the National Association of Market Developers, the NAACP and the National Urban League.

In recognition of her many years of distinguished professional service and contributions to society, Wanda has received numerous awards and honors, including the Shiners Award for Professional Excellence, the National Association of Business and Professional Women's Clubs Yellow Rose" citation, the National Business League Presidential Citation, and the West Coast Black Publishers and Association President's Award. This summer, at the NAACP's annual National Convention, Wanda became the first individual to receive the organization's Exhibitors' Special Recognition Award. She is also the recipient of the National Urban League's Herbert H. Wright Medallion.

Wanda Washington Hopkins is a woman of savvy intelligence and tremendous warmth and integrity. Over the years, she has consistently demonstrated the utmost professionalism and paved the way for other young women aspiring to make it corporate America. She has been an outstanding role model and mentor to many young women, and she can take great pride in knowing of the enduring contributions she has made in helping to empower other African American professional women through the corporate maze.

Married to Everett Hopkins, she is the mother of seven children, one of whom is now with the angels, but who lives on her heart and in the hearts of family and friends. She is also the proud grandmother of four.

Mr. Speaker, it gives us great pleasure to have this opportunity to publicly recognize the tremendous accomplishments of this distinguished human being. She is a beautiful person, an individual that we are proud to call our friend. Throughout her many years with Philip Morris Companies, Wanda has probably spent about 85% of her time traveling from city to city, exhibiting at one exhibit site after another. As she prepares to embark on a new chapter in her life, we ask first that you join us in extending to her a well-deserved rest. Second, please join with us in extending to her, Everett and their extended family our best wishes for continued success, excellent health, and an abundance of prosperity in the years ahead.

THE PALOS VERDES PENINSULA
LAND CONSERVANCY: CELEBRATING A DECADE OF DISTINGUISHED EFFORT TO PRESERVE UNDEVELOPED LAND ON THE PENINSULA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Ms. HARMAN. Mr. Speaker, I rise today to recognize the Palos Verdes Peninsula Land Conservancy for a decade of resolute effort to preserve, restore, and protect acres of undeveloped land on the Palos Verdes Peninsula in California's 36th Congressional District.

As a result of their efforts, the Conservancy has successfully preserved for future generations nearly 260 acres of narrow, lush canyon and sweeping ocean vistas that comprise the

Peninsula landscape. These acres, acquired through gifts, purchases and voluntary easements, are now protected and will remain forever available for enjoyment and inspiration. Residents and guests alike will continue to live side-by-side with some of the most scenic natural beauty found anywhere in Los Angeles County, if not our State.

As important to preservation, the Conservancy also maintains a commitment to restoring natural habitat and sustaining native wildlife. Their programs include organizing volunteers to clear out non-native plants, gathering seeds to nurture and then returning the seedlings to the land. And, in cooperation with the school district, all third grade students study the geology and natural habitat of the Peninsula, then walk to a site near their school to see, first hand, the plants, animals and rocks they studied. For the other residents, the Conservancy provides monthly docent-guided nature walks to explore more intimately the habitats with which they co-exist.

Looking toward the future, the Conservancy has targeted an additional 1,000 acres for preservation and conservation. In addition, with the help of an investment banking company, work will continue to develop innovative conservation finance tools to help resolve inevitable natural resource—land use conflicts. This conservation finance approach promises to become a major factor in land conservation efforts nationwide.

The success of the Conservancy rests on a foundation of visionary, dedicated volunteers from the local community. But I also commend the participation of local city, county, state and federal governments officials; the donors of land, time and talent; local publications, and civic groups and private foundations. Their efforts have magnified the success of the Conservancy.

Over the past ten years, sizable patches of open space has been saved to ensure the survival of plants and wildlife and, equally important, enhance the quality of life for the people of the Palos Verdes Peninsula. As the Congressional representative of the Peninsula, and resident, I salute the Conservancy's achievements and join with them in working to secure success which future generations will enjoy.

PRINCIPAL BETSY DUMPH AND
HUDSON ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the recent district work period, Principal Betsy Dumph opened the doors of Hudson Elementary School and shared her experience as the principal of this small town school.

Hudson Elementary serves children from the area around Hudson, CO, including other smaller towns, family farms and ranches. This thriving, brightly decorated school shares some of the challenges of its urban counterparts and some distinctions, too.

Principal Dumph has worked hard to assemble a strong staff of professional educators. Unfortunately, Colorado's tenure system has proven an obstacle to this effort. She told my

staff that it took three years to remove a particular teacher who routinely slept through classes. Fortunately, she was able to bring in many motivated teachers and aides who are as interesting in learning as they are in teaching.

Special education has presented a tough challenge to Hudson Elementary. Principal Dumph is committed to the ideal of educating special needs children. Several people on staff are dedicated to just that. However, she recognizes the need for changes to the law. Currently the law does not allow principals to expel dangerous students. Hudson has already witnessed one tragic killing from a violent student who could not be expelled because of federal laws. Now he is receiving special care, but the price has been another's life. Additionally, the federal government has not paid its promised share for special education mandates. The money makes a big difference to a small farming town school.

One of the greatest frustrations is that children are not coming to school prepared to learn. The simple things which teachers once could take for granted are not mastered before kindergarten today. Many children do not have the foundations for learning. They do not have a basic level of language or recognition of patterns. Teachers have to take several steps back before moving forward. Parental involvement before and during formal education is essential.

In the face of these challenges, Hudson Elementary School continues to provide a good solid education to the kids of eastern Colorado. I would like to thank Principal Dumph for her time and her commitment to education.

TRIBUTE TO JAMES LOCHREY
HARRIS

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. DIXON. Mr. Speaker, I am pleased to join with my distinguished colleague and friend from Missouri, the Honorable William L. Clay, in paying tribute to a giant of a man, Mr. James Lochrey Harris. Jim, as he is affectionately known to all who have had the pleasure of working with him during this long and distinguished profession, is retiring as the General Sales Manager of the Washington Hilton and Towers Hotel after an illustrious career spanning 31 years and 4 months. On Thursday, October 1, 1998, Jim's family, Hilton colleagues, and numerous friends will gather at a retirement gala in his honor. In recognition of his exemplary career, we are proud to have this opportunity to share this brief retrospective of the life of Jim Harris with our colleagues.

A native Washingtonian, Jim Harris was born on August 21, 1935. He attended public schools in the District of Columbia, and graduated with a bachelor of arts degree in Psychology from George Washington University.

Standing tall at 6' 4", Jim is a giant of a man—both literally and figuratively. He is one

of the finest individuals that we have had the privilege of working with for more than two decades. Jim joined the Hilton family in 1967 as the hotel's Convention Service Representative. During his career with the Hilton family, he has held the positions of Assistant Convention Service Manager, Convention Service Manager, Sales Manager, and finally, General Sales Manager. Throughout his tenure, he has been an individual of inestimable good humor, patience and good will—and individual who has consistently demonstrated the utmost professionalism and integrity.

It is almost impossible for us to think about the Washington Hilton and Towers Hotel and not think about Jim Harris. He has been instrumental in bringing hundreds of major conventions and conferences to this city, and is perhaps best known not only for his impeccable professionalism and attention to detail, but his kind and gentle nature as well. A modest man, Jim would be the last person to claim the well-deserved credit for training and serving as mentor to several of this city's hotel sales executives, many of whom began their careers at the Hilton under his tutelage.

Jim has received numerous awards in appreciation for his distinguished service to the hotel and convention industry, including the Credit Union National Association's "Appreciation Award for 18 Years of Service; the National Dental Association's Appreciation Award for 18 Years of Service; the National Dental Association's Outstanding and Consistent Service Award," and the Hilton Hotels Corporation, Eastern Region's "Excellence in Sales Awards." To this, we would like to proclaim Jim Harris the General Sales Manager's preeminent General Sales Manager of the hotel and convention industry.

Mr. Speaker, although Jim is retiring and will be sorely missed by a multitude of people, he has made enduring contributions to the hotel and convention industry which shall serve as an important part of his legacy. We will miss him, but are pleased that he will now have more time to spend with his cherished wife Gerta, and their beloved son, James Patrick Harris, a junior at Brown University. It has been a genuine pleasure to work with Jim and we wish him continued success as he embarks on the next chapter of his life. We extend to him, Gerta, and James our best wishes for much happiness, excellent health, and bountiful prosperity in the years to come.

CHARLES MYERS: RECOGNIZING A
VOLUNTEER EMERGENCY MEDICAL
TECHNICIAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GILMAN. Mr. Speaker, today I rise to praise both an organization and an outstanding individual who significantly contributed to make that organization viable. The Yulan American Legion Ambulance service and Charles Myers have diligently served their community for more than 50 years with both service and skills beyond the call of any ambulance company or volunteer.

The Yulan American Legion Ambulance service was incorporated as a volunteer emer-

gency medical provider in 1948 by American Legion Post 1363 of Yulan, NY. That these Legionnaires recognized the need for an emergency medical provider years before the rest of the country is nothing short of extraordinary. Their service had its humble beginnings on November 7, 1948, with its first dispatch. Yulan's Ambulance Corps responded in its 1936 Packard Ambulance and began the history of a program that has grown over the past 50 years.

The tale of the Yulan American Legion Ambulance company is not the only story that began that night. Charles "Chuck" Myers, then a young serviceman, was on that ambulance car. This also began Mr. Myers' history as one of the most dedicated Emergency Medical Technicians in New York State. In the first half of this century there was not much training available for members of volunteer ambulance companies. The usual training these men and women received did not extend very far beyond basic CPR and First Aid, and it was not until the 1960's that the State began to organize classes which taught the skills of emergency medicine. Mr. Myers was one of the first participants in these pioneering new classes more than 30 years ago. Mr. Myers' devotion to the American Legion Ambulance company is just as strong today as it was on that night back in 1948.

The civic accomplishments of Mr. Myers did not end with his service on a volunteer ambulance company. Mr. Myers is also an instructor of American Red Cross CPR and First Aid. Not only is he now captain of the American Legion Ambulance company but he is also a member and one time captain of the Yulan Fire Department. He has served as a commissioner of public works and as a lay minister in the Yulan Congregational Church. His fellow citizens know him for acts of kindness such as personally delivering equipment, crutches, and hospital beds, in his spare time. If the recipients need instruction in the use of these aids Mr. Myers provides it and, in the event that the sick are unable to return the equipment, he offers to pick up the equipment in their homes. Mr. Myers' devotion to his community is heart warming. He has logged more than 5,000 hours of service to the American Legion Ambulance company alone, and has served on more than 2,800 ambulance calls. There is no telling how many lives Mr. Myers is personally responsible for saving.

But Mr. Myers is more than a list of titles and accomplishments. He is a husband of 52 years to his devoted wife, Ruth, and a loving father to his son, Robert. He is also an avid collector of toy ambulances. He has displayed his collection at hospitals, trade shows, and even here in Washington, to help promote awareness for emergency medical services. We would be hard-pressed to find a man who has shown more devotion to his community, his state or his country, than Mr. Myers.

Mr. Speaker, I ask that you and our colleagues join me in applauding both this man and the Yulan American Legion Ambulance Corps on the occasion of the 50th anniversary of their joint achievements.

TRIBUTE TO COLORADO TIMBER
INDUSTRY ASSOCIATION AND
THE INTERMOUNTAIN FORESTRY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Colorado Timber Industry Association (CTIA) and Intermountain Forestry for their hard work, dedication and service to the people of Colorado. Gary and Cathy Jones of CTIA, as well as Diane Hoppe and Tom Troxell with Intermountain Forestry have been good advocates for common sense and good policy within the Forest Service. During the August recess, Gary and Cathy Jones of CTIA organized and led a tour of the Routt Blowdown near Steamboat Springs, Colorado. The tour was flawlessly done and informative. Representatives from the local counties, the state legislature, Club 20, the Forest Service and some of Colorado's congressional offices were present.

Colorado has 3,148,182 acres of wilderness. Of the 2,841,000 acres suitable for harvest, only 12,354 acres were harvested in 1996. There is a total of 13,867,569 acres of national forest lands in Colorado (excluding the National Grasslands). Forest timber sale targets have decreased roughly 50% since 1990 (excluding some of this year's salvage sales). Meanwhile, forest growth has outpaced harvest on suitable lands by roughly 400%. Logging is responsible for only 2% of the tree mortality in Colorado. Disease and insects are the most well-known causes of tree mortality. Due to political pressure, the Forest Service will build only 8 miles of new roads and salvage will be excluded from "roadless" areas. Unfortunately, it seems political pressure has affected how the Forest Service will deal with the Routt blowdown too.

The Forest Service has received \$4.8 million from the emergency supplemental appropriations bills, but not enough has gone to on-the-ground management. I was dismayed to learn that the Forest Service proposes only to salvage 7% of the 20,000 acre blowdown. The Forest Service proposes to leave the vast majority of good timber to insects and decay. Even more alarming is that a vast tinderbox of dead and dying trees lies waiting for a care-less match or lightning strike to ignite.

Salvage operations will help, but many areas that could have been harvested economically with on-the-ground techniques are set-aside for helicopters, or left untouched. Thankfully, Frank Cross, the Forest Service Blowdown Team Leader committed to a demonstration project to explore other logging methods should the Jetstream Sale fail to attract much attention. I am hopeful that the Forest Service will look past what is politically popular and take more aggressive steps to deal with this natural disaster. I thank Gary and Cathy Jones for all their hard work on this issue. It is clear they are strong advocates for active management, forest health and diversity. I commend them for their efforts and look forward to working with them in the future.

ENGLISH LANGUAGE FLUENCY
ACT

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes:

Mr. STUMP. Mr. Chairman, I rise today in strong support of H.R. 3892, the English Language Fluency Act. I believe that it is time this Congress said the era of mandatory bilingual education is over.

There are too many ways for the anti-English lobby to defy the will of the people on this matter. Let me cite just two examples. When the voters of California said no to bilingual education, our own Department of Education was threatening an investigation. According to the Washington Post of August 3, 1998, San Francisco schools claim to be under a court order from the 1970's which mandates bilingual education.

If the English Language Fluency Act is passed, the Department of Education will no longer have the power to bully schools and school districts into adopting the failed approach of bilingual education. If the English Language Fluency Act is passed, school districts will be freed from voluntary Compliance Agreements which mandate bilingual education.

We have tried the bilingual approach for 30 years now, Mr. Chairman. The record of this program is an unbroken string of failure. All the legislation before us today does is give schools, school districts and parents a choice. Some may continue bilingual education programs if they feel it is in their best interests. If the taxpayers of a community support that approach, it is not Congress' business. Nor should it be the federal government's business to force communities to continue to pay for these gold-plated, failed bilingual educational programs.

H.R. 3892 is a parent empowerment bill and a community empowerment bill. H.R. 3892 frees schools to do what they think best to educate the children in their care. This is the same approach taken by my Declaration of Official Language Act (H.R. 622). I urge my colleagues to pass the English Language Fluency Act and return education to local authorities.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. ETHERIDGE. Mr. Speaker, during yesterday's proceedings, I was inadvertently absent from the Chamber during two votes. Had I been present, I would have voted "No" on both Rollcall votes 423 and 424. I ask that this statement be included in the appropriate place in the RECORD.

TRIBUTE TO CHAMPIONS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to some of my constituents for their hard work, dedication and excellence in an elite and competitive field—horse judging. Mr. Speaker, Robert Dehn, Kay Gibson, Meghan Hankhammer, Amber Martin and their coach, Ron Stephens earned the highest honor in a horse judging competition in Fort Worth, Texas. These talented youths won the World Championship in the American Junior Paint Horse Association horse judging competition in July. They set a fine example of the tremendous accomplishments our youth can achieve with the right attitude and a competitive spirit. I congratulate them for their award, their achievements with 4-H, and for representing Colorado so well.

LARRY WILLIAMS RETIRES AS DI-
RECTOR OF THE SIERRA CLUB'S
INTERNATIONAL PROGRAM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Ms. PELOSI. Mr. Speaker, I rise today to express my appreciation for and heartfelt thanks to Larry Williams, who is retiring from his post as Director of the Sierra Club's International Program. For the past seventeen years, Larry has taken a leadership role in promoting the protection of the environment on the international level and people around the world are the beneficiaries of his vision, his dedication and his unrelenting advocacy. Larry is a true champion of the global environment and, therefore, a champion for this world's children and for our future.

One of Larry's major successes, on which we worked closely, was the development and passage of legislation requiring the multilateral development banks (MDBs) to do environmental impact assessments and to make those assessments publicly available for MDB-financed projects. With the implementation of this legislation, now known as the "Pelosi Amendment," new environmental policies and standards have been set internationally.

Ten years ago, MDB-financed projects like highways, dams, irrigation works and power plants, would largely be built without regard for their irreversible impacts on the environment and without the informed participation of affected communities. The prevailing approach to large-scale development projects was to build them first and worry about the consequences later. Local citizens were often the last to know that important wetlands would be drained, rivers diverted, forests cut down, or entire communities displaced by projects supported by US tax dollars. With Larry Williams' leadership, the Pelosi Amendment to the International Development and Finance Act of 1989 changed that. Now, citizens in communities from the Amazon River Basin to the Himalayas and all other points around the world have access to information about proposed MDB projects that will have major impacts on their lives.

The Pelosi Amendment has been the Trojan horse for transparency, participation and accountability at the MDBs. For the first time, citizens were given the right to know in advance what projects their government and the Banks had planned. Knowledge is power. More citizens now know about, comment on, monitor or participate in Bank-financed projects than at any time in the past, with the hoped-for effect of improving projects and mitigating environmental impacts.

Larry Williams, the tireless international campaigner for the Sierra Club, was one of the primary forces behind the MDB reform campaign that led to the development, passage, and implementation of the Pelosi Amendment. Larry's leadership brought changes to the World Bank which one observer said were the outcome of "four years of congressional hearings and constant badgering by environmentalists."

Larry Williams has touched the lives of millions of people who will never know directly of his untiring efforts on their behalf. I commend him for his untiring efforts and am honored to have been able to work with him. We will miss him.

ENGLISH LANGUAGE FLUENCY ACT

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes:

Ms. MEEK of Florida. Mr. Chairman, I rise in opposition to this bill and ask unanimous consent to revise and extend my remarks.

We have before us a very overt attack on a very effective program that helps children for whom English is not their family's language.

Learning takes place at several levels based on the individual's ability and capacity. Research clearly indicates that it takes a minimum of three to five years for such children to become functionally proficient in English. English proficiency is essential in order to be successful in the mainstream society.

The bill essentially ignores this fact, by limiting to two years funding for students who have limited English proficiency. The bill also jeopardizes the potential for any increase in qualified bilingual teachers by eliminating federal grants for university teacher training programs.

I strongly embrace the notion that children need to learn English as quickly as possible. But, bilingual programs should be designed to ensure that children achieve the highest academic standards that their ability allows. They should not be subject to some arbitrary deadline that would prevent classroom teachers and local administrators from doing what is best for each child.

Mr. Chairman I represent Miami and Dade County, Florida, the Fourth largest school system in the country. We have approximately 40,000 active students with limited English

proficiency, and my school district tells me that an average of 2.9 years of bilingual instructional education is necessary before these students can be mainstreamed with the skills necessary to achieve proficiency in English.

Mr. Chairman, this bill ignores the needs of these students; it ignores the results of recent research; and it ignores the very practical needs of school districts like mine, that must teach English to tens of thousands of youngsters who speak some other language at home.

I urge the defeat of this bill.

TRIBUTE TO STANLEY HOTEL AND STANLEY MUSEUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to all of those involved with the operations and management of the Stanley Hotel and Stanley Museum in Estes Park, Colorado. Since 1990, the Stanley Hotel has offered fine service and grand accommodations at the gateway to Rocky Mountain National Park. I commend the proprietors for continuing that tradition and accommodating a museum celebrating the area's history. On June 9, the Stanley Museum was opened to showcase a collection of artifacts and mementos related to the enterprising brothers, Frances Edgar (F.E.) and Freelan Oscar (F.O.) Stanley. Born in Maine in 1849, the restless twins are famous for their inventions and ingenuity. To speed up their early work as artists, the twins invented the airbrush. When photography occupied too much of their time, they invented a method to dry-plate photography to speed up the processing. The Stanley brothers' love for music inspired them to produce fine violins—nearly 2,500 of them. The twins were also well-known for inventing the famous Stanley Steamer. F.O. Stanley suffered from tuberculosis and moved to Estes Park for the high, dry climate. A notorious gambler, he virtually established tourism in the Estes Valley. The Stanley Museum highlights the many contributions of the Stanley Brothers and pays tribute to their lasting legacy. Through the many artifacts, mementos and photographs displayed, one can truly appreciate the Stanley's influence on Colorado and the nation. I commend Marty Yochum, Frank Riggs and all of the museum docents for their hard work and dedication to this valuable effort.

HONORING SWADESH CHATTERJEE AND THE INDIAN AMERICAN FORUM FOR POLITICAL EDU- CATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. ACKERMAN. Mr. Speaker, the Indian American Forum for Political Education is one of the oldest and most respected Indian American community organizations in the United States. During the August recess more than

500 members of the IAFPE gathered in nearby Chantilly, Virginia for its annual convention and to elect a new slate of officers.

During the course of the convention, the IAFPE unanimously selected Swadesh Chatterjee as its new president. As a senior member of the House International Relations Committee, and particularly as someone who has supported a strong relationship between the United States and India, it has been my privilege to get to know Mr. Chatterjee. He has worked tirelessly with key decision makers in Washington to help the world's oldest democracy become better friends with the world's largest democracy. It is a fitting tribute to his work that Swadesh was elected to this post.

Mr. Speaker, we are a nation of immigrants. Swadesh Chatterjee's life is the classic success story of an American citizen who immigrated to this country and rose to become a leader in his community. Swadesh was born in Calcutta, India, where his mother still resides, and graduated in 1965 from Calcutta University with a degree in physics. Four years later he obtained a second degree in electronic engineering from Jadapur University. Swadesh came to the United States in 1980 to become the plant manager of Brandt Instruments, a manufacturer of process control instrumentation located in the Raleigh-Durham area of North Carolina. From this position, Swadesh was promoted to Executive Vice President and, for the past five years, he has served as the company's President. Under Swadesh's direction, Brandt Instruments has been extremely successful with its operating profits growing 170 percent during the last three years.

Swadesh is married to Dr. Manjusri Chatterjee, a psychiatrist in Cary, North Carolina. The couple have one daughter, Sopini, and a son, Souvik.

Swadesh Chatterjee has proven to be an exemplary citizen of the United States. He has become a successful businessman, civic leader and advocate for the interests of the Indian American community in Raleigh, North Carolina, and in Washington, D.C. Politicians on both sides of the aisle have sought Swadesh's wise counsel and support. I know my colleagues join me in congratulating Swadesh on his election to the presidency of the IAFPE and wishing him continued success in the years ahead. Swadesh's story is a reminder to all that the Indian American community is one of our country's best human resources, as well as success stories. It is also wonderful proof that the United States is strong because we have welcomed immigrants to our shores, as they search for a better life for themselves, and better proof yet that we should continue to do so in the future.

IN MEMORY OF HAROLD A. BREIER, FORMER MILWAUKEE CHIEF OF POLICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor Harold A. Breier, our former chief of police in Milwaukee who died Wednesday at the age of 87. Mr. Breier's name was synonymous with law and order in Milwaukee.

Many compare his stature to a rock of granite, immovable to the waves of controversy that sometimes washed over him. He ruled with an iron fist but a soft heart for those he called the good people of Milwaukee.

Mr. Breier devoted more than 44 years to law enforcement with the Milwaukee Police Department. He was chief of police during some of the most tumultuous times in Milwaukee and was a man of action who disdained sitting behind a desk. He remained a tough street cop throughout his career and was considered a crack marksman, who shot three criminal suspects in the line of duty during his career. None of them died from their wounds.

He climbed quickly through the ranks and was first promoted to detective in 1946, serving on the vice squad. After that followed promotions in swift succession; lieutenant in 1954, captain in 1958, deputy inspector in 1960, inspector of detectives in 1962 and chief of police on February 15, 1964, a position he would hold for more than 20 years.

Mr. Breier has been praised as a valued and trusted leader, a man who played no favorites in the enforcement of the law, and a tough guy who, at the same time, was very sensitive to his family and especially his wife.

Mr. Breier was married to his wife Eleanore for 57 years. He courted her for seven years before they married. Through the years, before her death in May at the age of 82, Mr. Breier did much of the cooking, grocery shopping and house cleaning. He also cultivated flowers and vegetables in his backyard.

He was a true product of the South side, a working man before his career in law enforcement, who held jobs as a timekeeper, an electrician's helper, a factory inspector and temporary sheriff's deputy. He also played left tackle on the Braumeister Beers and other teams in an amateur football league called the West Allis Majors.

Mr. Speaker, Harold Breier's memory is cherished by many in Milwaukee. We offer condolences to his daughter Suzanne and his son Thomas. We will miss his no-nonsense, straight shooting approach to life. His devotion to duty stands as an example to us all.

TRIBUTE TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Northern Colorado Water Conservancy District (NCWCD). During the August district work period, Mr. Eric Wilkinson and Mr. Brian Werner were kind enough to spend some time speaking with a member of my staff. NCWCD took two busloads of interested people on their annual Colorado-Big Thompson Project, West Slope tour. There, Eric, Brian and others shared hours of information, history and stories regarding one of Colorado's most important water projects. Their tour is a real tribute to the public and serves to educate scores of people on the importance of water to Colorado. I commend the district for conducting these wonderful tours and for their other important public outreach projects.

Currently, NCWCD is working with the Bureau of Reclamation on the issue of dam seepage at Horsetooth. The seepage is not serious according to NCWCD and the Bureau, but both entities are concerned about public reaction. I understand a recent public meeting on the topic went far to address the concerns of local citizens. Drill testing is occurring now to determine how the dam is settling. The NCWCD would also like to do a land exchange to acquire land appurtenant to the Windy Gap pipeline. The exchange is proceeding administratively, and I have encouraged the Forest Service to facilitate that process.

The Poudre River Corridor Act is also important to NCWCD. Under the Act, a state commission is to be set up for innovative projects and ideas. I am following up with technical corrections needed to help establish this long-overdue commission. I look forward to working on these and other issues with all of the hard-working, dedicated people of the Northern Colorado Water Conservancy District. They have my strong support and commendations for supplying Colorado's farms, ranches and cities with safe, clean water. I look forward to working with the NCWCD on these and other important issues.

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

SPEECH OF

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILLMOR. Mr. Speaker, when I introduced this bill on February 11, 1997, Thomas Edison's 150th birthday, I had no idea what a monumental task getting a coin bill to the floor is. Obtaining 290 cosponsors is no small task, and I particularly want to thank some of the original cosponsors—David Bonior, Jerry Solomon, Don Payne, and Porter Goss—for their exceptional efforts in making this bill possible.

The coin to be issued will honor the world's greatest inventor, Thomas Edison, and the effort to get it minted reminds me of one of his many famous sayings, "Genius is 1 percent inspiration, 99 percent perspiration."

To re-awaken America to the history of this national hero, this bill commemorates the 125th anniversary of the lightbulb, which Edison invented in 1879. The Treasury is authorized to issue a one-dollar commemorative coin in 2004 bearing Edison's likeness. The surcharges from the sale of the coins will be used to help fund eight different Edison locations across the country dedicated to extending Edison's legacy. This bill has no net cost to the federal government.

Edison was born in my district and last year, the Edison Birthplace museum in my district in Milan, Ohio, was so strapped for funds that it asked local officials for help with the electric bill. Other Edison sites across the country are faced with similar financial difficulties.

Edison was the most prolific inventor in American history with more than 1,300 patents. In addition to the lightbulb, these inventions include that stock ticker, the electronic vote recorder, and the phonograph.

This coin bill will be a suitable memorial of Thomas Edison, and will also provide needed help to many historical sites across America.

I would like to recognize two people on my staff, Christopher Bremer and Bill Wilson, both of whom put in long hours of work in developing the Edison legislation. Without their exceptional efforts, this bill would never have reached this point. All too often the contributions of Hill staff are unacknowledged and I want to extend my deepest thanks to them both for their efforts.

ENDING VIOLENCE AGAINST WOMEN

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BAESLER. Mr. Speaker, yesterday marked the kickoff of "Ending Violence Against Women" month back in my home state of Kentucky. Dozens of groups, including the Kentucky Women Advocates, the Kentucky Nurses Association, Metropolitan Women's Association, civic groups and good corporate citizens joined together at the Galleria in Louisville today to mark the occasion with a rally, speeches, and proclamations.

Kentucky's advocacy community—especially these groups and the Governor's Office on Child Abuse and Domestic Violence Services—has done an excellent job raising public awareness about the urgency of this issue.

This week I became a cosponsor of the Violence Against Women Act II.

I do so because, although the first Violence Against Women Act has made great strides, an estimated three to four million American women are assaulted each year by their husbands or partners. In Kentucky alone, 27,758 temporary protective orders and 18,252 emergency protective orders are issued annually.

I do so because domestic violence is still the least reported crime in the United States, but remains one of the most tragic, hurtful, and destructive crimes to the lives of citizens of my state and our nation. Clearly, more must be done.

I am especially proud to cosponsor VAWA II because it renews the Rural Domestic Violence provisions authored by myself and Reps. Long and Ewing in the 103rd Congress. This effort has sent more than \$250,000 to Kentucky to protect some of the most vulnerable women in my home state—those who live in rural areas.

Mr. Speaker, we are living in a time of remarkable prosperity and peace. But the fact remains that too many homes are wracked by domestic violence. Just as we must always work to ensure our nation's security and peace abroad, we must continue to work to ensure the physical security and peace of mind for the women across America.

AN EDUCATIONAL MEETING WITH THE COLORADO CATTLEMEN'S ASSOCIATION AND COLORADO WOOLGROWERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, Kent Lebsack of the Colorado Cattlemen's Association and Sandy Snider of the

Colorado Woolgrowers were nice enough to invite my staff into a special meeting about Wildlife Services funding during the August district work period. I was very interested to learn that the U.S. Fish and Wildlife Service is threatening to withhold Wildlife Services funds unless Colorado returns the responsibility for predator control from the state Department of Agriculture to the Colorado Division of Wildlife. Farmers and ranchers are now reimbursed with federal funds when they prove that mountain lions or bears (as opposed to coyotes—which producers can legally shoot) have killed stock. Under state law, producers must have someone from the state inspect the carcass to attempt to identify what killed the animal.

During the meeting, one producer expressed some concern about granting Most Favored Nation (MFN) trade status to South Africa. The topic of water, always important to Colorado agriculture, also came up. I want to assure my constituents that I will be paying very close attention to the issues of predator control and state primacy over water rights. As the Environmental Protection Agency continues to work on rules for animal feeding operations, and ill-conceived initiatives from Washington continue to threaten Colorado water and agriculture, I will continue fighting for the rights of my constituents to carry on their productive lives and businesses without undue and inappropriate government intervention. I commend the Colorado Cattlemen's Association and the Colorado Woolgrowers for all of their hard work and efforts on behalf of agriculture, and I look forward to working with them on these and other important issues.

THE HONORABLE LOUIS L.
GOLDSTEIN

HON. ROBERT L. EHRLICH, JR.
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. EHRLICH. Mr. Speaker, July 4, 1998 was a bittersweet day for most folks in Maryland. Although they celebrated our nation's 222nd birthday with much fanfare, a legendary public servant who had been a mainstay in Maryland's Fourth of July celebrations, as well as a fixture in the lives of the state's citizens for decades, was absent.

Maryland State Comptroller Louis L. Goldstein died unexpectedly on the eve of the Fourth at the age of 85. Comptroller Goldstein, or "Louie," as he was known to his many thousands of friends across Maryland, served a record 10 terms as Maryland's tax collector, and had held elective office since 1937, when he entered the Maryland State Senate. To most of our state's citizens, he was the only Comptroller they had ever known.

Louie was a study in contradictions. He was an old-style political barnstormer who walked across his native Calvert County in search of votes, and who once shook hands with a mannikin. At the same time, he had an accountant's feel for numbers and an intuitive mastery of the intricacies of Maryland government. He mingled with the farmers in Southern Maryland and the bankers on Wall Street with equal ease. He could make it to a political breakfast on Maryland's Eastern Shore, and be back to Annapolis in time for a meeting of the powerful Board of Public Works, where he established

a reputation as an unapologetic fiscal watchdog always looking out for the interests of the taxpayer.

Mr. Speaker, there are three facets of Louie Goldstein's time in office which will help define his legacy. First, he brought to his responsibilities an unbridled enthusiasm, passion, and commitment for public service not often seen today. Second, he understood the importance of customer service, and strove to make the Maryland Comptroller's Office work for the state's taxpayers, rather than the other way around. Third, he brought a high degree of excellence to his duties, as evidenced by the fact that Maryland has consistently maintained its Triple A bond rating during his wise stewardship.

Mr. Speaker, it may be difficult for anyone outside of Maryland to understand that, for decades, our tax collector was our state's most beloved public servant. This strange dichotomy is Louie's most enduring legacy. Nobody will ever replace Louie Goldstein's unique place in the hearts of Marylanders, nor should anyone ever try. I extend my personal condolences to Louie's children, Philip Goldstein, Louisa Goldstein and Margaret Janney. More importantly, I thank them for their father's rich legacy of service to the citizens of Maryland.

100TH ANNIVERSARY OF
HILLSDALE, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Hillsdale on its 100th anniversary as an independent municipality in the State of New Jersey. The people of Hillsdale this year are celebrating the many virtues of their wonderful community. Hillsdale is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

Hillsdale became a township in 1898 when it broke away from the Township of Washington. Hillsdale got its name from the railroad station and its first schoolhouse.

Predominantly a farming community prior to the advancement of the railroad into the area in 1870, the town flourished with the new transportation system making it only about an hour's journey from New York City. Hillsdale quickly became a "railroad town" as the New Jersey and New York Railroad Company selected it as the site of roundhouse, turntable, car shops, water tower and coaling station. Locomotives were stored overnight at Hillsdale, making it the natural home of railroad workers. At one point, the majority of the town's population worked directly or indirectly for the railroad.

The Hillsdale Railroad Station became a focal point of the community. In addition to providing transportation services, its second floor offered meeting space for the Fire Association, Improvement Association, religious services of the Episcopal Church and various political groups. By 1883, there were 20 daily round trips to New York. The railroad, now a part of New Jersey Transit, continues to serve commuters headed to and from Manhattan.

In 1923, the Township of Hillsdale became the Borough of Hillsdale and presently maintains this form of government.

As the population began to increase, so also did the resort nature of this town in the "country." The population continued to expand and with it, so did the charm of the community. Several housing developments were started during the first few decades of the century, with need falling off during the Depression. Construction was revitalized in the 1940s and 1950s, adding many homes to meet the ever-increasing desire to reside in the town. Today, Hillsdale's population is at 9,750 with five farms, and 97 commercial establishments lying within the three square miles.

In celebration of the town's 100th birthday, many events have taken place following the theme of "Looking Forward, Stepping Back," in which each month represents a decade from the 1890's (January) through to the year 2000 (December). In January, the "Klondike Gold Rush of 1899s in Beechwood Park"—in which children searched for "golden nuggets" and traded them for candy—was the premiere event of the year. Also that month, the Centennial Committee sponsored the "Hillsdale Exposition of 1890s," for which school classes and organizations created displays representing events of the 1890s. Other events, including a town-wide birthday bash, pet parade, antique show, monthly movie nights, golf outing, Earth Day cleanup and more have all added to the celebration. Still to come, the Centennial Committee has planned a Centennial Ball, town-wide picnic with fireworks and a week-long "Harvesting of the Quilts" display. A journal commemorating the town's last century is also being published. A Centennial Garden has been planted in the center of town. With the Centennial Committee's help, Hillsdale adopted a borough flag designed by one of its residents.

Hillsdale looks toward the future with anticipation of all that is yet to come. A time capsule will be buried at the end of this year to ensure that future residents of Hillsdale will be able to see Hillsdale as it is today and as it has been since its foundation.

Hillsdale of one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success as their borough enters its second century.

INNOVATIONS ACHIEVED AT THE
COLORADO STATE UNIVERSITY
MECHANICAL ENGINEERING DEPARTMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the district work period, engineers at the Colorado State University Mechanical Engineering Department extended an opportunity for me and my staff to view firsthand several significant and far-reaching innovations achieved in their laboratories. As a key participant in energy conservation research at

the national level, CSU engineers and students are developing clean-running engines, methods to mass-produce solar cells, and other cutting-edge technology.

At the Engines and Energy Conversion Laboratory (EECL), housed in the old Fort Collins powerplant, engineers are designing industrial and automotive engines which need less energy to operate and release less exhaust. The lab has strong support from the natural gas industry which has already begun to implement the new technology. Through cooperation between the University, industry and federal agencies, clean-air efforts are progressing with greater speed and efficiency than with traditional regulatory methods. The Environmental Protection Agency and the City of Denver have awarded EECL grants to develop clean-air engine technology. The National Science Foundation commissioned the lab to build an online engine which scientists can access from around the world. Additionally, the lab's automobile engines are some of the fastest, highest mileage natural gas engines in the country.

The Mechanical Engineering Department is also involved in creating a method for the production of solar cells. The high cost of solar cell production has prevented most households and small businesses from making significant use of this energy-saving technology. The Department is discovering a method for mass-production which will lower the price while increasing reliability and worker safety.

Also of note, CSU participates in the Department of Energy's Industrial Assessment Program offering free energy, waste, and productivity assessments to small and mid-sized manufacturers. Assessments usually result in annual cost savings of \$55,000 to these businesses. CSU is the only university in the mountain state region to provide this service.

The Head of the Mechanical Engineering Department, Dr. Tim Tong believes that advancements in energy conservation will continue as energy is deregulated. He and members of his department are working to ensure that Colorado State University will continue to play a vital role in energy research and development into the next century. I would like to thank Dr. Tim Tong, the Head of the Mechanical Engineering Department, Dr. Bryan Willson, the Director of the EECL, and Robert Enzenroth for their time and for their commitment to this important endeavor.

Mr. Speaker, these professionals are providing academic and scientific leadership for the nation. I commend their work to all Members of the House and stand eager to provide further information about the Colorado State University Mechanical Engineering Department upon request of any colleague.

HUN SEN IS BECOMING
CAMBODIA'S NEW POL POT

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. ROHRBACHER. Mr. Speaker, today I have introduced legislation in the U.S. House of Representatives condemning Hun Sen as a war criminal. If he continues his war against Democracy in Cambodia and continues ordering brutality and killing, my fellow Congressmen will pass this legislation

Hun Sen is fooling no one. The election was stolen. He now hopes to intimidate freedom loving Cambodians. The attacks on Buddhist monks and peaceful demonstrators serves only to confirm that he is a dictator and an enemy to anyone who loves freedom. As his thugs—whether in uniform or civilian clothing—mercilessly shoot and beat freedom loving Cambodians—including old women and children, it's clear Hun Sen still has the same lack of human morality as when he was a commander in Pol Pot's genocidal army.

Hun Sen must not be permitted to become a new Pol Pot. This is a turning point in history. Those young Cambodians in uniforms and their commanders must not support Hun Sen. They should defend those courageous Cambodians who seek Democracy. If Hun Sen is permitted to become Cambodia's new Pol Pot, he will murder Cambodia's future and hand the country over to foreigners who seek to enslave the Cambodian people.

Only the courage of the Cambodian people will permit this, but they should know that freedom loving people, especially here in the United States, are praying for them. In spirit, we are on their side. Ultimately, it is the courage and ideals of the Cambodian people that will make the difference.

I and all Americans wish you success in this struggle.

TONY STEIN: AMERICAN HERO

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. HALL of Ohio. Mr. Speaker, I am honored to bring to the attention of my colleagues the sacrifices of Tony Stein, an American hero from Dayton, Ohio, the principal city in my district. As a corporal in the Marine Corps, he took part in the initial assault on the island of Iwo Jima and became the first Daytonian to receive the Congressional Medal of Honor in World War II.

After hitting the beach, Corporal Stein showed selfless courage at great personal risk to protect his fellow soldiers. His initiative, bravery, and unflagging devotion to duty helped ensure the success of our war effort. He was killed in action on March 1, 1945, ten days after he received the Medal of Honor.

Last month, the Dayton City Commission voted to name the Keowee Street Bridge in Stein's North Dayton neighborhood the Tony Stein Memorial Bridge.

This Saturday, Tony Stein will be honored at a ceremony at the bridge marking the new name. In doing so, the City will pay tribute to an American hero and to all veterans who gave of themselves in the service of our country.

I commend to my colleagues an article about Stein which appeared in the September 3, 1998 issue of the Dayton Daily News.

[From the Dayton Daily News, Sept. 3, 1998]

BRIDGE A MEMORIAL TO TONY STEIN

(By Derek All)

Mention Tony Stein's name in some city circles and many people will probably shrug their shoulders unknowingly.

Countless motorists have driven on the street named in his honor, but it's a pretty sure bet few Daytonians know much about the man himself.

Stein, a corporal in the U.S. Marine Corps, was the first Daytonian to be honored with the Congressional Medal of Honor for service during World War II.

The two-block street, adjacent to the war monument at Keowee and Valley streets in Old North Dayton, was renamed Tony Stein Way in May 1987 in honor of the former Kiser High School student who worked at the Delco Products division of General Motors Corp. before joining the Marines in September 1942.

A destroyer escort named after Stein was launched in Seattle, Wash., in 1970. An American Legion post—the Tony Stein American Legion Post No. 619—also was named in his honor.

Now, after lobbying from residents of Old North Dayton, city commissioners on Aug. 26 unanimously approved naming the bridge over the Mad River at Keowee Street the Tony Stein Memorial Bridge.

In a letter of support, Northeast Priority Board chairman Joe Kanak wrote, "This gesture would be in honor of a notable war hero who was born and lived in Dayton, and would also represent our respect for the many lives given in battle to defend and preserve democracy."

Ronald Brookey of the Kiser High School Alumni Association also urged commissioners to approve the change.

Brookey said Stein, a graduate of the school, deserved the bridge honor because he died protecting the country.

"The memorial bridge would not be a memorial to war, but a memorial to the sacrifice of a north Dayton citizen," Brookey said.

Stein, who was 22, was killed less than two weeks after he earned the medal during the initial assault on Iwo Jima on Feb. 19, 1945.

The citation awarding the medal to Stein stated:

"After hitting the beach at Iwo Jima, Stein, armed with a personally devised aircraft-type weapons, provided rapid covering fire as his platoon moved into position.

"When his comrades were stalled by machine gun and mortar fire, Stein stood up in the enemy's view in order to learn their position.

"He charged enemy pillboxes one by one, killing 20 of the enemy during a ferocious assault. Stein ran out of ammunition and removed his helmet and shoes for ease of movement in returning to the beach. He made eight trips to the beach under furious fire, carrying or assisting a wounded man each time, and returning with ammunition.

"Stein then directed fire against an enemy pillbox, destroying the unit. Later in the day, although his weapon was shot from his hands twice, he personally covered the withdrawal of his platoon to the company position."

On March 1, 1945, 10 days after receiving the Medal of Honor, Stein was killed in the battle for Mount Suribachi on Iwo Jima. He was the first of four Daytonians to receive the Congressional Medal of Honor

A TRIBUTE TO REVEREND THEBO
AND THE OPEN DOOR MISSION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, Reverend Thebo, the Director and founder of the Open Door Mission in Fort Collins, Colorado, took the time to show my staff

his ministry serving the city's homeless people.

The Mission, located downtown, serves healthy meals, provides showers, and beds. The center is very clean because residents are expected to keep it clean. With work comes dignity and self-esteem which are essential to moving forward. The center also smells surprisingly good. If you ask why, Reverend Thebo will tell you that he once asked God to take away the odor of despair from the shelter and to fill him with a new love for the people. Now, he paints the walls several times a year. His love for the destitute is fresh each day.

After 20 years working with homeless people, Reverend Thebo still has a strong love for those who have lost everything. He lends a hand and expects that hand to be grasped. The Mission's objective is to get people back on their feet. The Reverend has no patience for people who do not want to work but travel from shelter to shelter in search of handouts. But, for those who want help, the help is there in abundance.

Mr. Speaker, I would like to thank Reverend Thebo, his sister who operates the women and family program, and those who volunteer their time and money to the Open Door Mission. May God continue to bless their ministry.

HONORING THE 50TH ANNIVERSARY OF THE MIDLAND WMDN-WMPX RADIO STATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize the 50th Anniversary Celebration of WMPX-WMRX in my hometown of Midland, Michigan. Founded in 1948 by tele-broadcasting entrepreneur, Phil Rich, this radio station was originally donned the call letters WMDN. Serving its public as both an entertaining, as well as, an informative resource, WMDN has undergone transformation from its original talk radio programming to its current format focusing more on musical entertainment. Moreover, as a pilot station, WMDN was solely an AM station while its current subsidiaries, WMPX and WMRX are heard on both AM and FM stations, respectfully, thus implying a broader outreach to listeners.

Music has become the focal format of both radio stations, complemented by timely updated briefings of local sports, news, weather and special events. Sounding melodies of such greats as Frank Sinatra and Nat King Cole, citizens of Midland are assured quality entertainment with the depths of American culture these entertainers have instilled throughout the past five decades. WMPX and WMRX are two important communication vehicles that provide both nurturing and entertainment to the public. I know the Midland community can proudly affirm the influence this radio station has maintained over the past fifty years.

On Sunday, while citizens listen to the music and updates provided by WMPX and WMRX Midland—they can be proud of how this organization has benefited the community. It is the determination and creativity of people like Phil Rich—fifty years ago—that has al-

lowed it to grow over the years and become the successful station it is today. Thanks to the many efforts of WMPX-WMRX, the Midland community is kept informed. I know these stations will remain an important part of the Midland community for many years to come.

TRIBUTE TO MS. DEBORAH J. LIVINGSTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ms. Deborah J. Livingston of Columbia, South Carolina, as she steps down from the presidency of the Elmwood Park Neighborhood Association. Ms. Livingston has served her community well in this position, and her leadership will be missed.

Deborah Livingston has been very active in the city of Columbia. She is a member of the Columbia Council of Neighborhood Presidents, the Citizens Advisory Committee, the Boards of Directors of the Historic Columbia Foundation and the YWCA of the Midlands. She also serves as treasurer of the Columbia Development Corporation. However, it has been in her role as President of the Elmwood Park Neighborhood Association that I have grown to know and respect her work.

Elmwood Park is comprised of over 450 households. In May 1991, it was designated as a historic district and placed on the National register of Historic Places. In 1984 the neighborhood received the honor as a Design Preservation Area by the City of Columbia. Ms. Livingston's work was also recognized by NationsBank with a leadership Excellence in Neighborhood Development award in 1994.

Mr. Speaker, I ask you to join me today in honoring Deborah J. Livingston for her great work as President of the Elmwood Park Neighborhood Association. She has been a tremendous asset to the community through her work to help rejuvenate downtown Columbia. Her leadership will be sorely missed.

SUCCESSFUL WELFARE REFORM IN WELD COUNTY, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period I heard from Walt Speckman, Executive Director of the Division of Weld County Human Services about the success of welfare reform in Weld County, Colorado. Mr. Speckman believes that in twenty years, welfare will be a distant memory. He is optimistic and he and his staff are working to eliminate welfare and put people to work. Weld County is changing lives by helping people to break out of the cycle of dependency and despair. Already, the welfare case load has dropped 43%, making Weld County one of the most successful counties in the country.

Those remaining in the system fall into three different categories: children, the temporarily unemployed, and the hard-to-serve. Of the

children, many are descendants of illegal aliens. As you know, all children born in this country, even those born to illegal aliens, enjoy American citizenship. The parents are not allowed work and their children receive welfare payments. Many of these immigrants do work and their children do not need welfare, however they cannot admit as much to agency officials and so the checks continue to be processed.

Of the hard-to-serve clients, most are physically or mentally disabled, caring for sick family members, new mothers, or severely challenged in some other way. The list is daunting, yet Mr. Speckman remains confident that his agency can find employment for these individuals or help them receive federal help for their disability. It will take a few years and the Welfare Act needs some fine tuning, but he is ready for the challenge. While some counties may be content to permanently exempt part of their population, Weld County has set out to improve the lives of all. Weld County sets an example for the nation.

Additionally, I would like to thank Walt Speckman and Linda Perez for their time and for their commitment to improving the lives of people in Weld County.

THE ALEXANDER MACOMB CITIZENS OF THE YEAR AWARD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor two outstanding individuals, Kimberly M. Cahill and Albert L. Lorenzo, and one remarkable family, the Petitprens, of Macomb County as they are honored with the March of Dimes "Alexander Macomb Citizens of the Year" Award.

Kimberly M. Cahill is a highly respected attorney and a dedicated community activist. Ms. Cahill is the president of the law firm of Schoenherr & Cahill, P.C., and is the past president of the Women Lawyers Association of Michigan. In 1997, she received the Macomb County Bar Association's Civility Award and was named by Crain's Detroit Business as one of the 40 top metro Detroiters under the age of 40. Ms. Cahill has used her influence to incorporate more women and minorities in the legal profession. In addition, she has devoted her time and energy to such important issues as public health and parenting programs for pregnant teens.

Albert L. Lorenzo has been an outstanding president of Macomb Community College since 1979. Under his inspired leadership, the college has grown to become one of the nation's largest multi-campus community colleges and the fourth-largest grantor of associate degrees in the United States. His background in teaching and educational administration has afforded him opportunities to contribute to more than two dozen books and to author articles for national journals. Dr. Lorenzo was selected as one of the country's top 50 community college CEOs, and he has been the recipient of the national "Tom Peters Leadership Award." In addition to his responsibilities at the college, Dr. Lorenzo serves on the Governor's Workforce Commission and other organizations involved in health care, banking, research and human service.

The Petitpren family have combined business experience and community responsibility to make their business, Petitpren Inc., a Macomb County success story. The company contributes to more than 60 cultural and charitable organizations, including Habitat for Humanity and sponsors programs to discourage underage drinking.

Mr. Speaker, I rise to congratulate these outstanding residents of Macomb County for the leadership, caring, and commitment to their communities highlighted in this esteemed award.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. PRYCE of Ohio. Mr. Speaker, during the week of September 9, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Wednesday, September 9, 1998

H.R. 678—Thomas Alva Edison Sesquicentennial Commemorative Coin Act: AYE.

H.R. 1560—Lewis and Clark Expedition Bicentennial Commemorative Coin Act: AYE.

H.Res. 459—Commemorating 50 Years of Relations between the United States and the Republic of Korea: AYE.

Thursday, September 10, 1998

H.R. 2863—Migratory Bird Treaty Reform Act: AYE.

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act: AYE.

H.R. 3892—English Language Fluency Act: Martinez Amendment to the Riggs Amendment (#2): NAY.

Riggs Amendment (#2): AYE.

Final Passage: AYE.

Friday, September 11, 1998

H.Res. 525—Providing for Review by the Committee on the Judiciary of a Communication from the Independent Counsel: AYE.

GREELEY, COLORADO HAS STATE- THE-ART JAIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, Weld County Sheriff Ed Jordon extended an opportunity to my congressional staff to view first-hand the state-of-the-art jail in Greeley, Colorado.

The Weld County Jail employees new technology and procedures which make it a safe and efficient facility. Offenders are housed in one of three rooms which are supervised by a control center as well as in-room officers. Officer presence minimizes troublesome behavior. Officers are encouraged to eat the same food as inmates which also cuts down on negative behavior and complaining. There is no smoking in the jail.

The entrance uses a state-of-the-art metal detector to prevent weapons from entering the facility. The colors of blue and tan are used to distinguish between administration and inmate areas. Cameras and multiple locking doors prevent escape. Electronic finger printing and computerized booking expedite check in.

These and other innovations contribute to a controlled environment which promotes safety for the officers and the public at large. It is a truly impressive facility. I would like to thank Sheriff Jordon for his time and for his commitment to the safety of the people in Weld County.

BALLISTIC MISSILE DEFENSE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. PACKARD. Mr. Speaker, recent world events have made it indisputably clear that America needs a missile defense system. The North Korean missile launch, Indian and Pakistani nuclear tests, and the terrorist attacks targeting innocent Americans, have shown that it is critical that we address these threats before it is too late.

It is of utmost importance to enact a national antimissile defense system as soon as possible. In March the House passed legislation authorizing additional appropriations for ballistic missile defenses. This legislation would answer the emerging threat posed to the United States by the development and deployment of ballistic missiles around the world. For the second time this year President Clinton and Congressional Democrats have defeated this legislation. This is intolerable.

America is the military leader of the world. Yet this administration and their democratic allies in Congress continue to place our citizens in the line of fire.

Mr. Speaker, the irresponsibility that this Administration has shown in helping to kill this much needed legislation is appalling and puts every American family at risk. I urge my colleagues in both Chambers to rethink this issue and vote to support a strong missile defense system.

HONORING THE DISTINGUISHED CAREER OF JUDGE JAMES BUCKNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GORDON. Mr. Speaker, I rise today to congratulate Judge James Buckner on his retirement. He has served Rutherford County for the past 36 years as General Sessions Court Judge.

Judge Buckner was appointed to the judgeship in 1962 by Governor Buford Ellington and has won every re-election since then. Perhaps this is due to his way of treating people—equally and fairly—regardless of their social status. Tennessee Supreme Court Justice A.A. Birch can testify that Judge Buckner's manner of meting out justice is consistent. As

Birch tells it, when he was a Court of Criminal Appeals Judge, he got a speeding ticket and thought he might get a break from Judge Buckner. He explained to the judge that he had been testing his brakes by speeding up and slacking off, when he got pulled over for speeding. Judge Buckner politely listened to Birch and then fined him anyway.

A lot has changed since James Buckner became judge. My very first court case as a fledgling, practicing attorney was before Judge Buckner. For the first 11 years of his judgeship, he handled all criminal, civil and juvenile cases in Rutherford County. His position was part-time, but it was actually a full-time job at part-time pay. Judge Buckner had to maintain a private law practice to make ends meet. The state legislature eased his workload somewhat by creating a second General Sessions judgeship to handle juvenile cases. Now, Rutherford County has three General Sessions judges, four Circuit Court judges and one Chancellor. Before he retired, Judge Buckner routinely had upwards of 600 civil and criminal cases on the docket. The high number of cases pending can be attributed to the astronomical growth of Rutherford County.

Judge Buckner is a man of integrity. His sense of public service can be traced back to his father, George Buckner. George Buckner was an attorney who would later serve as a state representative. The late Congressman Joe L. Evins' first job out of law school was as an attorney working for George Buckner.

Judge Buckner's sentencing style is well known in the community. After handing down the appropriate sentence, he would say, "And—have a nice day." Well, Judge Buckner, I sentence you to a long and happy retirement spent with family and friends. And—have a nice day.

A TRIBUTE TO MONFORT CHILDREN'S CLINIC

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, the Monfort Children's Clinic opened its doors once again to my staff to see the great on-going work the clinic is providing the poor children of Greeley.

As you know from your visit to the center earlier this year, the Monfort Children's Clinic is a 15,000 square foot facility providing a variety of pediatric services in addition to standard clinic care, including mental health, social work, audiology, ophthalmology, allergy, and pediatric rehabilitation. As the clinic expands, it will be able to offer dental care and suturing.

Opened in the summer of 1997, the clinic stands as the result of Dr. Donald Cook's dream to bring medical care to thousands of low-income children in Weld County. Dr. Cook, a pediatric physician of 37 years, retired from the clinic this summer. He will serve a year as vice president of the American Academy of Pediatrics for a year and then one year as president.

The Monfort Children's Clinic was built through the generosity of the citizens of Weld County. The clinic derives its name from the Monfort Family Foundation which contributed

\$1 million. Although located in poverty-stricken North Greeley only a mile or so from the county jail, the clinic is a cheerful and safe environment. In the year it has been open, it has not once been marked with graffiti or vandalism.

In addition to recognizing the excellent care provided by this clinic, I need to draw attention to the burden the government has placed on this facility which prevents it from being as efficient as it could be. Currently, the Monfort Children's Clinic must send routine lab tests to a large laboratory, although its staff is capable of processing the tests in house. The clinic cannot afford to meet the federal regulations that would enable them to do even simple tests on site.

Mr. Speaker, the Clinical Laboratory Improvement Act Amendments would lift this burden and allow the Monfort Children's Clinic to make the best use of their time and money. H.R. 2250, of which I am a cosponsor, would amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section. In light of the clinic's current dilemma, I urge the House to move this legislation to the floor for a vote before the year is over.

The Monfort Clinic is a very special place and I can only hope that by giving it the recognition it deserves, that Congress will act responsibly on its behalf. Additionally, I would like to thank Joe Morado and Debbie Pilch for

their time and for their commitment to the children of Greeley.

200TH ANNIVERSARY OF THE
TOWNSHIP OF BYRAM, COUNTY
OF SUSSEX, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 200th Anniversary of the Township of Byram, County of Sussex, New Jersey.

The Township of Byram, was founded on February 5, 1798 after officially separating from the Township of Newton. The land was named for the Byram family who had settled there before the Revolutionary War. Originally, the land was inhabited by the Lenape Indians, but by the early 1700s, few Indians remained in the area.

The earliest settlements in Byram centered on iron mines and forges and the Township enjoyed many years of prosperity in this industry. Many of these sites are said to have been in operation before the Revolution and continued operating well into the Nineteenth Century. Two different types of ore were found in the many sites in Byram.

With the development of the Morris Canal and with two railroads, the Lackawanna "Cut-off" and the Sussex Branch of the Lackawanna Railroad, crossing the Township, Byram continued to prosper. While there are no longer railroads in Byram today, these train lines were important to the economic and social development of the Township.

Byram is not only a land of industry, but a land of nature and culture. Known as the "Township of Lakes," Byram has more than two dozen lakes and ponds within or on its borders. Many of the residences surrounding the lake began as summer vacation homes, but now, many people live on the lakes year-round. Waterloo Village, first settled in the 1750's, has been completely restored with an eye for authenticity. The Village is open to the public and offers a variety of cultural activities year-round.

Throughout its development, Byram continued to grow and many people have taken advantage of this peaceful place to live, work and raise a family. Today, Byram remains a vibrant residential area with a growing business community.

Mr. Speaker, for the past 200 years, the Township of Byram has prospered as a community and continues to flourish today and it will continue to prosper in the future. Mr. Speaker, I ask you and my colleagues to congratulate all residents of Byram on this special anniversary year.

Friday, September 11, 1998

Daily Digest

HIGHLIGHTS

The House agreed to H. Res. 525, providing for review by the Committee on the Judiciary of a Communication from an Independent Counsel, and for the release thereof.

Senate

Chamber Action

Routine Proceedings, pages S10227–S10268

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 2461–2462 and S. Con. Res. 117. **Page S10240**

Measures Reported: Reports were made as follows:

S. 2361, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, with amendments. (S. Rept. No. 105–326) **Page S10240**

Measures Passed:

Volunteers for Wildlife Act: Senate passed H.R. 1856, to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges. **Pages S10248–50**

Lott (for Chafee) Amendment No. 3578, to make technical corrections. **Page S10250**

Fish and Wildlife Revenue Enhancement Act: Senate passed S. 2094, to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S10250–52**

Lott (for Chafee) Amendment No. 3579, to make technical corrections. **Page S10251**

Child Custody Protection Act—Cloture Vote: By a unanimous vote of 97 yeas (Vote No. 265), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to a motion to close further debate on the motion to proceed to consideration of S. 1645, to amend title 18, United States Code, to prohibit taking minors across

State lines to avoid laws requiring the involvement of parents in abortion decisions.

Pages S10227–31, S10235–36

Consumer Bankruptcy Reform Act—Cloture Vote Vitiated: By unanimous-consent agreement, the cloture vote scheduled to occur on the pending Lott (for Grassley/Hatch) Amendment No. 3559, in the nature of a substitute, to S. 1301, to amend title 11, United States Code, to provide for consumer bankruptcy protection, was vitiated. **Page S10236**

Subsequently, a unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, and that following disposition of the listed amendments and the committee substitute, the Senate proceed to consideration of H.R. 3150, House companion measure, that all after the enacting clause be stricken and the text of S. 1301, as amended, be inserted in lieu thereof, and passage occur thereon. Also, that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate, as follows: Senators Hatch, Grassley, Sessions, Leahy, and Durbin. **Page S10236**

Truth in Employment Act—Cloture Vote Agreement: A unanimous-consent agreement was reached providing for consideration of the motion to proceed to consideration of S. 1981, to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act, on Monday, September 14, 1998, with a vote on the cloture motion to occur at 5:30 p.m. **Page S10252**

Nominations Received: Senate received the following nominations:

Craig Gordon Dunkerly, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of Service as Special Envoy for Conventional Forces in Europe.

Routine lists in the Navy.	Pages S10265–68
Messages From the House	Page S10236
Communications:	Pages S10236–40
Petitions:	Page S10240
Statements on Introduced Bills:	Pages S10240–41
Additional Cosponsors:	Pages S10241–42
Amendments Submitted:	Pages S10242–45
Notices of Hearings:	Page S10245
Authority for Committees:	Page S10245
Additional Statements:	Pages S10245–48
Record Votes: One record vote was taken today. (Total—265)	Page S10231

Adjournment: Senate convened at 9:30 a.m., and adjourned at 2:44 p.m., until 11 a.m., on Monday, September 14, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10252.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 4550–4556; 1 private bill, H.R. 4557; and 4 resolutions, H. Res. 530–533 were introduced.

Page H7617

Reports Filed: Reports were filed today as follows:

H.R. 1659, to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, amended (H. Rept. 105–704);

H.R. 4166, to amend the Idaho Admission Act regarding the sale or lease of school land (H. Rept. 105–705);

H.R. 3903, to provide for an exchange of lands located near Gustavus, Alaska, amended (H. Rept. 105–706);

H.R. 2314, to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to clarify United States citizenship status of such members, to provide trust land for the benefit of the Tribe (H. Rept. 105–707 part 1); and

H.R. 3055, to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, amended (H. Rept. 105–708 part 1).

Pages H7616–17

Review of Communication from Independent Counsel: The House agreed to H. Res. 525, providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, by a ye and nay vote of 363 yeas to 63 nays, Roll No. 425.

Pages H7587–H7607

Committee Election: Agreed to H. Res. 530, electing Representative Barrett of Wisconsin to the Committee on the Judiciary.

Page H7608

Legislative Program: The Majority Leader discussed the legislative program for the week of September 14.

Pages H7608–09

Meeting Hour—September 14: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. on September 14, 1998.

Page H7609

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of Wednesday, September 16, 1998.

Page H7609

Senate Messages: Message received from the Senate appears on page H7587.

Quorum Calls—Votes: One ye and nay vote developed during the proceedings of the House today and appears on page H7607. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 1:02 p.m.

Committee Meetings

INTERNET—PROTECTING CHILDREN FROM INAPPROPRIATE MATERIALS

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on legislative proposals to Protect Children from Inappropriate Materials on the Internet. Testimony was heard from Senator Coats; Representatives Franks of New Jersey and Istook; Stephen R. Wiley, Chief, Violent Crimes and Major Offenders Section, FBI, Department of Justice; and public witnesses.

CONSTRUCTION SUBCONTRACTORS PAYMENT PROTECTION ENHANCEMENT ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology and the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary held a joint hearing on H.R. 3032, Construction Subcontractors Payment Protection Enhancement Act of 1998. Testimony was heard from Deidre Lee, Administrator, Office of Federal Procurement Policy, OMB; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime began mark up of the following bills: H.R. 4427, Internet Gambling Prohibition Act of 1998; H.R. 3046, Police, Fire, and Emergency Prohibition Act of 1998; S. 1976, Crime Victims with Disabilities Awareness Act of 1998; H.R. 804, to amend part Q of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used in a manner that produces a net gain of the number of law enforcement officers who perform non-administrative public safety services; and S. 2022, Crime Identification Technology Act of 1998.

Subcommittee recessed subject to call.

GENERALIZED SYSTEM OF PREFERENCES REAUTHORIZATION

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action amended a measure to reauthorize the Generalized System of Preferences.

TECHNOLOGY TRANSFERS TO CHINA

Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China: Met in executive session to continue to receive briefings on pending business.

CONGRESSIONAL PROGRAM AHEAD

Week of September 14 through 19, 1998

Senate Chamber

On *Monday*, Senate will vote on a motion to close further debate on the motion to proceed to consideration of S. 1981, Truth in Employment Act, and resume consideration of S. 2237, Interior Appropriations, 1999.

On *Tuesday*, Senate will continue consideration of S. 2237, Interior Appropriations, 1999, and may consider S. 1301, Consumer Bankruptcy Reform.

During the balance of the week, Senate may also consider S. 1645, Child Custody Protection Act, the President's veto of H.R. 1122, Partial-Birth Abortion Ban, further appropriations bills, and any legislative or executive items cleared for action, including conference reports, when available.

(Senate will recess on Tuesday, September 15, 1998, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: September 15, to hold hearings on the nominations of Bernard D. Rostker, of Virginia, to be Under Secretary of the Army, James M. Bodner, of Virginia, to be Deputy Under Secretary of Defense for Policy, and Vice Adm. Dennis C. Blair, USN, for appointment to the grade of Admiral, and to be Commander-in-Chief of United States Pacific Command, 10 a.m., SR-222.

Committee on the Budget: September 17, to hold joint hearings with the Committee on Foreign Relations' Subcommittee on International Operations to examine Department of State management and budget issues, 10 a.m., SD-419.

Committee on Commerce, Science, and Transportation: September 15, to hold hearings on the nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Eugene A. Conti, Jr., of Maryland, to be Assistant Secretary of Transportation for Transportation Policy, and Peter J. Basso, Jr., of Maryland, to be Assistant Secretary of Transportation for Budget and Programs, 10 a.m., SR-253.

September 15, Full Committee, to hold hearings on S. 2390, to permit ships built in foreign countries to engage in coastwise in the transport of certain products, 2:30 p.m., SR-253.

September 16, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries, 2:30 p.m., SR-253.

September 17, Full Committee, to hold hearings to examine the Department of Commerce involvement in the

transfer of satellite technology to China, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: September 17, to hold hearings on the nominations of Gregory H. Friedman, of Colorado, to be Inspector General, Department of Energy, Charles G. Groat, of Texas, to be Director of the United States Geological Survey, Department of the Interior, and other pending nominations, 9:30 a.m., SD-366.

September 17, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on miscellaneous bills, including S. 1175, S. 1641, S. 1960, S. 2086, S. 2133, S. 2239, S. 2240, S. 2241, S. 2246, S. 2247, S. 2248, S. 2285, S. 2297, S. 2309, S. 2401, and H.R. 2411, 2 p.m., SD-366.

Committee on Environment and Public Works: September 16, to hold hearings on S. 1576, to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, focusing on the use of methyl tertiary-butyl ether in gasoline, 2 p.m., SD-406.

September 17, Full Committee, to hold hearings on the General Services Administration's fiscal year 1999 capital investment and leasing programs, the fiscal year 1999 courthouse construction requests of the Administrative Office of the United States Courts, and proposed legislation relating to public buildings reform, 9 a.m., SD-406.

Committee on Foreign Relations: September 15, to hold hearings on certain extradition and mutual legal assistance treaties, 10 a.m., SD-419.

September 16, Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism, to hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine anti-drug interdiction efforts, 9:30 a.m., SH-216.

September 17, Subcommittee on International Operations, to hold joint hearings with the Committee on the Budget to examine Department of State management and budget issues, 10 a.m., SD-419.

Committee on Governmental Affairs: September 16, Permanent Subcommittee on Investigations, to hold hearings to examine the National Cancer Institute's management of radiation studies, 9:30 a.m., SD-342.

September 17, Full Committee, to hold hearings on the nominations of Kenneth Prewitt, of New York, to be Director of the Census, Department of Commerce, and Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency, 10 a.m., SD-342.

Committee on the Judiciary: September 15, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine consolidation issues within the telecommunications industry, 10 a.m., SD-226.

September 16, Subcommittee on Immigration, to hold oversight hearings on the implementation of the Immigration and Naturalization Service and proposed reform issues, 2 p.m., SD-226.

September 17, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD-226.

Committee on Labor and Human Resources: September 17, to hold hearings to examine professional developments incorporating advances and teaching, 10 a.m., SD-430.

Committee on Rules and Administration: September 16, to hold hearings to examine issues with regard to the proposed renovation of the United States Capitol dome and the Dirksen Senate Office Building, 9:30 a.m., SR-301.

September 16, Full Committee, to resume hearings on S. 2288, to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, 10 a.m., SR-301.

Committee on Small Business: September 15, business meeting, to consider pending calendar business, 9:30 a.m., SR-428A.

Committee on Indian Affairs: September 16, business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior, 10 a.m., SR-485.

Select Committee on Intelligence: September 16, to hold closed hearings on intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: September 14, to hold hearings to examine the need for a national criminal background check system for nursing home employees, 1 p.m., SD-628.

United States Senate Caucus on International Narcotics Control: September 16, to hold joint hearings with the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism to examine anti-drug interdiction efforts, 9:30 a.m., SH-216.

House Chamber

To be announced.

House Committees

Committee on Banking and Financial Services, September 14, 15 and 16, hearings on International Economic Turmoil, 10 a.m., on September 14, 2 p.m., on September 15 and 1 p.m., on September 16, 2128 Rayburn.

September 16, Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Development, joint hearing on the Real Estate Settlement Procedures Act and the Truth in Lending Act, and reforms to mortgage lending disclosure requirements, 10 a.m., 2128 Rayburn.

September 17, full Committee, hearing on Preparing for the Year 2000: Financial Institutions, Customers, Telecommunications, and Power, 10 a.m., 2128 Rayburn.

Committee on Commerce, September 15 and 17, Subcommittee on Oversight and Investigations, to continue hearings on the circumstances surrounding the FCC's planned relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives, 9:30 a.m., on September 15 and 10 a.m., on September 17, 2322 Rayburn.

September 16, full Committee and the Committee on Education and the Workforce, joint hearing on Education and Technology Initiatives, 10:30 a.m., 2123 Rayburn.

September 17, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Spectrum Management Oversight, 2 p.m., 2123 Rayburn.

September 18, Subcommittee on Health and Environment, hearing on The State Children's Health Insurance Program: A Progress Report, 10 a.m., 2322 Rayburn.

September 18, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Protecting Consumers Against Cramming and Spamming, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, September 17, Subcommittee on Oversight and Investigations, hearing on the Review of the Management of the Year 2000 Problem by the Department of Labor and the Department of Education, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, September 14, Subcommittee on Government Management, Information, and Technology, hearing on H.R. 2939, Federal Sunset Act of 1998, 10 a.m., 2247 Rayburn.

September 16, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, to continue hearings on "The Kyoto Protocol: Is the Clinton-Gore Administration Selling Out Americans? Part VI" 10 a.m., 2154 Rayburn.

September 17, Subcommittee on Census, hearing on "Oversight of the 2000 Census: Serious Problems with Statistical Adjustment Remain," 10 a.m., 2154 Rayburn.

September 17, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on "A National ID Card: Big Government at its Worst or Technological Efficiency?" 10 a.m., 2247 Rayburn.

Committee on International Relations, September 15, hearing on Disarming Iraq: The Status of Weapons Inspections, 10:30 a.m., 2172 Rayburn.

September 15, Subcommittee on Africa, hearing on Democratic Republic of Congo in Crisis, 2 p.m., 2255 Rayburn.

September 16, full Committee, hearing on the Spread of AIDS in the Developing World, 10 a.m., 2172 Rayburn.

September 17, hearing on the United States and Russia, Part II: Russia in Crisis, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, September 17, Subcommittee on Commercial and Administrative Law, hearing and mark up of S.J. Res. 51, granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia; and to mark up the following; H.R. 4049, Regulatory Fair Warning Act of 1998; H.R. 4096, Taxpayers Defense Act; and a measure clarifying that the limitation on state income taxation of governmental pension income applies to possessions of the United States, 10 a.m., 2237 Rayburn.

September 17, Subcommittee on Crime, hearing on H.R. 4258, No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998, 9:30 a.m., 2141 Rayburn.

September 17, Subcommittee on Immigration and Claims, oversight hearing on the Institutional Removal Program, 9:30 a.m., 2226 Rayburn.

Committee on National Security, September 16, hearing on the U.S. policy on Iraq, 10 a.m., 2118 Rayburn.

Committee on Resources, September 15, Subcommittee on Forests and Forest Health, oversight hearing on Forest Roads Management and Obliteration, 2 p.m., 1334 Longworth.

September 16, full Committee, to consider the following: H.R. 1608, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars; H.R. 3088, to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange; H.R. 4223, Colusa Basin Watershed Integrated Resources Management Act; the North Pacific Rationalized Fishing Act; and a report concerning the Grand Staircase Escalante National Monument, 11 a.m., 1324 Longworth.

September 17, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4337, to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria; followed by a hearing on the following bills: H.R. 2304, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; and H.R. 4248, Migratory Bird Hunting and Conservation Stamp Promotion Act; and H.R. 4517, Neotropical Migratory Bird Habitat Enhancement Act, 10 a.m., 1324 Longworth.

September 17, Subcommittee on Forests and Forest Health, oversight hearing on Forest Service—Backcountry Airstrip Management, 10 a.m., 1334 Longworth.

Committee on Rules, September 14, to consider the following: H.J. Res. 117, expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use; and H.R. 4006, Lethal Drug Abuse Prevention Act, 5:30 p.m., H-313 Capitol.

September 15, to consider the following: H.R. 4300, Western Hemisphere Drug Elimination Act; and H.R. 4550, Drug Demand Reduction Act of 1998, 10:30 a.m., H-313 Capitol.

Committee on Science, September 15, Subcommittee on Energy and Environment, hearing on S. 1418, Methane Hydrate Research and Development Act of 1998, 10 a.m., 2318 Rayburn.

September 17, Subcommittee on Technology, oversight hearing on Industrial Biotechnology: A Solution for the Future? 1 p.m., 2318 Rayburn.

Committee on Small Business, September 16, hearing on H.R. 3659, Farm and Ranch Risk Management Act, 1:30 p.m., 2360 Rayburn.

September 16, Subcommittee on Tax, Finance, and Exports, hearing on pension reform for small businesses, 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, September 17, Subcommittee on Railroads, hearing on H. Con. Res. 52, urging that the railroad industry, including rail labor, management and retiree organizations, open discussions for adequately funding an amendment to the Railroad Retirement Act of 1974 to modify the guaranteed minimum benefit for widows and widowers whose annuities are converted from a spouse to a widow or widower annuity, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, to mark up the following: H.R. 4377, to amend title XVIII of the Social Security Act to expand the membership of the Medicare Payment Advisory Commission to 17; H.R. 3511, to amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries; and a measure to refine the Medicare home health interim payment system, 11:30 a.m., 1100 Longworth.

September 15, Subcommittee on Human Resources, to mark up the Welfare, Noncitizen, and Unemployment Insurance Technical Amendments Act of 1998, 10:30 a.m., and to hold a hearing on the Implementation of the Interethnic Adoption Amendments, 11 a.m., B-318 Rayburn.

September 17, full Committee, to mark up the Taxpayer Relief Act of 1998, 10 a.m., 1100 Longworth.

September 18, to mark up the following: Welfare, Noncitizen, and Unemployment Insurance Technical Amendments Act of 1998; H.R. 4377, to amend title XVIII of the Social Security Act to expand the membership of the Medicare Payment Advisory Commission to 17; H.R. 3511, to amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries; and a measure to refine the Medicare home health interim payment system, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

11 a.m., Monday, September 14

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, September 14

Senate Chamber

Program for Monday: Senate will consider the motion to close further debate on the motion to proceed to consideration of S. 1981, Truth in Employment Act, with a vote on the motion to occur at 5:30 p.m.

Senate will also resume consideration of S. 2237, Interior Appropriations, 1999.

House Chamber

Program for Monday: Consideration of Suspensions.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1701
 Baesler, Scotty, Ky., E1702
 Camp, Dave, Mich., E1705
 Clay, William (Bill), Mo., E1698, E1699
 Clyburn, James E., S.C., E1705
 Dixon, Julian C., Calif., E1698, E1699
 Ehrlich, Robert L., Jr., Md., E1703
 Etheridge, Bob, N.C., E1700

Frelinghuysen, Rodney P., N.J., E1707
 Gillmor, Paul E., Ohio, E1697, E1702
 Gilman, Benjamin A., N.Y., E1699
 Gordon, Bart, Tenn., E1706
 Hall, Tony P., Ohio, E1704
 Harman, Jane, Calif., E1698
 Kleczka, Gerald D., Wisc., E1701
 Levin, Sander M., Mich., E1705
 Meek, Carrie P., Fla., E1701
 Packard, Ron, Calif., E1706

Pelosi, Nancy, Calif., E1700
 Pryce, Deborah, Ohio, E1706
 Rohrabacher, Dana, Calif., E1704
 Roukema, Marge, N.J., E1703
 Schaffer, Bob, Colo., E1697, E1698, E1700, E1700, E1701,
 E1702, E1702, E1703, E1704, E1705, E1706, E1706
 Stump, Bob, Ariz., E1700
 Thomas, William M., Calif., E1697



Congressional Record

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