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No. 123

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

With the psalmist of biblical times we wish to begin our day by making a joyful noise to You, O God, by serving You with gladness and by coming into Your presence with singing. We know too that there are times when there is no singing, no gladness and our voices are muted with uncertainty. At all the moments of life may we sing the words of Isaac Watts, "O God our help in ages past, our hope for years to come." O God, may Your good spirit of thanksgiving and gladness enter each person's heart and may Your reconciling blessing touch us day by day with peace and mercy and love. In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MENENDEZ led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

THERE ARE CONSEQUENCES OF FORGIVEN SIN

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

Mr. SHIMKUS. Mr. Speaker, there have been numerous discussions on God's ability to forgive sin. All sin. Forgiveness through Christ is complete. Absolute.

However, the bible is replete with the consequences of forgiven sin. Follow the children of Israel as they take their 11-day journey to the promised land, only to be turned back, forced to wander for another 40 years. King David's illicit relationship with Bathsheba ended in the death of his child and the challenge to the throne by another child. The thief on the cross asked and received forgiveness, but he still died on the cross for his transgression.

There are consequences of forgiven sin.

SAUDI ARABIA MUST TAKE RESPONSIBILITY FOR THEIR DEBTS

(Mr. MENENDEZ asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, Hill International is a New Jersey company who has sought to resolve a \$55 million claim with the Kingdom of Saudi Arabia dating from the 1970s for work performed on a power and desalinization plant.

There is no question that the work was finished, because the plant is in operation today. The issue is whether or not the Kingdom of Saudi Arabia and Prince Bandar will step forward and pay for the services they received.

Now, I come to the floor today, with many of my colleagues, out of sheer frustration. After 3 years of asking, Members have not been able to get a meeting with Prince Bandar. Our government should stand up for U.S. companies and citizens who are economically hurt by foreign countries.

How long will Members of Congress have to wait before we can have a meeting? Prince Bandar and Crown Prince Abdullah will be in Washington in just a few days. I hope that they will honor our long-standing request for a meeting and, more importantly, I hope that Saudi Arabia will meet its obligation to pay for what work was done, as is observed under international rules and law.

Saudi Arabia should pay the claim of this U.S. company who did the work and should be paid.

HILL INTERNATIONAL DESERVES TO BE PAID FOR WORK DONE

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

Mr. SAXTON. Mr. Speaker, just as the previous speaker, I rise on behalf of one of my constituents, Hill International, a company which has fought for over a decade to collect a debt from the Kingdom of Saudi Arabia. It is an

□ 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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unpaid debt which has been unfairly withheld.

In the early 1980s, a subsidiary of Hill International, Gibbs & Hill, successfully completed a desalinization plant in Yanbu City, Saudi Arabia, yet were never paid the \$55 million due them for the work. Despite all the work put in by Members of Congress to encourage the settlement of this claim, and despite repeated promises that the claim would be paid, the kingdom of Saudi Arabia has yet to pay this overdue bill.

I also find it troubling that our own administration has been unable or unwilling to actively assist the U.S. company against a foreign government. Where is the State Department in this fight?

Fifty-five million dollars may seem like spare change to the Saudis, but it means something to Hill International, just as it would any hardworking company of the United States. I rise to say that I will not rest until the debt is paid.

SAUDI ARABIA NEEDS TO RESOLVE U.S. COMPANY'S CLAIM OF UNPAID DEBT

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

Mr. DEUTSCH. Mr. Speaker, I, too, join my two previous colleagues on the floor this morning, really out of absolute frustration. I came to the House 6 years ago and was involved in trying to help resolve this claim by Hill International with the Saudi Government. And here, for me personally, 6 years later, we are still at that point.

This is the only one of 19 claims filed against the Saudi Government by American companies in the 1980s that still remains unpaid. Over the last 5 years, literally dozens of Members of Congress have vocalized their support for resolution of this final claim but have received nothing but empty promises from Saudi Arabia's Ambassador to the United States, Prince Bandar.

A former member of this chamber, Bill Emerson, in 1995, met with Ambassador Bandar and was asked to broker a compromise agreement to the claim. Despite Representative Emerson's diligent efforts to implement this compromise before his passing, Ambassador Bandar has refused to honor this gentleman's agreement.

Over the last year, Prince Bandar has repeatedly committed to meet with the gentlewoman from Missouri (Mrs. JO ANN EMERSON) in an effort to conclude this matter, but has been unwilling to set a date. How long must this American company continue to wait? We need to get this settlement resolved.

AMERICA NEEDS A NATIONAL MISSILE DEFENSE SYSTEM

(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, there are few issues which separate liberals and conservatives in dramatic fashion. Taxes, of course, is one; and crime is another. But defense and national security issues also illustrate two sharply different visions, different world views, which distinguished conservatives from liberals.

Liberals just love arms control agreements. They put almost boundless faith in a piece of paper between America and countries which are hostile to everything we hold dear, and they take great comfort in the ability that these agreements are going to keep America safe.

Conservatives, on the other hand, look at all of human history and are skeptical of such agreements, instead placing stronger and greater faith in a strong and secure defense.

Given these two world views it is time to reexamine our current vulnerability to ballistic missile attack. There is a piece of paper that exists to assure us that America is safe from a ballistic missile attack, but this is deliberate policy of vulnerability to ballistic missile attack and it is both foolish and dangerous.

It is time that conservatives act with prudence and demand that Americans be protected by building a strong national missile defense system.

NEW REPORT INDICATES WHAT U.S. STUDENTS DO NOT KNOW

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

Mr. TRAFICANT. Mr. Speaker, a new report says that American students just do not know: 70 percent do not know the name of the Vice President; 40 percent do not know the three branches of government; 25 percent do not know what the fifth amendment means; and only 2 percent know the name of the Chief Justice of the United States Supreme Court.

On the other hand, 99 percent know Michael Jordan, 99 percent know Mark McGwire, and 60 percent of American teenagers can cite all three names of the Three Stooges. Is it any wonder American students rank 14th around the world in achievement test scores?

Beam me up, Mr. Speaker. It is a sad day when more teenagers know Monica Lewinsky than Judge Rehnquist. And it is a sadder day when more teenagers know Larry, Moe, and Curly than reading, writing, and arithmetic.

Think about that one.

DOLLARS TO THE CLASSROOM

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

Mr. WELDON of Florida. Mr. Speaker, we are all concerned about educating our Nation's children. For 30 years the Federal Government has been cre-

ating big Federal programs to try to improve education. It has resulted in lower scores and more bureaucracy.

Federal education dollars should go directly to the classroom and to teachers, not to State and Federal education bureaucracies. By passing H.R. 3248, Dollars To The Classroom, we can send these dollars to teachers who know the names of our kids.

The Dollars to the Classroom Act block grants 35 K-through-12 education programs and requires that 95 percent of these funds are made available to kids and teachers in the classroom. Under the Dollars to the Classroom Act, \$800 million more will be spent directly on classrooms in America. That is almost \$10,000 per school, \$425 for each classroom.

Just imagine what our teachers could do with an additional \$425 to spend directly on their students' learning each year. Pass Dollars to the Classroom.

AMERICAN PEOPLE SHOULD BE ASKING CONGRESS WHAT THEY ARE NOT DOING

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

Mr. WISE. Mr. Speaker, there are 37 members of the Committee on the Judiciary, about 8 percent of this Congress. That leaves 398 Members of the House that could be working on some other matters. Yet today, September 16, 2 weeks before the end of the Federal fiscal year, incredibly, there is no budget. Months late.

Over 70 percent of the American public are in some kind of managed care plan, and yet this Congress has not passed a meaningful Patients' Bill of Rights to protect them.

Russia is falling apart, the Asian economy is in the tank, South America is teetering, and every American who has a stock thrift plan has seen their retirement drop 15 to 20 percent in the last few weeks, and yet no congressional action.

The Committee on the Judiciary's job may be to investigate whether something was done, but the American people should be looking at Congress and asking about what is not being done.

USING SOCIAL SECURITY SURPLUS FOR TAX CUTS IS WRONG

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

Mr. NEUMANN. Mr. Speaker, I rise this morning to talk about a very important issue. I just left a Republican conference, and they talked about a dynamite tax cut bill, and I think most Americans would support this tax cut proposal with the exception of one very important detail: Instead of finding spending reductions so we can reduce spending and reduce taxes, this time,

for the first time since I have been here, they are going to use Social Security surpluses for tax cuts.

There is no business in America that would go to their pension fund, take money out of the pension fund, and use it for pay raises. So why does Congress think that they can use Social Security surpluses for tax cuts? This is a totally unreasonable proposal.

I would like to make it very clear that this is different than the 1997 tax cut package. In 1997, we reduced spending and we reduced taxes. That is good. But in 1998, we are about to reduce taxes by utilizing Social Security surpluses that belong put away for the safety and security of Social Security for our senior citizens, and that is wrong.

I conclude this morning by asking the Republican leadership to reconsider asking for a vote that is going to put Members in this Chamber in a position where they have to choose between protecting Social Security for our seniors and cutting taxes for American people, both very good objectives.

SO-CALLED FEDERAL BUDGET SURPLUS IS FUTURE SOCIAL SECURITY TRUST FUND

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

Mr. DEFAZIO. Mr. Speaker, to follow on the comments of the person preceding me in the well, there will be much fanfare this September about the looming budget surplus, no end of ideas on how to spend these monies. That side of the aisle is going to promote tax cuts, with the exception of the gentleman who spoke before me.

Let us get some facts: 73 percent of the American people pay more in Social Security taxes than income taxes. We all pay this tax, knowing it goes to support our parents, our grandparents, the disabled, and, hopefully, ourselves, when we retire. This year Social Security will have a \$90 billion surplus.

Guess what? The so-called Federal budget surplus is the future Social Security trust fund. If we spend it today on tax cuts, it will not be there tomorrow for America's retirees.

We better step back and think about that before we jam this bill through in an attempt to get reelected and be popular in an election year at the cost of the future of Social Security.

THERE IS NO REAL SURPLUS TO GIVE TAX CUTS

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

Mr. PALLONE. Mr. Speaker, I want to follow up on what the previous speaker said, not only my Republican colleague from Wisconsin, but also my Democratic colleague from Oregon.

Seniors understand, when we talk to them and when we have town meetings,

that there is essentially no surplus; that the so-called surplus that we talk about is essentially what is owed to Social Security, and that we have to pay back a lot of money to the Social Security trust fund over the next 5 or 10 years if we are to have enough benefits to pay out to Social Security recipients.

That is why this Republican tax proposal is really the wrong way to go. What will happen, essentially, is that we will, in fact, increase the debt and, ultimately, may have to raise taxes in order to provide the benefits that Social Security recipients need.

So what I say is we spent a lot of time last year on a bipartisan basis to pass a Balanced Budget Act. We have a balanced budget, but we still have this problem that we have to pay back Social Security. We do not have a surplus. We do not have one to spend.

Let us not, in the few weeks we have here in this Congress, waste our time trying to kid the American people that somehow we are going to give them tax relief. It is not really there to spend.

□ 1015

FEDERAL ROLE IN EDUCATION

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

Mr. ALLEN. Mr. Speaker, I oppose the so-called Dollars to the Classroom Act which would turn critically important elementary and secondary education programs into one giant block grant.

Republicans want to eliminate 31 programs that work, including the Eisenhower professional development grants, women's educational equality, school-to-work, and gifted and talented education grants.

In the last Congress, Republicans tried to eliminate the Department of Education. Today they are trying to kill any chance of Federal leadership in education. Education is primarily a State and local responsibility. But the President and the Congress must provide national leadership on national issues and no issue is more important than improving education for our kids. Instead of focusing on what works, reducing class size, improving school facilities, raising standards and improving the training of our teachers, the Republicans want to destroy critically important programs. Do not let them succeed. Oppose H.R. 3248.

SOCIAL SECURITY

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

Ms. STABENOW. Mr. Speaker, Social Security is a 60-year success story that all Americans should be proud of. Prior to Social Security enactment, over 50 percent of our retirees were in poverty.

Today it is less than 10 percent. We have an opportunity now to take the next step to protect Social Security for today, for tomorrow, for the future generations to come. But we are in jeopardy this week. We have heard from my colleagues this morning about efforts to take future Social Security trust fund dollars and place them into tax cuts. We last year all voted together, a majority of Republicans and Democrats, to provide a \$95 billion tax cut within the context of a balanced budget. I supported that. I want to move forward and continue to do that. But I will not vote for tax cuts that remove critical dollars from the future of Social Security. That is irresponsible. I call upon my colleagues to save Social Security first before any effort is made to proceed on tax cuts. The future of Social Security is just too important to all Americans.

90-10 TAX CUT PLAN

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

Mr. TIAHRT. Mr. Speaker, the chairman of the Committee on Ways and Means the gentleman from Texas (Mr. ARCHER) has just released a bold new tax cut package for this Congress. It is called the 90-10 tax cut plan. It will improve the health of Social Security and cut taxes.

First we will set aside 90 percent of the surplus, to save Social Security, a surplus that will total about \$1.4 trillion, and then we will use 10 percent of the surplus to cut taxes now. It is important to emphasize that we must cut taxes now. Already the liberals have ideas how they want to spend your money. Those who love big government do not think that the middle class ought to have tax relief. In fact they are against the whole idea of tax cuts, always and everywhere.

This tax package contains marriage tax penalty relief, it makes health care more affordable for many of those who cannot get it today, and it gives hard-hit farmers assistance at a difficult time. We were told that we could not balance the budget and cut taxes at the same time, but we did, just as we will save Social Security and cut taxes this time.

SOCIAL SECURITY

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

Mr. BONIOR. Mr. Speaker, I rise to answer my friend from Kansas if I might for just a second.

Democrats believe America deserves tax relief but the money should not come from the Social Security trust fund.

Now they are going to fool around this week and try to create a separate piece of legislation to bank this

money, but the reality is what they want to do, the Republican plan is a sneak attack, it is reckless, it is short-sighted and it is irresponsible. It is a raid on the Social Security trust fund. It spends the so-called surplus that does not exist and it endangers the retirement security of future generations.

We have a clear responsibility. Save Social Security first. We need to strengthen the Social Security system. It is the only sensible and responsible course of action.

I encourage my colleagues to be opposed to anything that will dip in and raid the Social Security surplus in order to provide the program that they are advocating.

WELFARE REFORM

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

Mr. GUTKNECHT. Mr. Speaker, I have had the chance to visit a number of schools in my district. After one visit, I was surprised by one of the teachers who told me that she appreciated the welfare reform that this Congress passed back in 1996. So I asked her to tell me about that. And she said, well, there was this boy in her class, she said, let us call him Johnny. All of a sudden Johnny started to behave better. He had a better attitude, he was a better student. Everything about Johnny was better. Finally she asked Johnny, "Is there something different at your house?" And Johnny responded, "Yeah, my dad got a job."

Mr. Speaker, a job is more than the way you earn your living. A job helps to define your very life. Despite what some of our liberal friends claim, the real purpose of welfare reform was not so much to save money. It was about saving people. It was about saving families. It was about saving children from one more generation of poverty, dependency and despair. It has certainly made a difference in Johnny's life.

Mr. Speaker, what a difference a Republican Congress has made.

SOCIAL SECURITY

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

Ms. DELAURO. Mr. Speaker, Social Security, the most successful domestic program in our Nation's history, is under attack. Sadly, this attack is coming from within. It is a sneak attack, coming from the Republican leadership, under the guise of tax cuts. Two-thirds of our country's elderly depend on Social Security for over half of their income. The Republican sneak attack will take \$80 billion that we need to shore up the Social Security trust fund. They would rob the Social Security surplus. We cannot allow a sneak attack on Social Security while the

Nation is preoccupied. That is what the Republican leadership is hoping for. We cannot let them get away with it.

Democrats support tax cuts, but tax cuts should not come from the Social Security trust fund. Our Nation's elderly depend on Social Security. Our children depend on it. Working families depend on Social Security. The \$80 billion sneak attack will hurt all of them.

Mr. Speaker, let us save Social Security first.

STAND FIRM AGAINST TERRORISM

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

Mr. PITTS. Mr. Speaker, the Administration ought to be commended for taking strong action against Osama bin Laden and his many followers who are behind the recent terrorist attacks on American embassies in Tanzania and Kenya. Osama bin Laden is a traitor to Islam, and he has betrayed the commandments of his faith.

Chapter VI, verse 151 of the Koran states, "Take not life, which God hath made sacred, except by way of justice and law."

Terrorist attacks on our embassies have taken the lives of hundreds of innocent people, Americans and non-Americans alike. Osama bin Laden, like all terrorists, has engaged in a cowardly act and he does violence to the very religious principles he invokes. He offends the millions of devout followers of Islam who do not believe that the killing of innocent people has any role in a civilized society.

The Administration should stand firm against terrorism and strike back against the cowardly murderers who are a threat to free peoples everywhere.

SOCIAL SECURITY

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

Mr. McDERMOTT. Mr. Speaker, when I came to this House 10 years ago, the Republicans spent a lot of time telling us that we used the Social Security money to balance the budget. They said, "You're masking the deficit by moving that money over and using it to balance the budget."

Under President Clinton's leadership, we have brought the budget back into balance and there appears to be some surplus on the horizon. What do the Republicans want to do now? They want to take that money, not pay back Social Security but give it away in tax relief.

Now, when the chairman of the Committee on Ways and Means tomorrow rolls out this three walnuts game that you see at the county fair, where is the pea, the American people are going to watch their Social Security moved around so fast in two different bills, it will be designed to confuse them. They

will put out a bill that says we want to put lots of money into balancing the Social Security, and then we just want this little teeny bit out here for a tax cut.

The first money that we have in surplus should go to pay for Social Security.

WE NEED ANTIMISSILE DEFENSE

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

Mr. CUNNINGHAM. The gentleman fails to remember that it was the Democrats that increased the tax on Social Security in 1993 and it was the Republicans that saved us from dipping out of the trust fund so it would not go bankrupt.

But I am here to talk about the missile that North Korea fired and its importance. Most of the press reports that the missile can reach the United States, some 3,300 miles. That is true. But tactically the THAAD and the Upper Tier, the Upper Tier is the Navy antimissile defense program, THAAD with the Air Force, any time we have a ship, say if South Korea is invaded, we cannot bring our carriers north of Cheju which is on the southern tip. That means they can be hit. Our forces deploy out of Japan and Taiwan. They can be hit there as well. So it is not just the threat of a missile reaching the United States. It can reach all of the ports to where we deploy against any country. That is important. That is another reason why we need antimissile defense.

APPOINTMENT OF CONFEREES ON H.R. 4104, TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

Mr. HOYER. Mr. Speaker, have the conferees been appointed?

The SPEAKER pro tempore (Mr. UPTON). Not quite yet.

Without objection, the Chair appoints the following conferees: Messrs. KOLBE, WOLF and ISTOOK, Mrs. NORTHUP, and Messrs. ADERHOLT, LIVINGSTON, McDADE and HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY.

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY
MR. HOYER

Mr. HOYER. Mr. Speaker, I ask unanimous consent to offer a motion to instruct.

The SPEAKER pro tempore. Is there objection to the gentleman from Maryland offering a motion at this time?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 4104, be instructed to insist on the House position providing \$2,828,000 for forensic and related support of investigations into missing and exploited children.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 30 minutes and the gentleman from Arizona (Mr. KOLBE) is recognized for 30 minutes.

Mr. HOYER. Excuse me, Mr. Speaker, I apparently had two motions in my hand. That is the incorrect motion.

Mr. Speaker, I ask unanimous consent to withdraw the incorrect motion and to offer the correct motion.

The SPEAKER pro tempore. The gentleman withdraws the motion. The Clerk will report the second motion.

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 4104, be instructed to insist on the Senate position providing \$3,250,000,000 for emergency expenses relating to Year 2000 conversion of Federal information technology systems.

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

Mr. KOLBE. Mr. Speaker, I reserve the right to object at this point, under my reservation, Mr. Speaker, we have gone through a little bit of backing and forth on this motion. I was quite prepared on the last one, which is one that we had had some discussion about, to accept that.

□ 1030

But I am not inclined to accept a unanimous consent agreement on this particular motion. I would be willing to, on the one that was previously offered, to accept a unanimous consent agreement.

Mr. OBEY. Mr. Speaker, would the gentleman yield under his reservation of objection?

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. OBEY. Mr. Speaker, before the gentleman reaches that conclusion, I would urge him to consult with the central office of the committee. I have been asked routinely to approve unanimous-consent requests to facilitate the needs of the majority and have given that unanimous consent on numerous instances, sometimes over the objections or at least in the teeth of concern of our own party leadership. We can

rapidly have that kind of cooperation come to an end, if that is what the other side prefers.

Mr. KOLBE. Reclaiming my time and further reserving the right to object, I would say to the gentleman from Wisconsin (Mr. OBEY) that I appreciate the assistance that the minority has given in facilitating our consideration of the appropriation bills and the motions to instruct conferees and to get us moving to conference as quick as possible, but I do not think that is the question that we have here. The motion was not made in a timely fashion, it is one that I object to, and it is not one, is not our position, does not represent our position.

Mr. OBEY. Mr. Speaker, will the gentleman continue to yield?

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

Mr. OBEY. Mr. Speaker, I would like to point out that just yesterday I agreed to a motion to roll a number of votes in order to facilitate the Republican conference. The gentleman from Maryland (Mr. HOYER) was in our conference. We have a rather serious issue before this House, and I think it is understandable that people be pulled in different directions. But if procedural cooperation is going to break down on a minor matter like this, we are going to have a terrible time getting to the right conclusion on appropriation bills before October 1.

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

Mr. KOLBE. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to say to my friend, the gentleman from Arizona (Mr. KOLBE), with all due respect, obviously I had two papers in front of me, thought I had picked up this motion, and very frankly I want to tell my friend he thought that I was offering the motion there now.

Mr. KOLBE. Reclaiming my time, Mr. Speaker, the gentleman is correct.

Mr. HOYER. And, Mr. Speaker, the gentleman from Arizona did not offer objection. I made a mistake in picking up the wrong piece of paper, having thought the staff had already handed it to the desk, the proper motion. When the incorrect motion, the motion the gentleman and I also discussed, was read, my staff pointed out that I had handed the incorrect paper.

Mr. Speaker, I want to tell my friend I understand his problem. But I also want to tell my friend that we are now cutting a very fine point in terms of knowing full well that I had talked to the gentleman about the motion, I picked up the wrong piece of paper, and I would hope my friend would not put me in a position or the House in a position of an inadvertent picking up of the wrong piece of paper puts us in a position where procedurally we will now be, I think, responding in a way that I think is not going to facilitate the work of the House.

Mr. KOLBE. Mr. Speaker, reclaiming my time under my reservation of objec-

tion, the gentleman is correct. Only moments, not even minutes, almost seconds before we began this discussion we got the revised or the new motion to instruct, and it was obviously different than we have been led to believe earlier. And it is true that when the gentleman from Maryland (Mr. HOYER) went down with the piece of paper I did think it was going to be the revised motion to instruct, however I was considering at that moment whether I should object to that. I did not. This gives me another opportunity to at least raise this.

I would like to at least ask either the gentleman from Maryland or the gentleman from Wisconsin about whether or not we would be able, if we are going to use this motion, this revised motion dealing with Y2K, whether we would be able to expedite the discussion on this so that we would not require a lot of time here on the floor this morning.

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

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, although I have not consulted with our ranking member, the gentleman from Wisconsin (Mr. OBEY) I think I speak for Mr. OBEY, and he is here, he can speak for himself obviously, but it is not our intention to debate this at any length. Very frankly, we think this issue is known to the House, known to the Senate, and we believe this ought to be done very quickly.

Am I correct?

Mr. OBEY. Mr. Speaker, will the gentleman continue to yield?

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

Mr. OBEY. Mr. Speaker, I have not even yet seen the motion of the gentleman from Maryland. I trust his judgment on it, and I understand the thrust of it, and I agree with it. But there are some other fairly important issues that all of us have to tend to these days, and I think we all need to give each other a little bit of running room on these questions.

Mr. KOLBE. Mr. Speaker, I would agree with that, and I think that is what I want to accommodate and I am trying to accommodate here, and if there is an understanding that we can expedite this discussion making, and we had a full discussion on this, I might add, on the floor during the debate on the bill on this exact issue, and if we can understand that there would not be the gentleman's suggestions of other procedural road blocks being thrown up at this point, then I would withdraw my objection if that is agreeable with both sides.

Does that understanding conform to the gentleman from Wisconsin as well?

Mr. OBEY. Yes, and I appreciate the gentleman's removal of his objection.

Mr. KOLBE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the Conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill H.R. 4104 be instructed to insist on the Senate position providing \$3,250,000,000 for emergency expenses relating to Year 2000 conversion of Federal information technology systems.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) will be recognized for 30 minutes and the gentleman from Arizona (Mr. KOLBE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I again want to thank the gentleman from Arizona (Mr. KOLBE) for his consideration. Frankly, I did not stand up in time, we all know that, and that was my fault. But the issue that has been raised is a serious one. The gentleman is correct, we have discussed it at length. There is an emergency situation as it relates to making sure that in the year 2000 that our computers in the Federal Government whether they be FAA comptrollers or whatever else they may be, are ready to make that transition from this century to the next. The Senate has obviously tried to accommodate that and ensure that both the Defense Department and all other departments of government have sufficient resources to accomplish that objective. We believe the Senate was correct, and we would urge the House to agree with the Senate's position and so instruct the conferees.

Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE).

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

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct and that I might include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the.

There was no objection.

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

Mr. Speaker, let me just say that this issue was completely debated on the floor of the House when our bill was considered in July. It is, as the gentleman from Maryland (Mr. HOYER) has suggested, an extraordinarily important issue. When we say "Y2K" we are talking about the transition of our electronic and computer systems to the new millennium. We have shortened that terminology to an acronym, Y2K. I tell you this so that those who are listening or reading this debate at a later time might understand what we mean when we say "Y2K".

There is no question that the debate over how we handle Y2K is extraordinarily important. It is also a difficult issue for the Federal Government and for the private sector. I think that we have much on our side to commend itself. The United States is probably well ahead of where many other countries are. We are behind in government efforts compared to the private sector, particularly the banking industry. But we are ahead of the efforts of other governments.

On the other hand, we get constant revisions in the amount of money that is going to be required for this program. Let me just review for my colleagues the estimates the Office of Management and Budget, which has the overall responsibility for this problem. Here is what they have estimated, going back, not very far, to May of last year. In their first quarterly report in May of 1997 they said the fix was going to take about \$2.8 billion. They revised that the next quarter, in August, to \$3.8 billion; that was an increase of 1 billion. They revised that in the third quarter, in November, to 3.9 billion; that was an increase of only \$100 million. They revised it in the fourth quarter to \$4.7 billion, an increase of 800 million. They revised that in the fifth quarterly report, in May of this year, to \$5 billion. Now we saw an increase of another \$300 million. And now we have in this sixth quarterly report an estimate of \$5.6 billion, another \$460 million increase.

And so, Mr. Speaker, I would just point out that we have a lot of money that is involved in this issue. What we have decided, what the Republican leadership has decided, I think wisely so, is to include this with all of the other issues dealing with emergency supplemental appropriations. I know the gentleman from Maryland was with us yesterday when the Members of the House Committee on Appropriations listened to the State Department talk about the requirements for embassy security. So, we have funds for embassy security facing us as an emergency supplemental. Then, we also have farm aid as a possible emergency appropriations, we have Bosnia, and then we have the Y2K. So all of these issues are clearly going to have to be dealt with before this Congress adjourns, before the 105th Congress becomes history.

We have begun those discussions with the Senate, with our counterparts in the Senate at the subcommittee level. Discussions are occurring at the chairmanship level, and it is happening at the leadership level. We know this matter must be dealt with. We recognize it is something that must be dealt with, but we also believe that it ought to be dealt with in an emergency supplemental that is separate from this appropriation bill so that we can look at these issues separately.

So I would just urge my colleagues to defeat this motion with a full understanding that none of us, none of us, are making light of the seriousness of

this matter. Indeed some of us have made it very clear that we believe the Office of Management and Budget and the White House has not given this matter the consideration that it deserves, and we have been urging them to give it more attention.

But I do not believe that this motion to instruct helps us to move along the path where we need to get in order to have a resolution of this issue.

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

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

Mr. Speaker, I think the chairman has articulated the issue very well. I explained it as well. The reason this motion is being offered at this time, however, is fairly straightforward.

The reason is that we had this debate in July. That is now some 2 months ago, 60 days ago. We were told that this matter was going to be resolved and that agencies would have appropriately the expectation they would have sufficient resources to meet this challenge.

I tell my friend that this is not solved. The Senate has tried to solve it, but we have not solved it on this side, and we are 60 days later, some 2½ weeks or 3 weeks with I guess about 12 legislative days left in this session supposedly, at least until we adjourn subject, perhaps, to the call of the Chair. We are only a few short legislative days from adjournment.

This matter must be resolved. We must address it. The Committee on Appropriations, the gentleman's subcommittee, Mr. Speaker, and the full committee recommended that we resolve it in exactly the way that the Senate has proposed. Exactly. It is my understanding the Republican leadership, the chairman of our committee and our subcommittee took this action. This is exactly what we proposed.

Now I say to my friend, the gentleman from Arizona, A, I appreciate his allowing us to move forward on this issue, but B, that it is time for us to ensure that this objective is accomplished. If it is not, the losers will be the American public, and the reason we have offered this motion is because contrary to the intention that I think was a good-faith intention expressed by the majority leader on the floor that this would be resolved before the August break, it was not, and we must resolve it.

I would hope the Members of this House, therefore, would approve this motion and that in committee and in conference, Mr. Speaker, we could exceed to the Senate position, which is, I believe, the responsible position to meet this emergency.

□ 1045

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from

Maryland (Mr. HOYER) has the right to close.

Mr. HOYER. Mr. Speaker, I think I just did, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 537

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by Representative Hastert of Illinois, and a Member opposed to the bill. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendments, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute

made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule makes in order as an original bill for the purpose of amendment, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, and considers it as read.

The rule waives clause 7 of rule XVI, prohibiting nongermane amendments, against the amendment in the nature of a substitute.

Yesterday, the Committee on Rules met and granted a modified open rule for H.R. 4300, the Western Hemisphere Drug Elimination Act.

The rule provides for 1 hour of general debate equally divided between the gentleman from Illinois (Mr. HASTERT) or his designee, and a Member opposed to the bill. The rule provides a 3-hour time limit on the amendment process.

The rule permits the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

The rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first series of questions shall not be less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, teenage drug use in this country is now a national crisis. Since 1993, drug use among teenagers has doubled in the United States. Among high school seniors, marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent. It is time our country made this drug crisis a national priority. As the mayor of Charlotte, North Carolina, I attended far too many funerals for children who were killed by drug violence. I do not want to attend another one.

This week, we will continue this Congress's serious campaign to win the war on drugs. We have committed to win this drug war in 4 years, like we won World War II in 4 years. This week, we will consider several pieces of legislation to both reduce the domestic demand for drugs and to stop the flow of drugs into the country.

The Western Hemisphere Drug Elimination Act will beef up our drug interdiction efforts by providing for the purchase of additional planes and ships to stop drugs at the borders. In addition,

the bill provides anti-drug assistance to the Governments of Colombia, Peru, Bolivia, and Mexico. If they have our help, they have been proven to do a good job in giving the support necessary to stop those drugs from leaving their country.

H.R. 4300 is a good, noncontroversial bill. It will reduce the supply of drugs in America, it will drive up the price, making it harder for teenagers to buy.

Mr. Speaker, I urge my colleagues to support this rule and support the underlying legislation. This is an open rule with a generous time cap on amendments.

Mr. Speaker, I would like to enter into the RECORD a statement of the gentleman from California (Mr. MCCOLLUM), who is also very active in this work.

Mr. Speaker, this is the statement of the gentleman from Florida (Mr. MCCOLLUM):

Mr. Chairman and members of the Committee,

he is speaking regarding a bill introduced by he and his colleagues on the Speaker's Task Force for a Drug-Free America.

The purpose of H.R. 4300 is to supply a comprehensive supply eradication and crop substitution program in the narcotics source countries of Colombia, Peru and Bolivia, as well as to fund enhanced drug interdiction efforts in the transit countries in the Caribbean, Central and South America.

H.R. 4300 was introduced on July 22 of 1998. It was referred to the Committee on International Relations; in addition, the bill was referred to the Committees on Ways and Means, Judiciary, National Security, and Transportation. The respective chairmen of all of these committees, as well as the chairman of the Agriculture Committee, have sent waiver letters to the Speaker on H.R. 4300. Substantial efforts have been made in developing H.R. 4300 with the full and informed participation of committee staff from each of the six affected committees, as well as the Task Force for a Drug Free America led by Chairman Hastert.

The Congressional Budget Office has conducted a preliminary assessment in coordination with the House Budget Committee and has determined that there are no pay-as-you-go issues contained within H.R. 4300. We expect a full written assessment from CBO on the costs associated with the bill by the end of the week.

Some of the major provisions of H.R. 4300: It provides approximately \$2.3 billion through the fiscal years of 1999, 2000 and 2001.

It significantly expands U.S. aircraft, maritime and radar coverage and operations in drug source and transit zones.

It substantially enhances the counter-narcotics capabilities of the Customs Service, the Coast Guard and the DEA in terms of personnel, equipment and training.

It funds increased drug eradication assistance to Colombia, Peru, Bolivia and Mexico.

It funds increased drug interdiction assistance to Brazil, Colombia, Bolivia, Peru, Ecuador, the Caribbean and Central America.

It encourages the use of new technologies to detect narcotics in transit and to destroy coca and opium poppy in the source zones.

It funds alternative crop development in Colombia, Peru and Bolivia.

It supports the establishment of international law enforcement academies for Latin America and the Caribbean, Asia and Africa under the auspices of the Justice Department.

It supports the establishment of an international maritime law enforcement training center under the auspices of the Coast Guard and the Customs Service.

It advocates a new prioritization for the Defense Department to treat international drug interdiction to be as important as peacekeeping.

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

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time, and I yield myself such time as I may consume.

This resolution 537 is a modified, open rule. As my colleague from North Carolina has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the gentleman from Illinois (Mr. HASTERT) or his designee and a Member opposed to the bill.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. However, the amendment process is limited to a 3-hour limit.

Mr. Speaker, illegal drug use is widely considered to be a major problem in our country. More than 11 million Americans buy illegal drugs and use them more than once a month. These drugs contribute to crime, lower productivity, and health problems.

This bill authorizes \$2.3 billion over 3 years for equipment, personnel, and training to reduce the flow of illegal drugs into the United States.

This bill spends money to buy aircraft for the U.S. Customs Air Wing and for helicopters for the Colombian National Police. The bill also spends money to establish an air base to support U.S. counternarcotics operations and for international law enforcement academies.

Mr. Speaker, I join my colleagues on both sides of the aisle in supporting the war against drugs, and I hope that this bill will make a meaningful contribution. However, I believe that this legislation would have been improved if it had gone through the normal committee process, and though it was referred to five different committees, none held hearings, received formal administration comment, issued a report, or even received a cost estimate from the Congressional Budget Office on this bill.

Had hearings been held, a number of issues might have been raised, such as: Could some of the money end up supporting foreign military forces accused of human rights abuses? Was the bill fully coordinated with existing Federal anti-drug programs? Where will the money come from to pay for these new programs?

Mr. Speaker, these are serious questions, and I would be more comfortable if they were addressed through the normal committee process, considering the enormous amount of money that we are spending. At least under the rule, Members will have 3 hours to raise these and any other issues that are important to them and to their constituents.

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

□ 1100

Mrs. MYRICK. Mr. Speaker, I yield so much time as he may consume to the gentleman from Illinois (Mr. HASTERT), who is the head of the Speaker's drug task force for a drug-free America.

Mr. HASTERT. Mr. Speaker, I thank the gentlewoman from North Carolina and certainly the gentleman from Ohio who are bringing this rule to the House floor.

Mr. Speaker, this process was kind of complicated. We crossed the jurisdictions of about six different committees. There have been years of various testimony in hearings that have gone on over the last 3 years that I have been involved in this issue.

Certainly there have been multiple visits to sites, in this case, in this bill, south of our border in places like Mexico and Colombia and Peru and Bolivia and other areas such as Puerto Rico and the Bahamas and other areas, even in Europe as we see drugs being moved across and actually traded by terrorists across the Middle East and also finding their way into our markets.

It is a very complex thing. It is a lot of work by the FBI and the DEA and other law enforcement agencies. The people who do the work beyond our borders are Americans who give up their time and are away from families to fight the scourge of drugs in this country.

When you start to look at the whole issue of cutting off supply, which is really in harmony with the whole issue of demand reduction, we have to have both sides of the equation, try to stop demand, and we are going to debate that bill later on today, but to cut off supply is really cost effective. You can stop supply in places like Colombia and Bolivia and Peru and Afghanistan and even places like Myanmar.

Certainly it is the cost effective and the most effective way you can do it and least expensive. It goes back to the old adage of an ounce of prevention is certainly worth a pound of cure. I think we tried to do that for this bill.

This is an open rule. People have the time to be able to debate this and bring their ideas to the floor, and I certainly welcome it. I appreciate the gentleman from Ohio and certainly the gentlewoman from North Carolina in bringing this rule to the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, let me say I take a back seat to no one on the issue of drug control. I support all serious initiatives to rid our country in the hemisphere of the scourge of illegal drug trafficking and drug use.

I rise, however, as the ranking minority member of the House Committee on National Security to express grave reservations over the process, over the process under which this im-

portant bill is being considered. But I also consider myself a jealous guardian of the process and the rights and responsibilities of the Members of our institution as well as the committees they are on.

This bill has major and far-reaching national and international implications, along with a staggering \$2.3 billion price tag. Yet, incredibly, House committee consideration has been totally eliminated from the process in which the bill is being brought to this floor.

No fewer than five committees, unfortunately, waive their jurisdiction over elements of the bill; and I for one would like to go on record as saying that this is an incredibly dangerous precedent to set here in the House.

My colleagues with whom I am privileged to serve on the House Committee on National Security on both sides of the aisle have made it their serious and thoughtful business to develop an expertise in matters of defense policy, including drug policy.

The same can be said of the expertise of other committee members in their areas of jurisdiction. We have a right and we have a responsibility to use the expertise in the careful consideration of any legislation which is referred to our committee, especially one so far-reaching as this bill.

The Chairman of the Committee on National Security, my good friend, my colleague, the gentleman from South Carolina (Mr. SPENCE) has made his reservation known to the Speaker by letter, and I thank him for that. But the waiver, nevertheless, has been granted, and now we usher in a process by which a task force is being formed and laid in the legislative cycle which circumvents all committees of jurisdiction and brings a major initiative to the floor.

There is no reason to believe that this will not occur again and more often in the future as the process succeeds today. As ranking member of my committee, I am greatly concerned that legislative consideration by task forces instead of by committees which has expertise in various areas on comprehensive measures will begin to supersede the normal process and degrade the purpose of service on our respective committees.

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

Mr. Speaker, during the past 2 years, there have been numerous hearings on significant opponents of H.R. 4300 in each of the committees of referral: the Committee on the Judiciary, Committee on International Relations, Committee on National Security, Committee on Ways and Means, Committee on Transportation and Infrastructure, as well as the Committee on Government Reform and Oversight.

I would just like to mention that, in the full Committee on International Relations in February of 1998, there was a hearing on U.S. narcotics policy to Colombia. March 31 of 1998, there

was also another hearing on U.S. narcotics policy to Colombia; June 24 on Colombia and heroin. March 26, 1998, there was a markup, and it was for providing three Black Hawk utility helicopters to the Colombian national police to fight the war on drugs.

The GAO issued a report in February of 1998, drug control U.S. counter-narcotics efforts in Colombia face continuing challenges. Then the Subcommittee on the Western Hemisphere on drug issues had two hearings, one in July of 1997 on antidrug efforts in the Americas and one August 6, 1998, which was a Colombia insurgency hearing.

So there have been hearings in these various committees, and it has had that hearing process adequately applied.

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

Mr. GILCHREST. Mr. Speaker, I, too, share the reservations of the gentleman from Missouri about interrupting the normal committee process with a major new initiative. However, the normal committee process, in my judgment, was a part of this task force from start to finish.

As chairman of the Subcommittee on The Coast Guard and Maritime Transportation, over the last almost 2 years, we have held several subcommittee hearings on the Coast Guard's ability to work with other agencies with the Defense Department, even with other countries to figure out a plan to interdict drugs coming into the Caribbean area, the Eastern Pacific, and the United States. I think what we have done is create a plan that needs to move forward. We can interdict drugs on the high seas.

At this point, I am convinced, this might sound astounding, but I am convinced that we as a country by about the year 2005 or 2006 can interdict 80 percent of the illegal drugs coming into this country across the high seas. It is possible to do that. We have the technology, the will, the initiative, and this is the first step in that direction. So I urge my colleagues to vote "aye" on this rule.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to House Resolution 537 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4300.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Illinois (Mr. HASTERT) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HASTERT).

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

Mr. Chairman, this bill is one part of the solution to the most insidious national security threat that we as a Nation face today. International drug trafficking is rampant across our borders, and unfortunately this does not affect our borders. It affects our street corners. It affects our neighborhoods. It affects our communities. It affects our children. It affects people in our workplaces. It affects people in our highways and our schools.

This bill is dedicated certainly to the 14,218 Americans, most of them are youth, who died last year directly from drugs and drug violence.

This bill aims to shut down drug growers and drug processors in places like Colombia, Bolivia, Peru, Mexico and Myanmar. Over the past 5 years, first-time use of heroin by kids ages 12 to 17 rose by 875 percent, an 875 percent increase. That means for every one child who tried heroin in 1992, more than 8 children tried it in 1997. That kind of explosion in drug use, in heroin, methamphetamine, marijuana and cocaine, is intolerable. It is immoral, destructive and fundamentally un-American. Worst of all, it is a tragedy of our own making.

Deep cuts, billions of dollars in cuts, are the hallmark in the early part of this administration. In 1993 alone, the White House slashed a billion dollars from drug interdiction programs. Today, our children, in their schools, on playgrounds, in after-school environments, are reaping the deadly harvest of those ill-advised cuts. This nation is awash in these poisons.

This bill does not solve the whole problem. A second major drug bill that will be up today, a prevention bill, focusing on drug prevention and treatment, is also a key to having long-term success in stopping drugs in this country and actually moving toward a drug-free America.

This bill, H.R. 4300, is the blueprint for reasserting U.S. dominance over drug traffickers and permanently shutting down the international drug trafficking cartels.

In summary, the sections of this supply-reduction bill do the following: They reduce drug use by enhancing aircraft, maritime and radar coverage in

the source and transit zones by providing aircraft for the Customs Service; aircraft and ships for the Coast Guard; and by improving relocatable-over-the-horizon radar capabilities, especially in the Mediterranean and southeastern Pacific area.

This bill enhances the source country eradication capabilities by providing sorely needed aircraft to the Colombian National Police, as well as additional resources for Peru, Bolivia and Mexico. It enhances alternative development programs through the United States Agency for International Development for Colombia, Peru and Bolivia, and it also enhances counter-narcotics research efforts at the Department of Agriculture.

International law enforcement training is enhanced by establishing international law enforcement training centers serving Latin America, Asia and Africa. Additionally, it provides for a United States Coast Guard international maritime training vessel to enhance law enforcement training and maintenance in the Latin American and Caribbean nations. The training provided under this bill is designed to foster cooperation under international law enforcement agencies which in turn will create more efficient counter-narcotics efforts and intelligence in the regions.

□ 1115

Moreover, this bill also requires the submission of a report examining options on replacing Howard Air Force Base in Panama for use and support of counternarcotics in the source and transit zones.

This bill has been carefully drafted to address the shortfalls in the current counterdrug efforts. This is an important piece of legislation that will enable our law enforcement agencies to meet head on the surge of drugs flowing into the country and into our neighborhoods.

Mr. Chairman, I am proud to serve as an original cosponsor on this piece of legislation, and I commend my colleagues on their hard work in drafting this bill. Most specifically, I commend the work of the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. GOSS) in this area of trying to stop drugs flowing into our country and across our borders.

Mr. Chairman, one of the things we face today is a huge cost to our society, a cost in dollars. Almost \$50 billion a year going off our street corners and school yards into the pockets of drug salesmen. That money flows through a system and ends up in the pockets of drug lords in other countries. We need to stop that. But we need to stop it by stopping the drugs moving into our country.

Certainly, if we can stop a pound of coca in Peru or a kilo of heroin on the mountain tops in Colombia, it is much more cost-effective and certainly proves the old adage of an ounce of prevention is worth a pound of cure. This

is the design of this bill, to save the lives of those 14,000 kids who die over year on our street corners, the \$90 billion of cost to our communities, our States, and this Nation to adjudicate and incarcerate, and all of those things that we have to do in the drug process.

This bill cuts across the jurisdictions of seven committees. It is a huge, holistic approach in trying to stop drugs coming across our border. It is time that we do this. It is important to do this, and it is probably one of the biggest threats to our national security.

Mr. Chairman, let me leave my colleagues with this one thought. If we lost 14,000 young men and women to an action by Saddam Hussein, if we lost 14,000 young men and women to an action in Bosnia or some place else on the face of the earth, this country would respond and would respond with all the vitality and all the vigor and all the energy that we could muster.

Well, we have lost 14,000 kids last year and every year and will in the years in the future. We need to stop it. We need to be strong. We need to address it, and this bill addresses part of that problem.

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

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

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

Mr. MENENDEZ. Mr. Chairman, I rise today in support of H.R. 4300, the Western Hemisphere Drug Elimination Act. However, I want to caveat my support by noting my deep regret and the frustration with this measure in that it circumvented the committee process, including the Committee on International Relations on which I sit, and the four other committees to which it was referred.

All five ranking Democrats requested consideration and made clear that they were willing to work expeditiously in order to see H.R. 4300 reach the floor. These requests were ignored.

We have reached out to the majority over the last 2 years to work out a bipartisan policy that has received meaningful input from General McCaffrey. I do not understand why the majority did not work with us over the last 2 years to pass a bill and why it has sprung it on us in the last minute. By using this approach, our ability to get the funding to fulfill the promises in this bill is seriously diminished.

So, what we have before us is a rushed measure that makes many important policy changes and funding allocations with regard to a key U.S. national interest, sending it to the House Floor without consideration by the committees of jurisdiction. We have a bill that provides a highly detailed blueprint for equipping and training a number of countries, for establishing counterdrug centers and significantly revamping the process for making policy and assistance decisions in the

counternarcotics area, but the legislative committees have been entirely bypassed in making these important decisions.

Second, the open attacks on the administration in the findings section are, I believe, intentionally incendiary and unhelpful. Our counternarcotics policy is something to be taken seriously. It is irresponsible to play partisan politics with such an important issue. All Members of Congress, Republican and Democratic alike, share the desire to rid the plague of narcotics from our schools and streets. This is not a way to conduct U.S. foreign policy or U.S. drug policy. Some may believe it is good politics, but it does not serve the American people well.

Mr. Chairman, on the substance of the bill, having spoken about process, I want to say that I have long said that we needed to get serious about what we continuously call a war on drugs. In essence, to put our money where our mouth is. This bill does make an important step in that direction.

The bill authorizes extraordinary amounts for counternarcotics programs. The bill provides unprecedented funds for drug interdiction and eradication, including enhanced air and seacraft coverage to combat drug transiting, crop substitution, which is crucial to the long term success of any policy, and enhanced international law and drug enforcement training.

I would like to note that I find it unfortunate that we have to spend \$10 million for research into mycoherbicides when a potent and reliable source exists, Tebuthiuron, better known in the United States as Round-Up. I learned of this product and its effectiveness on coca crops in Colombia last year touring those areas of crop elimination and saw the success of. Yet it turns out that Tebuthiuron's producer, DowElanco, has refused to sell it to Colombia or make it available to the State Department for drug eradication for reasons I do not believe are particularly valid.

My sole reservations about this bill, other than process, are whether it is implementable and where we will be taking the funds from to fund this \$2.3 billion measure. I certainly hope that in the process of doing so, that remind ourselves that we cannot bankrupt those domestic programs geared to reducing drug demand at the same time that we seek to do interdiction. This is clearly an effort that needs to have various aspects to it to be successful: Interdiction, reducing demand, and dealing with education and drug treatment.

Mr. Chairman, while I have some concerns with the bill, I fully agree with the sentiments and with the goals behind it. We must be aggressive in working to shut off the supply of illegal drugs. Supply reduction is an important component of a comprehensive drug policy and demand reduction.

In addition to the measures taken in this bill, we need to enhance our do-

mestic efforts on reducing drug addiction and fund programs to provide children with alternatives to a potential life of crime, such as some of our after-school programs, and we need our partners in the Western Hemisphere to join with us in a meaningful assistance.

I am a strong supporter of working with and supporting professional, honest, and effective law enforcement forces throughout the hemisphere. We must give the President the tools that he needs to effectively and comprehensively address illegal drugs and the havoc drugs wreak in the community, in the United States, and throughout this hemisphere.

Mr. Chairman, for these reasons I intend to vote for the bill. I hope to work to improve it as it moves through the legislative process so that this bill will serve as a realistic, effective, and comprehensive blueprint for U.S. supply reduction efforts.

Mr. Chairman, I submit for inclusion into the RECORD the statement of the administration's position which we received only moments ago, which basically says it supports the objective of the bill but has a series of concerns with reference to the bill and unless those concerns are addressed, opposes the bill as currently drafted.

OFFICE OF MANAGEMENT AND BUDGET

Washington, DC, September 16, 1998.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 4300—Western Hemisphere Drug Elimination Act.

The Administration supports the objectives of H.R. 4300 and shares the Congress' commitment to reducing the supply of drugs coming into the United States from other countries in the Western Hemisphere. However, the Administration opposes H.R. 4300 as currently drafted. Some of the Administration's concerns include:

Funding enhancements that are not tied to a coherent strategy. The bill simply enumerates a series of specific procurement and funding actions without indicating how they relate to one another or to existing drug interdiction activities. The Administration has proposed a comprehensive and integrated approach to reducing the flow of drugs into the United States in its National Drug Control Strategy.

Proposing authorizations that are far in excess of expected appropriations and the President's Budget without specifying where these funds will come from. H.R. 4300 would authorize \$2.6 billion to appropriations in addition to those already authorized for FYs 1999–2001. To date, Congress has not appropriated funds for many of the Administration's anti-drug abuse requests. As one example, the House has provided the Coast Guard with approximately \$82 million less than requested for FY 1999 to maintain current operating levels.

Infringing on the authority of the President and the Secretary of State. H.R. 4300 would infringe on the President's appointment powers and the Secretary of State's flexibility in personnel matters and intrude upon well established procedures for providing foreign military assistance.

Suggesting the transfer of the Bureau of International Narcotics and Law Enforcement Affairs (INL) from the State Department to the Drug Enforcement Administration. The clear assumption of Section 207 is that certain foreign assistance activities of the State Department could be better carried out by a

law enforcement agency. This assumption is neither substantiated nor soundly based. INL is a central and highly-regarded component of the interagency counter-narcotics effort.

Imposing inflexible requirements that could quickly become useless. The bill would authorize funds for two mobile x-ray machines to be placed along a specific highway in Bolivia. The locations of such machines should not be specified by statute but left to the discretion of the commanders on the ground.

Reducing the effectiveness of law enforcement agencies by consolidating joint interagency task forces (JIATF). Consolidating all JIATFs would reduce Defense Department support to law enforcement agencies attempting to disrupt the flow of drugs from Asia and the Southwest Border.

The Administration looks forward to working with the Congress to implement a drug control strategy that is realistic, comprehensive, coherent, and flexible.

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

Mr. HASTERT. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. MCCOLLUM), a Member who has taken a great deal of time and effort and skill in helping put together this legislation.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Illinois (Mr. HASTERT) for yielding me this time. I first want to thank the gentleman for all the work that he has done in the drug task force and helping put together a comprehensive plan on both the demand and the supply side questions involved.

Mr. Chairman, we all are concerned about the question of how do we get this whole drug question in the United States under control. It is not a simple matter. It is demand and supply. It is treatment. It is prevention. It is all of those things we talk about.

But the fact of the matter is that we have doubled the teen drug use in the United States since 1992 over the last 6 years. Doubled it. The fact of the matter is there is more cocaine and heroin on the streets of this country today at cheaper prices than at any time in our history.

The fact of the matter today is that we have our law enforcement community domestically, and we have our people in our schools and in our communities who are working on drug prevention and drug treatment programs, overwhelmed by this supply of cocaine and heroin and unable to do the kind of job that we need to see done to get our kids' lives protected again.

The reason for that is manifold. If we look into the Pacific Ocean of the United States, off our coast, and off the coast of Mexico, between the Colombia and us in the eastern Pacific, there is not one plane or one ship today of the United States Government out there interdicting any drugs coming our way or going to Mexico. Not one.

In the area of the Caribbean and the Gulf of Mexico we have two-thirds less resources at work trying to see if there is somebody shipping drugs our way

from Latin America than we did 6 or 7 years ago. It is absolutely a tragedy that this is the case and we have to ask ourselves why are we in this sorry state of affairs.

Well, the reasons are multiple. First of all, our military, which has a primary responsibility it should be exercising to be involved in the drug war, is doing a de minimus job of that. Back several years ago when we were actively patrolling, interdicting drugs in the corridors coming our way from Bolivia, Colombia, and Peru, we had multiple ships and planes of the Army and Navy and Air Force out there with a lot of their effort going into interdiction.

In the intervening year, with Desert Storm and Bosnia and other things, our military has sort of disappeared. Customs has taken planes it had down in the area of the source countries in Colombia, Bolivia, and Peru and put them on the Mexican border and things are not working well.

We also have a lack of will in many ways to do this right. This bill is setting the record straight, because if we look into the countries where this is happening, where these crops are being grown, where this evil product is being produced, and talk to the people on the ground who work for our government fighting the drug effort, talk to the people with the DEA, with the Department of State, with the Department of Defense, with our CIA, with everybody who is involved, we will find out they were never tasked with a question or two about how they could, if they were asked, go about reducing the flow of drugs to the United States by, say, 80 percent, which this bill suggests by the next 3 years.

Mr. Chairman, they were never even asked if this could be done. Some of us went down a few months ago and we asked that question. We asked first of all, could they, if they were given all the resources that they could imagine, could they reduce the flow of cocaine and heroin coming out of this country, the country they are in today serving the United States and its people, could they reduce it by 80 percent within 3 years? The answer was unanimously, by all of the key players in country, yes. Unequivocally, yes.

Then we asked them whether they had ever been tasked, whether anybody ever asked them to develop a plan, the answer was no. Well, we asked them what would they do, and that is what is in this bill, H.R. 4300. What our people on the ground in those countries have told us they need.

First of all, they told us that President Fujimori has done a wonderful job in Peru, which he has, in a policy of forcing down planes leaving that country with coca crop. The net result of that, since that has been in operation 2 or 3 years, a 40 percent reduction in the coca crop in Peru, a country where the majority of coca was grown before that policy was implemented. It could not have worked, and it is not working as

well as it should today, had it not been for our aircraft that had radar on it to detect those planes providing information to President Fujimori who could implement that policy.

□ 1130

And what we have discovered as well is that that same type of policy could be implemented and could have been implemented a long time ago in Colombia, where virtually all the crop that is produced in the Amazon, one-third of the country region, has to be taken even in its refined form. And most of the cocaine that is produced in that southern part of Colombia, wherever it is grown, it has to be taken by a small plane across mountains to the coastal areas of Colombia to be shipped out by boat or to be further transported to Mexico, the United States or wherever. If we had a force-down policy in Colombia, we would not solve the entire problem, but we would make great progress in it. But there are no planes, there is no radar, there is no ability for the Colombian forces to go do anything about it that way.

We have talked to the Bolivians and we have asked them what could we do. They have one highway from their crop-growing region into the community where this stuff is refined, and they have two highways out with a refined product. They do not have the equipment down there to stop the flow. They do not have the x-ray machines we have on the Mexican border, and so on. Very simple things they need to have, that our people know, and that is what is in this bill.

We are providing the radar planes, some 20 of them to the Customs folks, that can do the look-down; we are providing the chase planes we need, because we are not chasing; we are providing new intelligence equipment, because intelligence gathering, to know when and where and how this stuff is being shipped and who is making it, is very important; we are providing the helicopters so that the Colombian forces can go up into the mountains of Colombia and actually take out the poppy crop, which they should have been doing a long time ago. If they cannot grow it, we can eradicate it. There is no heroin.

Sixty percent of the heroin that comes to the United States is grown in Colombia. Just shutting that down alone would be an enormous success. But for the equipment, it cannot be done. But we want to provide that in this bill, and we are providing that in this bill.

We need to have what is in the legislation before us today to solve this problem. The bottom line is that our own people have said if we give them this equipment, and we have the cooperation of the governments involved, and I can assure my colleagues the leadership of those countries involved are willing to cooperate in every way possible. They want our assistance and they want the things in this bill. They

want to be able to reduce the flow. They want to stop the drug production and trafficking in their countries. They want their economies to thrive and their people to be able to work at decent wage-paying jobs and other means, and be able to farm crops they can sell that are productive and useful and not deadly, like these. They want all of that. If we have their cooperation, as we will, then the only missing link is the administration getting with it and making all of this happen.

Last but not least, I want to point out that we do not have today the right kind of asset allocation by the Department of Defense of its resources for the effort on drugs. They have had a drug mission for years. It is not just the fact they have moved stuff over to Bosnia or somewhere. If we have a war to fight, then that comes first. But in the order of things that they have in their asset allocation orders that the Joint Chiefs of Staff and the Department of Defense put out, they have about four priorities of category to send their equipment, their men, their whatever to do. One is war; number two is activities that are somewhat similar to war, where people are under threat of bodily harm, like peacekeeping and so forth; number three is training and exercises; and number four is everything else, which includes humanitarian assistance and anti-narcotics efforts.

In this bill we provide for moving up the priorities, encouraging them to do that. We cannot do that, but we will say to the Department of Defense, get with it. We want them engaged in this war on drugs, at least supplying the minimal material required for our Southern Command to do its job, and we want them to move up their priorities so that the anti-narcotics efforts are at least parallel and equal to the number two priority of peacekeeping in Bosnia.

Our kids are dying on the streets of the United States. We should at least provide as much military effort in fighting this war on drugs for that cause as we are around the world in far-reaching places like Bosnia.

And in conclusion, I would say, my hat is off to the Coast Guard in particular. They have been fighting with their arms tied behind their backs. We have new equipment and ships coming out for them, Coast Guard cutters, so they can do their job. When they went to Puerto Rico a couple of years ago, they did a magnificent job of shutting down the drug traffic coming through Puerto Rico. But while they were there, it came out of other places because they did not have the equipment, they did not have the resources to take care of it somewhere else. They are now working in the Dominican Republic, where a lot of the drug trafficking is coming. We are providing in this bill resources to them as well.

It is extraordinarily important that this legislation be passed. I encourage my colleagues to enact H.R. 4300. Let us get a truly bipartisan drug policy

that says, once and for all, here is the equipment, here is the resources, here is what they need; they have asked for it, they need it in the field, in essence the troops in the field, and Colombia, Bolivia and Peru have asked for it, and let us reduce the flow of drugs in this country by 80 percent over the next 2 or 3 years.

It can be done. For the sake of our kids, it must be done. And we have an obligation and an opportunity today to do that by passing H.R. 4300.

Mr. MENENDEZ. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, I will be offering an amendment today relative to utilization of our military at our border. It has been stripped from the defense authorization bill. It is probably the major debate that exists on this issue.

This is a good bill. I will support it. But there is still one glaring weakness: strong border security to ensure a strong reduction of narcotics.

Theories are theories. Our drug program is heavy on theory, lightweight on substance and factual data to, in fact, measure outcome indicators that reduce the presence of narcotics. Period.

One hundred percent of heroin comes across our border. One hundred percent of cocaine comes across our border. America does not domestically produce these economic giants that have destroyed our neighborhoods. It is the border. But because of politics, we protect and secure our border with only a civilian law enforcement presence.

This is an indictment on Congress. Not a mistake, not an oversight, an indictment. And I want to give credit to the majority party. They are willing to engage in the debate. Enough is enough. We cannot stop drugs at the border with more cops. We cannot stop and reduce reduction with more halfway houses, more counselors, more psychiatrists, more psychologists, more professors, more courses in school. They are all great. We have been doing it for years. Our streets have so much narcotic, a 14-year-old in New York can get it as easy as he can get aspirin. Shame, Congress. Shame.

I have to say this. The administration is in left field on this. They are wrong. In America the people govern. I do not want those troops to be making arrests, I want them to join forces with the civilian law enforcement entity and let the drug cartels know that we are going to wage a real war.

So I will offer my amendment today. I am going to ask my colleagues for support, and I want my colleagues to go beyond politics. There is nothing demeaning in this to Central American nations. There is no intent to demean any ethnic group. My God, every ethnic group in the cities has been decimated by narcotics. If we are going to have a

program, by God, let us have one. And if this President is going to veto it for that, let him veto something with substance.

We are too concerned about perception in the Congress of the United States, and we have not been doing the people's jobs. It took me 11 years to change the burden of proof in a civil tax case because the White House did not want it, Treasury did not want it, IRS did not want it. But, my colleagues, the people wanted it. Thank God for the gentleman from Texas (Mr. BILL ARCHER), and thank God for the Republicans.

I have been working on this for 7, 8 years. Here is all I am saying. The American people do not want our soldiers cashing a check in Tokyo and going to the theater, cashing a check in Frankfurt and going to dinner. They want them to participate in securing our border. It is not a line between Pennsylvania and Ohio. It is time to do it.

I will be offering that amendment today. I am hoping to have the support of this House.

Mr. HASTERT. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), the vice chairman of the committee of jurisdiction on drug enforcement, certainly a person who has spent a lot of time and certainly heartfelt effort in this.

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

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. HASTERT) for his leadership, and also the Speaker, who forced this on to the national agenda, because we actually are making some progress.

I first want to make the point, because we are constantly hearing what else does Congress do; all they do down there is talk about sex. We have had over 30 hearings and sex never came up once. We have been in Hollywood talking about the drug problem. We have talked to the record industry. We have been all across this country, in the district of the gentleman from Texas (Mr. SESSIONS), in Dallas; down in Orlando with the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. MICA), where the heroin has devastated our children. And among the things we have learned is it will take a concerted effort on both the interdiction and the demand reduction sides to do this. This bill in front of us deals with interdiction.

A lot of people say this is a lot of money to spend on that. The fact is, when this President took over the government, he cut that budget. We saw an immediate increase in supply, reducing the price on the street and increasing the purity and potency of those drugs. It is no wonder we are seeing the problems we have right now in our country. If we cut drug use 50 percent among our young people right now, we will only be back to where it was when the President took office.

We have to take these efforts. And we know where the drugs come from, as the gentleman from Ohio (Mr. TRAFICANT) pointed out. In this bill is one provision that we have been battling for 3 years. There is a war going on in Colombia. I have the hat they gave me of Colonel Gallego, who was a Colombian patriot, who leads Dante, the anti-drug division of the Colombian National Police. They are dying fighting the drug war to keep those drugs out of here.

In Colombia, we not only have the number one source of cocaine and heroin that is pouring into our Nation, but they have seen the narco-traffickers spill into the Darien Peninsula of Panama, putting potentially the canal at risk as we transfer power. They are near the Venezuelan border, our now number one source for oil. It is not the middle, it is Venezuela.

We are looking at national security risks in Colombia and we have people dying to fight them, and we for 3 years have been trying to get Black Hawk helicopters so they can get into the high elevations to fight and we have been blocked by this administration. This bill will give six Black Hawk helicopters to the Colombian national police. It upgrades 50 Hueys. They have helicopters going up. They have had a base blown apart in the last month or two. They are constantly fighting with helicopters that do not work. We need to get upgrades.

If we do not help the Colombian National Police, we will have our young men and women down there fighting the drug war, fighting to protect the canal, fighting to protect our oil interests. We should be helping the people who are willing to fight. It is not like Vietnam, where we did not see enough people. Look, here we have people fighting and dying. We need to get them the help. This has been silly. It has been downright silly.

We also have aid going to Peru for crop substitution and eradication where they have a shoot-down policy, all of a sudden the cocaine growers cannot get their crops to market. And they are saying now, they did not want to before, but they are saying, hey, maybe we will plant something else. We need to encourage that.

Same thing in Bolivia, where they have been aggressive. We have help. And in Mexico we have some assistance for them. The gentleman from Illinois (Mr. HASTERT) and I have been to Colombia three times; we have been in Peru and Bolivia multiple times; Chile; Mexico; met with President Zedillo. We have also been over in Thailand. They have a problem over there with heroin spreading around the world from Afghanistan to Vietnam. The base of this bill has a training center for that.

We, today, will also be dealing with the treatment programs, the prevention programs, and all the local crime enforcement. But in Fort Wayne, Indiana, and across this country, they cannot solve the problem if the cocaine

and heroin is pouring in in great quantities, and with the purity, if it can be found anywhere.

Number one, we have to get control of our borders, get control of what is coming in, help the governments that are willing to fight. And in South America and Central America and in Asia they are seeing what it is doing to their economies as well. It is our obligation to get it and support those while we can before it is too late.

□ 1145

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

I just want to point out to my colleagues who several times there have been references to the Administration cutting interdiction money. Several points I think need to be made. Number one is those moneys were used for other drug policy purposes, such as demand reduction. We have even heard some of the speakers on the other side suggest that as much as we also need to deal with interdiction, and I agree with that, we also need to deal with demand reduction.

Also the majority has had the opportunity since they took control at any time during that process, in the appropriation process, to rise to the level that they presently offer in this legislation today.

So I would just caution that as some seek to make a point that may be perceived as political in nature, the policy reality is, is that we have voted on the budgets that have been passed, we have had opportunities through the appropriation process to increase interdiction moneys to the levels that we thought were appropriate, and we now have in this bill today a very significant increase in interdiction. Now, that is fitting and appropriate. But I also think it is important in terms of keeping this debate intellectually honest that in fact there was significant assistance given to demand reduction and agreed that this is not just a one-sided war, that there are multiple aspects, different fronts to this war and if we are to be successful, we need to be attacking all of those fronts.

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

Mr. HASTERT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I would like to just speak to the gentleman from New Jersey and remind him that we have authorized money in our budget the last two years to do this very thing, and the Administration has yet to spend them.

We should all be aware that our Nation's drug problem is a poison eating away at our country. It is invading our streets and our schools. Statistics show an ever increasing number of drug users within our Nation. Here is a startling fact. Heroin use alone has reached historic levels among 12 to 17-year-olds. Unfortunately these drugs are

coming from our neighbors to the south. Now more than ever we need to focus more effort on source country eradication and interdiction to prevent drugs from entering the United States.

To my dissatisfaction, the Clinton administration has resisted congressional attempts, as I said, to assist these source countries as they wage their war on drugs. In general, President Clinton has made our Nation's drug problem a very low priority. As I said, the money was in the budget but they refused to spend it. The good news is that we have drafted an effective drug elimination plan. H.R. 4300 would provide the necessary assistance to countries like Colombia, Peru and Bolivia to strengthen eradication and interdiction strategies and enhance alternative crop developments. As a member of the Committee on International Relations Subcommittee on the Western Hemisphere and the Speaker's drug task force, I have witnessed firsthand the ill-equipped police and military forces as they attempt to fight the war on drugs alone. Specifically I have traveled to Colombia on numerous occasions only to be saddened by their lack of support from the Nation that creates the highest demand for illegal drugs, the United States. I am most pleased that a provision in H.R. 4300 would produce 50 "Super Huey" helicopters for the Colombian National Police. These are rebuilt and cost roughly 10 percent of what a new one would. It is money well spent. It is that helicopter package that is essential to the Colombians' ability to fight the increasingly well-funded, well-armed narcoguerrillas and to eradicate an increasing number of coca and poppy plants.

Let us support a plan that embodies our role in the war on drugs and at the same time will assist in freeing us from the constricting hold drugs have on our Nation.

I ask for support for H.R. 4300.

Mr. MENENDEZ. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman from New Jersey (Mr. MENENDEZ) for yielding time. I rise, Mr. Chairman, to state my concern with H.R. 4300, the so-called Western Hemisphere Drug Elimination Act. I just really want to talk about a problem that I am aware of. I lived in Latin America in Colombia when I was a Peace Corps volunteer. A lot of Members do not realize that in 1991, we signed the Andean Trade Preference Act, ATPA. What we did in signing that act which President Bush brought to Congress where the act was intended to allow an alternative, a diversity of moving from growing coca and drug plants to growing flowers. Since that time, the Colombian and Andean trade pact countries have duty-free flowers coming into the United States. What has happened? They have now 70 percent of the American flower market. Who has been hurt by that? American

flower growers. I mean really hurt. This is a noncompetitive advantage that we have. Any other flowers that we import from Asia or import from Europe have to pay a tariff. It is only the Andean trade pact countries that do not.

So my concern with the bill is we are authorizing in the bill \$10 million to urge Colombian farmers and others to stop growing crops that may be used to create illegal drugs. I think we need to deal with this issue that we have opened up in the Andean trade pact and not give them another \$10 million until we have gotten something back like requiring them to pay tariffs on their imports. There is not an equal playing field here. I know this is not what the committee intends. I hope that we can in conference committee work these things out. Because frankly the American flower growers cannot be more adamant about the problems that have been created, the unintended consequences of the Andean trade pact on American growers.

Frankly, the \$10 million authorization is more than we are giving to the farmers in Texas and to the farmers in the Northeast and in the Midwest for all their droughts. Essentially we are helping farmers in foreign countries more than we are helping our own. I would hope that the committee would be sensitive to this so that we might be able to take a look at a quid pro quo in this bill that will equal the playing field and still result in the intended consequences of diversity away from coca crops. If the committee will look at that, I would appreciate it. I would urge my colleagues to be aware of that as this bill goes into conference.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST) who has been at the forefront of working with the Coast Guard and making sure that it is a viable force.

Mr. GILCHREST. Mr. Chairman, I would like to make a comment about the gentleman from California (Mr. FARR) and the noncompetitive nature of some of the deals that have been made in the past to find some alternative crop to grow in Latin America that we are keenly aware of those facets and we will continue to work to make sure that farmers in this country, whether they grow flowers or vegetables or chickens or whatever, are on a very level playing field with the international marketplace. We do not want to give anybody a particular advantage over another.

I also want to emphasize that this is not a rush piece of legislation. The information that has gone into this legislation has come from various committees over two years. There was a two-year operation in the Caribbean called Frontier Shield in which the Coast Guard worked not only with the Defense Department and other various agencies of this government but they worked with the international community in the Caribbean and European

countries. They showed very, very clearly that they could put a net around the island of Puerto Rico and reduce significantly the amount of drugs coming into that particular island. So what we want to do is expand this program.

Just for a second, if people will in their mind imagine the United States and its coastal areas, the Pacific, the Atlantic, the Caribbean and the Gulf. This is a finite region. It is not infinite. We have without a doubt the expertise, the technology, the manpower to cut off drugs coming into this country. We can create a web, a steel web that will interdict these drugs before they reach our shores. We have the expertise, the technology, the manpower. This piece of legislation gives us the will. It is without a doubt a moral imperative for responsible adults to enter into this rather large program to reduce drug use in the United States.

Do we need treatment? Yes. Do we need education? Yes. Do we need hospitals? Yes. Do we need drug interdiction? The answer is yes. I urge my colleagues to vote for the legislation.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART) certainly somebody who has been on the prosecutor side of this, very strident in trying to rid our country of drugs.

Mr. DIAZ-BALART. Mr. Chairman, I think it is about time that finally we are exerting the leadership in this Congress to get assistance to those heroic fighters for the interests not only of their own countries, the peoples of their own countries, in Colombia, in Peru and in Bolivia, but our young people here who are the victims of the poison that is coming in every day from South America. It is those Colombian National Police heroes as the gentleman from Indiana (Mr. SOUDER) was talking about that we cannot even get helicopters to. The Administration has held them up even when we have financed them. So this bill does very important things in addition to trying in multiple ways to get to the core of the problem.

Mr. Chairman, I need to point out something that continues to be a reality. I have in my office on video a customs agent who is on the front lines every day fighting drugs. He says that over 50 percent of the cocaine that comes in through the Caribbean comes through or from Cuba. The Clinton administration continues to deny and ignore and thus cover up the Cuban dictatorship's participation in drug trafficking. Out of frustration, the U.S. Attorney in that office, the Southern District of Florida, leaked an indictment that is prepared, and it has been prepared since 1993 that charges the Cuban government as a racketeering enterprise for a 10-year conspiracy to send tons of Colombian cartel cocaine through Cuba to the United States.

Now, that indictment has been put in a drawer due to an order from Washington. Out of frustration it was leaked to

the press; as was leaked, also, an investigation of a drug dealer who in 1996 after having been arrested, agreed, due to the fact that he had had multiple drug dealings with the Cuban government, to go back in under surveillance and do another deal with the Cuban government, with the Cuban dictatorship. That continues to be covered up.

So there is an inconsistency. There is an inconsistency between what the people on the front lines are saying and what the higher-ups are saying, even to us here in Congress, where I maintain, Mr. Chairman, we have been lied to and we continue to be lied to.

The Clinton administration cannot continue this cover-up. We are going to continue investigating and pressing this issue, because the poison that is coming in to kill our young people in this country is not acceptable and a policy that covers up the importation of that policy is at the very least unconscionable as well as unacceptable.

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

Mr. Chairman, I would just like to make a statement as it relates to one of the issues that we have consistently heard about and suggesting that the Administration has cut our overall drug efforts. In essence what we had here was a readjusted strategy. We found that the Administration through its fact-finding found that over the Mexican border, much more was coming through in terms of illicit drugs than from some of the Caribbean aspects, so it reallocated moneys to domestic law enforcement, and our overall budget remained the same. In the 1997 fiscal year, we are talking about 52 percent went to domestic law enforcement, because it understood the intention and the need to deal with what was coming over our border and it reallocated for that purpose. And then 12 percent went for interdiction and 35 percent went for demand. What we are doing, we are taking that 52 percent for domestic law enforcement which was geared at the border, the most porous place in which the ability to transverse drugs into the country was created and now here we are going to try to raise the interdiction part. There are many of us who support that. But we need to characterize it in the appropriate way.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) who has been extremely active over many years in the House and former chair of what was a select committee on narcotics.

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

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Mr. RANGEL. Mr. Chairman, I appreciate the opportunity to come to the floor to support this initiative.

It did not come as a surprise to me that the first person I would see on the floor would be my old and dear friend, the gentleman from New York (Mr.

GILMAN). It has been over a quarter of a century now that he and I recognize this threat to our Nation's national security. We have been around the world with the most bipartisan groups we would have in the Congress and in local government and law enforcement. We have been around the world talking with people, and more often than not in recent years we would look at each other and say, whether it was at the United Nations or in committees in this Congress, it looks like this is where we started.

Mr. Chairman, the reason for it is that we all agree that demand is such an important part of this struggle where kids have to not just say no, but have hopes and dreams for the future so that addiction and crime and violence and jail is no longer an option for them, and we have to invest in education if we are going to get a handle on this. We need local law enforcement, of course, so that those who venture to make profit at the expense and misery of others would know that if they commit the crime, they do the time.

We have to protect our borders against this poison that comes in, and we have to let every Nation know that those that venture out and traffick and use their countries for transshipment, that it violates everything that this country stands for, and that we are not going to tolerate that.

Mr. Chairman, we have to talk about corruption, not that we do not have more than our share in this country, but we cannot tolerate it with the countries that we are sending resources to and find that it is not reaching those people that dedicate their lives each and every day to fighting the drug traffickers and those that support them.

I remember the day so vividly when the gentleman from New York (Mr. GILMAN) and I were on the streets of Bogotá and saw what amounted to their Federal Bureau of Investigation headquarters with a big hole blasted into it as the drug traffickers sought to destroy the very institution of their government. How many funerals we have been to with Colombian law enforcement people; how many trust funds have we set up for their families?

So some people say, well, we tried that, and it has not worked, and so give up. No, we cannot give up. This is not a problem that our great Nation can give up. This is the type of problem where there are no parties, there is no Republicans, there is no Democrats. It is our kids, it is our future. And we have to be able to say at the same time, the same way that we wrestled Communists to the ground, that we are going to wrestle this threat to our security to the ground.

Mr. Chairman, I support this, I support the bipartisan nature in which we come to deal with this.

This administration, be placed on notice, that from the time I came here we have engaged in each 4 years with a

new war on drugs, and each time we have not even seen the bang of a flag out of a pop gun in terms of dealing with this tragic problem. I remember that we set up the drug czar, and that was supposed to coordinate all of the efforts. But in setting up the drug czar, we lost the voice of each and every Secretary, whether the Secretary of State, Secretary of Education, Secretary of Health and Human Services, Secretary of Defense. All of these things are necessary when the Commander in Chief and President of the United States declares war.

So let me congratulate the original authors of the bill, and let me say that regardless of which side of the aisle we are on, America will never be free and our legacy will never be clean until we say that on our watch we eliminated this threat to our national security.

Mr. MENENDEZ. Mr. Chairman, in the spirit of the bipartisanship I was talking about, I yield 4 minutes to the distinguished gentleman from New York (Mr. GILMAN) chairman of the Committee on International Relations, someone who has focused a lot of time of his work and efforts here in the Congress on the issue of combating drugs in our country.

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

Mr. Chairman, I rise in support of this worthy legislation. It is intended to improve our Nation's fight against drugs at their source before they ever reach our shores to destroy our communities and our children.

Yes, it is important we fight this battle on both reducing supply and reducing demand and doing it simultaneously, and this is an important aspect of reducing demand.

I want to commend the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HASTER) our Drug Task Force chairman, for these outstanding efforts, bipartisan efforts, to turn around the serious source-nation neglect by this administration, neglect abroad, I might add, which is already having disastrous consequences at home and in rising drug use among our young, especially with Colombian heroin.

And I am pleased that we are joined today in support of this bill by my good friend and a longtime drug fighter, the gentleman from New York (Mr. RANGEL), who is still fighting the good fight. He chaired, and I recall we had an excellent House Select Committee on Narcotics that he chaired, and we worked together in a bipartisan effort to fight drugs both here and abroad.

As my colleagues know, the fight has not changed one iota, and the problem has not changed. The war on drugs is not a partisan issue; it is, as the gentleman from New York (Mr. RANGEL) noted, it is about our children, and I am so pleased that we have a measure before us which can help substantially.

The most recent drug use data reflects extensive damages. For example,

for the first time heroin use is at an all time high: 171,000 teens used heroin for the first time in 1996, the latest statistics we have available. It is way above the 1995 levels. Yes, we are in a crisis with drug use at home, especially heroin, in part due to our neglect abroad. In the last 5 years we witnessed a startling 875 percent increase of heroin use by teenagers 12 through 17, and not long ago a poll of our Nation put the issue of stopping drugs from entering our Nation high atop our U.S. foreign policy goals. At a June 24 Committee on International Relations hearing on the growing Colombian heroin crisis in our Nation, where a startling 75 percent of the heroin on the streets now originates, an FBI witness testified on the best way to tackle this crisis, and he stated and I quote:

"Eradication of the opium poppy in South America seems to be the logical point of attack in order to curb the increasing flow of Colombian heroin into the growing Northeast market."

This wise approach favored by the FBI to fight Colombian heroin was also shared by our DEA and by our Customs Service witnesses. Our front-line Federal law enforcement agents know best how to fight drugs, and that is at the source.

A recent Ocala, Florida Star-Banner editorial said it best when arguing for more efforts abroad to fight drugs in places like Colombia, and I quote: "We face a choice. Pay a little now or a lot more later."

This bill before us starts the process. It authorizes better high-performance helicopters for the Colombian National Police anti-drug unit which has an excellent record both fighting drugs and respecting human rights. And General Serrano, the incorruptible head of the CNP, has lost over 4,000 officers, 4,000 in the past 10 years in the Colombian eradication fight. The CNP was responsible for ridding the world of drug lords like Pablo Escobar. They deserve our support to halt the flow of drugs to our young people. I have long advocated these means to first take the fight against Colombian heroin to the high Andes where the opium poppy grows and eradicate it before it reaches our shores.

In addition, this bill removes the outmoded limits on our DEA's ability to provide nonlethal and drug-related assistance like radios and transport vehicles to cooperative anti-drug police agencies abroad. Low cost, nonlethal, anti-drug aid would be provided more quickly by the DEA to their counterparts under this proposal.

This bill also fixes a major problem with the State Department's Bureau of International Narcotics and Law Enforcement inability to effectively process and expeditiously handle foreign military sales cases for counter-narcotics-related military aid abroad.

The bill also ends the need to create whole new files, hire additional officers and bureaucracy to handle FMS anti-drug related cases within the State Department and at local U.S. embassies.

The Department of Defense will now process MFS cases after the order is negotiated by the State and the local security agents in their fight against drugs.

This reform avoids duplication, it takes advantage of our military experience and know-how in promptly providing military aid for counternarcotics assistance related to the foreign police, to military and other security agencies.

So in closing, let me say the long, bitter experience in Colombia, where inexperienced State Department officials cannot process and move along expeditiously vital counternarcotics aid under FMS in the middle of our raging narco-based war, should never be repeated.

Mr. Chairman, these and many other excellent provisions of the source nation bill before us will improve the fight against drugs abroad and at their source as the American people want, expect, and have a right to from their Federal Government. Accordingly, in the interests of effectively fighting the drug war, I urge adoption of this measure.

Mr. Chairman, I rise in strong support of this open and fair rule for the House's consideration of H.R. 4300. My committee waived jurisdiction over H.R. 4300 "The Western Hemisphere Drug Elimination Act". As this session nears conclusion, we are in a serious crisis on the drug front as a result of Administration's neglect in both source nation and interdiction efforts in the war on drugs. We need bold, broad and coordinated action, H.R. 4300 sets out to do this.

The supply of pure, and low cost drugs from abroad increases daily, while corresponding demand and use rises here at home, especially heroin among our young people.

A good case in point of this neglect is Colombia, which produces 80% of the world's cocaine, and most recently has captured the heroin market here in the U.S. (75% in fact).

Our committee has held an extensive set of hearings on drugs in Colombia, and we also had the GAO report on the crisis there.

We have conducted extensive analysis of the critical need for more and better assistance including high performance helicopters, and an overall reform of our war on drugs being waged abroad.

Most recently, events turned for the worse in the fight against drugs at the source in Colombia. U.S. law enforcement is in agreement that the best place to fight drugs, is at the source in places like Colombia. The war on drugs is now on hold in Colombia. Without good helicopters, opium eradication has been cut 50% and the results in the U.S. from the influx of Colombia heroin are indeed frightening. In addition, the narco-guerrillas recently destroyed the Colombian National Police's forward drug fighting base in Miraflores. Fear of attack on their key anti-drug operations base at San Jose del Guaviare, forced the withdrawal of the CNP's few remaining operational Vietnam era Huey helicopters. Coca and cocaine lab destruction have also decreased.

This de facto cessation of the war on drugs in the major source nation in our hemisphere is having impact here at home. More and more in the U.S., the price of hard drugs fall,

while the purity rises. The most recent National Household Survey data released while we were on recess, showed 171,100 teens for the first time used heroin in 1996. Heroin use in the U.S. now exceeds the late 1960s, early 1970s historic levels, and the future is not bright. On the cocaine front, prices fall, as purity rises, with use on the rise. We are witnessing a major failed demand only driven drug fighting strategy, which will reverse all of the major Reagan/Bush gains in the war on drugs.

H.R. 4300 is an excellent bill. it sets out a three-year plan to reverse this serious neglect at both the source, and in the area of drug interdiction.

As this drug crisis threatens our youth, and nation, it requires our immediate action before the session adjourns. Accordingly, under these extraordinary circumstances, I am without prejudice to the Committee's ongoing jurisdiction over the subject matter, willing to waive jurisdiction on this bill so the full House can act on it. I urge the adoption of the rule. A vote yes, is a vote to fight drugs at the source.

Mr. MENENDEZ. Mr. Chairman, I just yield myself such time as I may consume very briefly, and then I will yield back.

I think I want to echo comments of my colleague from New York (Mr. RANGEL) which I think very vividly express the sentiments of those on this side of the aisle about our commitment to this fight, understanding that there are many aspects to this fight, many fronts to be fought on. Today we are focusing on one of those fronts, and appropriately, in an appropriate manner.

But I just hope that my colleagues, in the ensuing debate that will take place on the amendments, will understand that in that process, as we deal with interdiction, which is an incredibly important element of this, we need not to forget demand reduction and we need not to forget about education and treatment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in opposition to this bill, which attempts to implement various plans aimed at reducing the flow of illicit drugs into the United States through drug interdiction programs in North, Central, and South America, as well as the Caribbean.

Although I cannot in good conscience support this bill, I applaud the effort because it serves as an acknowledgement that the war on drugs cannot be fought on our soil alone. It will take the efforts of the global community, working together, to defeat this scourge and leave a drug-free legacy for our posterity. For this recognition, I applaud the House leadership.

However, there are certain principles that we as legislators must abide by when passing legislation. This bill violates many of them, and for that reason, I oppose the passage of this bill.

This bill contains no human rights or anti-corruption conditionality on assistance, except in the case of Columbia, where the inclusion of that condition threatens the delicate balance of their peace process. As a Founder and Chairperson of the Congressional Children's Caucus, I will not allow federal funds to go to oppressive governments, especially when there is a good chance that those very funds

could be used to dehumanize the people of their country.

I also oppose this bill because it represents a failure of the deliberative process. Although the ranking members of several committees, including the Judiciary upon which I serve, requested H.R. 4300, jurisdiction of the bill was waived by the respective Republican Chairperson, essentially blocking Democratic input until it reached the floor of the House this morning. There have been no hearings on this bill, and no markups. That means the bill was not subjected to the scrutiny of elected lawmakers. The representatives who were voted in by the people of the United States to protect their interests. I cannot be a party to that.

Furthermore, the goals of this bill, while laudable, are unrealistic and unattainable, especially in light of the low amount of funds authorized for its implementation. For this reason, the Office of National Drug Policy also opposes this bill.

We all know that this bill will not be fully funded. Our appropriations for this year are gaunt, and this bill unfairly raises the expectations of the American people. I would love to see an 80-percent reduction in drug trafficking, but I know that this goal is not attainable without the enactment of a truly comprehensive drug bill, wrought through the legislative process, and with due consideration for our long-standing foreign policy objectives.

It is a fact that a tremendous amount of drugs cross our borders every year, and I acknowledge that it is a problem of enormous magnitude. But we cannot leave our common sense and legislative know-how behind as we chase the holy grail of a drug-free America. I vow to remain vigilant in protecting our children the best way I know how, by passing effective legislation that can, realistically and not theoretically, win us the war on drugs.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of H.R. 4300, and commend the efforts of my colleagues to bring this bill to the floor.

As chairman of the Transportation and Infrastructure Committee, I have urged the administration to take a more balanced approach to drug control by increasing Coast Guard drug interdiction resources.

The reason that this is so important is simple: Aggressive interdiction of illegal drugs raises the street price for drug users.

Raising the street price of illegal drugs deters casual drug users, especially teenagers, from using drugs.

Research shows that if people do not use drugs as teenagers, they are unlikely to acquire a drug habit later in life.

Sadly, the latest news on teenage drug use in this country is bleak.

Last month, the administration released the findings of the most recent national household survey on drug abuse.

For young people ages 12-17, the survey found a 32-percent increase in drug use, primarily marijuana, during the last year alone.

We must act immediately to reduce drug use in this country by providing the resources necessary for law enforcement officials to fight the war on drugs.

The drug interdiction funds authorized in H.R. 4300 will allow the Coast Guard to respond aggressively to drug smugglers before they reach our borders.

Billions of dollars of television advertisements are no substitute for tough law enforcement to keep drugs off American streets and out of the hands of American children.

I urge Members to support H.R. 4300.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the "Western Hemisphere Drug Elimination Act." As a cosponsor of this important legislation, I am proud to speak in favor of its provisions.

I think we are all aware of the enormity of the drug problem.

More than eleven million Americans buy illicit drugs and use them more than once a month, spending as much as \$150 billion annually.

Studies indicate that the addictive nature of drugs, their high cost and their illegality play a role in half of the street crime in the United States.

And we all can attest to the debilitating effect drug use has on communities, neighborhoods and families.

Measured in dollar value, at least four-fifths of all the illicit drugs consumed in the U.S. are of foreign origin, including virtually all the cocaine and heroin.

But let's be honest with ourselves—there has never been a real war against drugs in this country. In fact, in recent years we have been waving the white flag of surrender. Drastic cuts to budget of the Drug Czar, reductions in military interdiction efforts, and removal of important radar sites around our borders have had real consequences.

With a brief review of the basic economic doctrine of supply and demand, it is not hard to understand that the more drugs that enter this country, the cheaper the street price is, and the more likely that a young person—maybe a first-time user—will experiment with drugs.

So what can we do to slow the flow of drugs?

First, we must enhance our surveillance efforts to detect and monitor drug traffickers on the high seas or in the skies above. The Western Hemisphere Drug Elimination Act accomplishes this by authorizing funds for source and transit country aircraft and improved radar coverage.

Second, we must intensify eradication and interdiction in the primary source countries. The legislation at hand addresses this as well by authorizing funds for these activities in Bolivia, Colombia and Peru.

Third and finally, we must focus on international law enforcement training and making sure that our law enforcement agents have the tools they need to fight this war. The legislation before us today recognizes the importance of these resources: it funds three international law enforcement academies, a U.S. Coast Guard training vessel, and a joint maritime law enforcement training center.

While the price tag on this package is significant, I believe it is time to get serious about our war on drugs. Halting the cultivation and transportation of these lethal substances deserves our strong support.

Mr. Speaker, let me close with one last thought. If a large quantity of anthrax was being transported from South America to the United States what would we do? Drugs are just as deadly. And we must be just as vigilant to protect all Americans from the scourge of drug abuse as we would any other national security threat.

I urge adoption of this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I rise today in support of this bill and would like to take this opportunity to thank Mr. HASTERT for

his hard work in expeditiously moving it to the floor. I would also like to thank him for his cooperation in accommodating our concerns with regard to those portions of the bill which fall within the jurisdiction of the House Agriculture Committee.

I would like to speak specifically to the title III of the bill. This title of the bill authorizes a very innovative approach to tackling our drug problems in this country and across the world involving agricultural research. The phenomenal discoveries that USDA and the private sector have developed will be used to literally stop the production of drugs at the initial source by introducing diseases directly into the plants that produce these drugs.

Earlier this year, we passed and the President signed into law a reauthorization of our agricultural research programs. This bill was the result of about a year of work in which Mr. Combest's subcommittee conducted thorough review of agricultural research programs and worked hard to increase efficiencies and improve the performance and results of our agricultural research programs. Within that debate a lot of discussion occurred regarding the vital importance of strong agricultural research to help American farmers and ranchers meet the increasing demands of an ever competitive world marketplace. Frustration was expressed about the lack of appreciation in most of our society for the benefits that we enjoy resulting from agricultural research. This project is a perfect example of agricultural research producing benefits for our everyday lives. Agricultural research will play an integral role in stemming the production of deadly drugs which have been such a detriment to our society.

Also in title III of the bill is an authorization for work by USDA's Agricultural Research Service and the U.S. Agency for International Development to assist producers who have relied on the production of drug producing plants to support their families in switching to alternative crops. This is a vital aspect of this program which needs to be present to make the program successful. I would like to make it clear that the crops which will be encouraged as alternatives for these producers are not major, traditional crops which are widely grown in the United States. Examples of these alternative crops are calca, which is the bean which is used to produce chocolate, and bananas. Therefore, U.S. producers should not be concerned that this project will affect the supply on the world market for the crops that they produce.

Again, I appreciate the work of Mr. HASTERT and others in bringing this bill to the floor and I am glad to support its passage.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in reluctant opposition to this bill.

I agree with the sponsors of this bill that we must do more to combat the trade in illegal drugs. We need to increase our interdiction efforts. We must step up our efforts to eradicate drugs at the source. We should increase our cooperation with other nations and assist them in proper training of law enforcement officers. I also support redoubling our crop substitution efforts.

However, the substantial changes in U.S. policy made by this bill deserve proper consideration by the authorizing committees. This bill was initially referred to five committees, none of which held a hearing or a mark-up. This bill was re-drafted behind closed doors this week

and was shared with Democrats only at the last minute.

Seat-of-the-pants legislating may make for good politics in an election year, but it also makes bad law. For example, this bill authorizes new equipment purchases but fails to adequately fund its operation or maintenance. Oversights like this can be easily addressed by the authorizing committees if they are given the chance.

Furthermore, I am opposed to the provisions in this bill which further reduce the role of the State Department in this growing international problem. Specifically, this bill will transfer the Bureau of International Narcotics Control and Law Enforcement Affairs from the State Department to the Drug Enforcement Agency.

It may be true, as the sponsors claim, that narcotics control assistance is better conducted by law enforcement agencies than by the State Department. But I do know that the State Department is better equipped to deal with issues of international stability and diplomacy. For example, this bill threatens a tentative peace by withholding assistance if the Colombian government agrees to a demilitarized zone with its insurgents. Disrupting the peace process will weaken the Colombian government and will hamper its ability to effectuate strong, sensible narcotics control programs. It is critical that the State Department retain its seat at the table if we are to adequately consider the effects that our drug control policy has on the stability of other nations and the ability of those nations to cooperate with us as partners in these efforts.

Finally, Mr. Chairman, I wonder about the timing of this bill. We always seem to consider major counter-narcotics authorization bills just prior to election day. I'm sure that it is merely coincidental, but I wonder why we've chosen to focus on these authorization bills when the real problem we face in narcotics control is that Congress fails to adequately fund existing programs. If no one proposed full funding of counter-narcotics programs when we considered the Commerce, Justice, State Appropriations Bill just six weeks ago, does anyone really think passing this bill will result in greater appropriations and greater counter-narcotics efforts?

For these reasons, I urge my colleagues to oppose this bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for not more than 3 hours.

The amendment in the nature of a substitute, numbered 1, printed in the CONGRESSIONAL RECORD, is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 4300

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Western Hemisphere Drug Elimination Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and statement of policy.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

- Sec. 101. Expansion of aircraft coverage and operation in source and transit countries.
- Sec. 102. Expansion of maritime coverage and operation in source and transit countries.
- Sec. 103. Expansion of radar coverage and operation in source and transit countries.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

- Sec. 201. Additional eradication resources for Colombia.
- Sec. 202. Additional eradication resources for Peru.
- Sec. 203. Additional eradication resources for Bolivia.
- Sec. 204. Additional eradication resources for Mexico.
- Sec. 205. Miscellaneous additional eradication resources.
- Sec. 206. Bureau of International Narcotics and Law Enforcement Affairs.
- Sec. 207. Report on transferring international narcotics assistance activities to a United States law enforcement agency.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE AND MYCOHERBICIDE RESEARCH AND DEVELOPMENT

- Sec. 301. Alternative crop development support.
- Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
- Sec. 303. Master plan for mycoherbicides to control narcotic crops.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

- Sec. 401. Enhanced international law enforcement academy training.
- Sec. 402. Enhanced United States drug enforcement international training.
- Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

- Sec. 501. Increased funding for operations and equipment.
- Sec. 502. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

- Sec. 601. Authorizations of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

- (1) Teenage drug use in the United States has doubled since 1993.
- (2) The drug crisis facing the United States is a top national security threat.
- (3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.
- (4) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.
- (5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.
- (6) In 1987, the national drug control budget maintained a significant balance between

demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from \$1,647 in 1992 to \$966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from \$123 to \$104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug

control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) support policies and dedicate the resources necessary to reduce the flow of illegal drugs into the United States by not less than 80 percent by December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries, as follows:

(1) For procurement of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, the total amount of \$430,000,000.

(2) For the procurement and deployment of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone, the total amount of \$150,000,000.

(3) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$23,500,000.

(4) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$12,500,000.

(5) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone, \$23,500,000.

(6) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries, \$12,500,000.

(7) For construction and furnishing of an additional facility for the P-3B aircraft, 6,000,000.

(8) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Colombia, \$6,000,000.

(9) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Bolivia, \$2,000,000.

(10) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Peru, \$6,000,000.

(11) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions, \$25,000,000.

(12) For purchase and for operation and maintenance of 3 Schweizer RU-38A observation aircraft (to be piloted by pilots under contract with the United States), the total amount of \$16,500,000, of which—

(A) \$13,500,000 is for procurement; and

(B) \$1,000,000 for each such fiscal year is for operation and maintenance.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying

the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) **TRANSFER OF AIRCRAFT.**—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 Slick aircraft.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) **OPERATING EXPENSES.**—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there are authorized to be appropriated to the Secretary of Transportation \$129,000,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) **ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.**—

(1) **IN GENERAL.**—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there are authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the following:

(A) For maritime patrol aircraft, \$66,000,000.

(B) For acquisition of deployable pursuit boats, \$3,500,000.

(C) For the acquisition and construction of 15 United States Coast Guard 87-foot Coastal Patrol Boats, \$71,000,000.

(D) For the reactivation of 3 United States Coast Guard HU-25 Falcon jets, \$7,500,000.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters, \$16,300,000.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and Caribbean Basin, \$4,000,000.

(G) For acquisition or conversion of maritime patrol aircraft, \$17,000,000.

(H) For acquisition or conversion of 2 vessels to be used as Coast Guard Medium or High Endurance Cutters, \$36,000,000.

(I) For acquisition or conversion of 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations, \$20,000,000.

(J) For construction of 6 United States Code Coast Guard medium endurance cutters, \$289,000,000.

(2) **CONTINUED AVAILABILITY.**—Amounts appropriated under this subsection may remain available until expended.

(c) **REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.**—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC-170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries, as follows:

(1) For restoration of radar in the Bahamas, the total amount of \$13,500,000, of which—

(A) the total amount of \$4,500,000 is for procurement; and

(B) \$3,000,000 for each such fiscal year is for operation and maintenance.

(2) For each such fiscal year for operation and maintenance, for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, \$300,000.

(b) **REPORT.**—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) **DEPARTMENT OF STATE.**—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia, as follows:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia, \$6,000,000.

(2) For the purchase of DC-3 transport aircraft for the national police of Colombia, the total amount of \$2,000,000.

(3) For acquisition of concertina wire and tunneling detection systems at the La Picota prison of the national police of Colombia, the total amount of \$1,250,000.

(4) For the purchase of minigun systems for the national police of Colombia, the total amount of \$6,000,000.

(5) For the purchase of 6 UH-60L Black Hawk utility helicopters for the national police of Colombia, the total amount of \$60,000,000 for procurement and an additional amount of \$12,000,000 for each such fiscal year for operation, maintenance, and training.

(6) For procurement, for upgrade of 50 UH-1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia, the total amount of \$70,000,000.

(7) For the repair and rebuilding of the antinarcotics base at Miraflores, \$2,000,000.

(8) For providing sufficient and adequate base and force security for any rebuilt facility at Miraflores, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit, \$6,000,000.

(b) **COUNTERNARCOTICS ASSISTANCE.**—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of the enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication and interdiction of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) **DEPARTMENT OF STATE.**—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site at Puerto Maldonado, Peru, to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, the total amount of \$3,000,000, and an additional amount of \$1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) **DEPARTMENT OF DEFENSE STUDY.**—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A-37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia, as follows:

(1) For each such fiscal year for support of air operations of the Red Devils of Bolivia, \$1,000,000.

(2) For each such fiscal year for support of riverine operations of the Blue Devils of Bolivia, \$1,000,000.

(3) For each such fiscal year for support of coca eradication programs, \$1,000,000.

(4) For the procurement of 2 mobile x-ray machines with maintenance support for placement along the Chapare highway, the total amount of \$5,000,000 and an additional amount of \$1,000,000 for each such fiscal year for operation and maintenance.

SEC. 204. ADDITIONAL ERADICATION RESOURCES FOR MEXICO.

(a) **IN GENERAL.**—

(1) **AUTHORITY TO PURCHASE HELICOPTERS.**—Contingent on the agreement of the Government of Mexico to approve full diplomatic immunity for Drug Enforcement Administration personnel serving in Mexico with privileges granted to United States Government officials to carry weapons necessary for the performance of their duties, the Secretary of State, subject to the availability of appropriations, shall purchase 6 Bell 212 high altitude helicopters designated for opium eradication programs in the Mexican states of Guerrero, Jalisco, and Sinaloa, for enhancement of drug-related eradication efforts in Mexico.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State during the period beginning on October 1, 1998, and on ending September 30, 2001, \$18,000,000 to carry out paragraph (1).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

SEC. 205. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of \$500,000.

SEC. 206. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) **QUALIFICATIONS FOR SERVICE.**—Notwithstanding any other provision of law, any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement, or intelligence.

(b) **FOREIGN MILITARY SALES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the implementation and processing of the counternarcotics foreign military sales request shall be the sole responsibility of the Department of Defense, which is the traditional lead agency in providing military equipment and supplies abroad.

(2) **ROLE OF STATE DEPARTMENT.**—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

SEC. 207. REPORT ON TRANSFERRING INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES TO A UNITED STATES LAW ENFORCEMENT AGENCY.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

(b) **REPORT REQUIREMENT.**—

(1) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committees a report, which shall evaluate the responsiveness and effectiveness of international narcotics assistance activities under the Department of State during the preceding 4 fiscal years.

(2) **RECOMMENDATION AND EXPLANATION.**—The study submitted under paragraph (1) shall include the recommendation of the Di-

rector and detailed explanatory statement regarding whether the overseas activities of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State should be transferred to the Department of Justice.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Office on National Drug Control Policy \$100,000 to carry out the study under this section.

(c) **DEFINITIONS.**—In this section, the term “appropriate committees” means—

(1) the Committees on Appropriations, Armed Services, Foreign Relations, and the Judiciary of the Senate;

(2) the Committees on Appropriations, International Relations, National Security, and the Judiciary of the House of Representatives; and

(3) the Select Committees on Intelligence of the House of Representatives and the Senate.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs, as follows:

(1) For startup costs of programs in the Guaviare, Putumayo, and Caqueta regions in Colombia, the total amount of \$5,000,000 and an additional amount of \$5,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Ucayali, Apurimac, and Huallaga Valley regions in Peru, \$50,000,000.

(3) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Chapare and Yungas regions in Bolivia, \$5,000,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, \$23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) \$5,000,000 shall be used for crop eradication technologies.

(2) \$2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) \$1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) \$5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) \$10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) **CRITERIA FOR ELIGIBLE ENTITIES.**—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seed-borne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) **IN GENERAL.**—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) **COORDINATION.**—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) **REPORT.**—Not later than March 1, 1999, the Secretary of Agriculture shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) **ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.**—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities, as follows:

(1) For the establishment and operation of an academy, which shall serve Latin America and the Caribbean, the total amount of \$3,000,000 and an additional amount of \$1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia, the total amount of \$2,000,000 and an additional amount of \$1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(3) For each such fiscal year for the establishment and operation of an academy in South Africa, which shall serve Africa, \$1,200,000.

(b) **MARITIME LAW ENFORCEMENT TRAINING CENTER.**—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, \$1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, \$1,500,000.

(c) **UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.**—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels, as follows:

(1) For a vessel for international maritime training, which shall visit participating

Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets, the total amount of \$7,500,000.

(2) For each such fiscal year for support of the United States Coast Guard Balsam Class Buoy Tender training vessel, \$2,500,000.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) MEXICO.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of \$2,000,000 for each such fiscal year.

(b) BRAZIL.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of \$1,000,000 for each such fiscal year.

(c) PANAMA.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of \$1,000,000 for each such fiscal year.

(2) ELIGIBILITY TO RECEIVE TRAINING.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) VENEZUELA.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, \$1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) ECUADOR.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, \$500,000.

(2) For each such fiscal year for the Department of the Treasury, \$500,000.

(f) HAITI AND THE DOMINICAN REPUBLIC.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, \$500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) CENTRAL AMERICA.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, \$12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) IN GENERAL.—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than \$100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) ADDITIONAL REQUIREMENT.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For support of the Merlin program, the total amount of \$8,272,000.

(2) For support of the intercept program, the total amount of \$4,500,000.

(3) For support of the Narcotics Enforcement Data Retrieval System, the total amount of \$2,400,000.

(4) For support of the Caribbean Initiative, the total amount of \$3,515,000.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts, the total amount of \$40,213,000.

(b) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of \$20,000,000.

(c) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For refurbishment of 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet, the total amount of \$3,500,000.

(2) For purchase of 9 new interceptor vessels in the Caribbean maritime fleet, the total amount of \$2,000,000.

(3) For the hire and training of 25 special agents for maritime operations in the Caribbean, the total amount of \$2,500,000.

(4) For purchase of 60 automotive vehicles for ground use in South Florida, \$1,500,000.

(5) For each such fiscal year for operation and maintenance support for 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone, the total amount of \$10,000,000.

(6) For purchase of 5 CTX-5000 x-ray machines to enhance detection capabilities with respect to narcotics, explosives, and currency, the total amount of \$7,000,000.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global

Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

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

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

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCCOLLUM:

Page 5, line 25, insert the following:

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority;

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war, (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations), (3) exercises and training, and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance);

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States;

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States;

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs;

(19) The conduct of counter-drug activities has the potential for contact with hostile forces;

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

Mr. MCCOLLUM. Mr. Chairman, I wanted to speak for a few minutes about the issue that we talked about briefly in the general debate on the priorities that are set by our Department of Defense. They have a particular terminology they use over there about global military force policy in the Department of Defense. It is not a legislative matter; it is a matter of how they do a lot of things that perhaps we do not need to discuss here today on the floor, but one of those things is to set some priorities for the allocation of assets, military assets, presumably equipment, everything else. Unfortunately, today the way this works, there are things that just simply are not right with respect to this in my judgment.

The Department of Defense has a mission of anti-narcotics. But that anti-narcotics mission is way down the pipeline, and as a consequence of that, our Southern Command, which is in charge of all of our military forces in the Caribbean and Latin America principally concerned about the anti-narcotics effort, though there might be other defense measures and needs, our Southern Command is not able to provide the equipment and the manpower and the effort that Congress envisioned years ago when we designated a role for the mission in the anti-narcotics effort.

Now I realize the Department of Defense budget has declined in real terms for 14 consecutive years, and I am one of the strong proponents of a tough and stronger military. I think we have let it deplete terribly. I think we have a problem with the absence of a ballistic missile defense system in this country. We should have deployed one a long time ago, and we should be deploying one today, especially in light of the Rumsfeld report where we know that there may be missile capabilities from some of our potential adversaries that can even reach our shores in the next 2 or 3 years with nuclear, chemical or biological weapons aboard.

□ 1215

I know that our young men and women are stretched beyond where they should be in deployments in far-

reaching parts of the world today and peacekeeping missions like in Bosnia. The threat is certainly there for not only terrorism acts, but more serious matters even than that for our military with respect to the Middle East and Near East and so forth.

It is a dangerous world we live in out there and we very badly need to re-address our defense strategy and our defense resource allocation by this Congress. It is desperately in need. I am a former JAG officer in the Navy and I spent 20 more years in the Reserves after that, and I am around a lot of folks who have been on active duty and are today, and I know the morale is not good, the maintenance stream is not good, and while we have the finest men and women we would ever want out there serving, we have a lot to do.

So I can sympathize with the fact that DOD does not want to provide, because it does not think it has the resources, what it needs to, to SOUTHCOM in the antinarcotics efforts because it has a higher priority charge. But therein lies the problem.

The priorities that are currently set out in this global military force policy set of priorities says that there is, indeed, a 4-pronged measuring rod of how we allocate. Number 1 is in case of war, nobody disputes that. Number 2, for military operations other than war that might involve contact with hostile forces such as peacekeeping operations, and training; and number 4, operational tasking other than those involving hostilities. So we have the exercises in training coming ahead of the number 4 one, and number 4 includes counterdrug activities and humanitarian assistance.

The amendment I am offering today are findings to go along with the sense of the Congress that is already in this bill. We have expressed a sense of the Congress in this bill, in the last portion of it, which calls upon the Department of Defense, the Secretary of Defense and the Joint Chiefs of Staff to change these priorities, and to put the counterdrug activities up into the number 2 slot in priorities, not way down at the bottom along with humanitarian assistance. So that SOUTHCOM and our folks out there fighting the effort on the drug front can have what resources they need, at least competitively equal with those that are being sent to Bosnia or elsewhere for peacekeeping operations.

We are losing young men and women every day to drugs in this country. We need to be engaged in a war on drugs, a true war on drugs. That does not necessarily mean invading another country, but it means going in and assisting in every way possible, with airplanes and with ships, with manpower, with training and things like that, that we are simply not doing today, and to have a higher priority that they have in some of the things they are engaged in today I just do not agree with, and I do not think this Congress should agree with. That is why the Sense of

the Congress resolution in the bill calls for those changes in priority to be made, asks them to be made.

Mr. Chairman, the amendment I am offering today would put findings of fact into the RECORD to support that by stating in the RECORD, the first part of it, that the Department of Defense has been called upon to support the counterdrug efforts, which we have done legislatively in the past, and all of the bases for this, in fact.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

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

Mr. MCCOLLUM. Mr. Chairman, the findings of fact involve, as I said, the statement of the fact that the Department of Defense has been called upon to support the counterdrug efforts; the fact that we have this global military force policy that has these 4 different provisions in it, in the order of priority with regard to asset allocation.

The next one is that the use of the Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs, and the next one is that the placement of counterdrug activities in the fourth and last list of priorities for the allocation of assets has resulted in the serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow.

The next finding says that at present, the United States faces few, if any, threats from abroad greater than the threat posed to our Nation's youth, which I think is certainly true.

The next finding says the conduct of counterdrug activities has the potential for contact with hostile forces.

The final one says the Department of Defense counterdrug activities missions should be near the top, not among the last of the priorities, and that is what we do in the Sense of the Congress resolution.

So my amendment is simply a finding of fact that supports the Sense of the Congress resolution and sets forth the argument so everybody can read it, hopefully the Secretary of Defense will read it and hopefully the President will read it, about why we need to see them reorganize their priorities and put counterdrug efforts much higher at the top.

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

Mr. Chairman, I am pleased to rise in support of the amendment of the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, to make the war on drugs a high priority at the Defense Department.

Make no mistake about it. This is a war we are fighting, fighting with drugs. Mr. Chairman, 15,000 deaths annually, 12 million property crimes annually, 70 percent of our violent crime, drug-related. More than half of our prisons are filled with those who either

use, possess, or traffic in drugs. Clearly, U.S. national interest is at stake: fighting drugs which come from abroad and threaten our well-being. One President after another has said that this is a national security risk.

If Saddam Hussein was responsible for killing 15,000 Americans each and every year, we would clearly declare war on Iraq. I say it is time to declare a war on drugs and put our Defense Department on the front lines fighting this scourge.

Our Nation produces no cocaine, we produce no heroin. All of these poisons come from abroad, and we need our hard-working and over-extended law enforcement communities to have the full benefit, the full support and assistance of our outstanding military in doing their difficult tasks.

Accordingly, I commend the gentleman from Florida (Mr. MCCOLLUM) for his amendment in making our drug war a national priority, and I urge its adoption.

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

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for his support.

I want to make the comment that we have now received a few thoughts about what SOUTHCOM may need specifically, and we look forward to working with the Department of Defense in the coming year in the new Congress to develop even more new initiatives that may be helpful to them.

I want to thank the gentleman for his support. This reorganizing of priorities, our effort to give them new resources will not do any good if they do not reorganize their priorities.

Mr. GILMAN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. MCCOLLUM) for focusing attention on this very critical problem.

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

Mr. Chairman, I understand the nature of the gentleman's concern and effort, but I am concerned about the potential consequences that he may unintentionally have by virtue of the amendment.

In essence, the crux of the amendment is to make it very clear that the Department of Defense should change its priorities to raise the priority of, and therefore, the resource allocation to, counterdrug activities, and that is an admirable goal. However, it seems to me that when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, who I think are eminently better positioned to determine what in essence are the needs of the Nation's defense, they need to analyze risks to the national security of the United States, and it seems to me that they, not the Congress, are the individuals who ought to make this decision.

In that respect, I am concerned. I look at the nature of the amendment,

and the amendment talks about placing this as a priority above that established under the provisions of the global military force policy, which talks about missions of military operations other than war that might involve contact with hostile forces. Now, my understanding is that includes, for example, the efforts of the military under counterterrorism. We equally believe, obviously, that counterterrorism is an incredibly important function. Are we to say that using the military second only after war for drug intervention is more important than counterterrorism? I do not know. I do not think that we should be in that position.

So I think the amendment is somewhat arbitrary. It is not based on any factual assessment of the Department of Defense's needs, nor does it take into consideration the Department of Defense's priorities that this policy would have.

Mr. Chairman, I think it is important that we give flexibility, particularly in dealing with this grave threat, but I am not sure that we are in a position to analyze the threat to the national security at any given point in time better than those who have all of the intelligence resources and who have all of the readiness and understanding of what our military forces are capable of at any given moment.

Our military confronts threats around the world, doing more with less as they confront increasingly sophisticated and complex enemies. It seems to me that the experts and the proven military leaders who we put our faith and trust in in terms of the Nation's defense need to make these assessments. I do not know that we can make those decisions from this chamber on where our troops are needed in terms of equipment and resources. It appears to me that our military leaders ought to do that.

Now, certainly we want to be able to have the armed forces of the United States play a greater role in interdiction, but the amendment in essence says that it is the sense of the Congress that the Secretary of Defense should revise the priorities for the Department of Defense, and that this would be equal to or higher than the priority for the mission of military operations, other than war, that might involve contact with hostile forces. Well, if that includes counterterrorism, as I understand that it does, I am not sure that we can make those statements.

We have seen the vulnerability that the United States has, or for that matter any country in the world: recently the bombings in Africa. I am not quite sure, while we want to make an important statement, that the goal of the gentleman is best achieved in the manner in which he has offered it, and I think that there are some serious concerns in that regard.

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

Narcotics is terrorism. Narcotics in America is the most serious terrorist threat we face. Narcotics coming across our border have basically not only challenged the spirit of American freedom, they have eroded not only our health and our youths' initiatives, but they have attacked us at the very fiber of our republic.

Individual freedom is being all that we can possibly be. I support this amendment. The tragedy in Congress is that I believe we do not even go far enough.

I will be offering an amendment that will, in fact, complement the McCollum amendment to ensure that at least the matter of narcotics is treated very seriously and at the highest levels of priority.

I think it is time to recognize that we do not have to hold a gun to someone's head to simply destroy their life. Narcotics have certainly torn away of the fabric of the quality of life in America. They have destroyed literally communities. They have destroyed our youth, they have corrupted our youth, and we have not done everything we possibly can.

So I think this is a mild measure, to a degree, but it is the beginning. The gentleman from Florida (Mr. MCCOLLUM) works that way, and he is to be given credit for his legislative gains incrementally. I am glad to support it and I recommend a strong vote on behalf of the McCollum amendment.

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

I rise today in strong support of H.R. 4300, the Western Hemisphere Drug Elimination Act.

Between 1992 and 1995, there has been an increase in teen drug use of 105 percent. Now, let me repeat that staggering statistic. Mr. Chairman, a 105 percent increase in teen drug use in just 3 years. We can no longer just stand by and let this happen. It is our obligation to our children to address this issue.

Florida, the State which I represent, is one of our main entries for drugs coming into our country. The children in Florida are standing at the front door of this crisis. This bill will cut off the supply of drugs coming into not just Florida, but into our whole country, which means there will be less drugs on the street and the price will increase dramatically.

Mr. Chairman, this is simple economics. If the cost is outrageously high, then our youth will not be able to afford to purchase such drugs. We have to get serious about winning the war on drugs, and this bill does get us going in the right direction. By enhancing our interdiction efforts and through international eradication, we can win the war.

I was recently in Colombia, Guatemala and Costa Rica, and I met with the Presidents of those countries, 2 of whom are brand-new. All 3 of these men are honest. They are committed to their country's efforts to stop the narcotrafficking.

□ 1230

But they need our assistance. They need further enhanced assistance from our country. This is truly a war, which if we lose, then it will cause a continued loss of thousands of our young people. We are losing 14,000 to 15,000 a year now, and we need to stop this loss of life due to this gouge.

Mr. Chairman, I urge my colleagues to think of our American children's future and indeed the future of our country and support the Western Hemisphere Drug Elimination Act.

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

Mr. Chairman, I rise in support, not only of this amendment, but in support of the direction that the gentleman from Florida (Mr. MCCOLLUM) has taken on this issue. It just seems to me that, when we say Department of Defense, that we are talking about national security, we are talking about priority, we are talking about what threatens our Nation.

No one can challenge the fact that this poison that has been pouring into the United States by the tons each day has been a threat to everything that our country stands for and especially the protection of our youth.

Every President that I know, and more particularly President Reagan and President Bush, has made this a national foreign policy priority. Certainly the Department of Defense has no reason why they should not volunteer to make this a priority.

Certainly the equipment that we have to protect the United States against foreign foes can be used to protect us against the flow of drugs into this country since we have such sophisticated equipment against drug traffickers that are using sophisticated equipment.

I would like to say that, as we have this amendment that asks the Secretary of Defense to make this a priority, I would be supporting each and every amendment that would make this a priority with every Secretary of every branch of government.

Why should not the Secretary of Education make drug control and reduction of demand a priority? Why should not the Secretary of Health and Human Services make drug treatment and drug prevention a priority? Why should not the Secretary of State as relates to dealing with foreign countries make this a priority? Why should not the Secretary of Transportation say that all of those that are involved in transportation should be drug free and have it as a priority?

There is no question that the Secretary of Defense should mean exactly what the words say, defense of our great republic against any foes that could destroy her.

So let me congratulate those that worked so hard on this bill and to be able to say that whatever resources we have in the military, no matter what branch of the military, and even the

CIA should be involved in determining what can they do to make our country more safe against the scourge of drugs.

So while I support this effort, I hope we continuously see in every committee, in every subcommittee, in every cabinet position, in every agency, in every department that we say this should be a priority. What is the good of a sound economic policy if our young people do not have the health in order to enjoy it?

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

Mr. Chairman, today the chickens have come home to roost. I say that because I want to review with you just for a minute where we have been on this issue. I was active as a Senate staffer some years ago on this issue when the Reagan administration created most of the laws and took an active and strong stand towards the question of illegal narcotics.

I say the chickens have come home to roost because we today see the results of a policy that has failed and that has put our Nation and our children at risk. We see a policy that was adopted by a President in 1993 that put in place as the chief health officer of our Nation, the Surgeon General, an individual who said just say maybe to drugs.

We have seen the destruction of the laws which we put on the books to certify drug producing countries and make a joke of them. We have seen the highest officer of the land say, if I had it to do all over again, I would inhale.

Mr. Chairman, we see the chickens have come home to roost. Let me read a few of these statistics. Current Illicit Drug Use Among Our Nation's Youth Continues to Skyrocket. This is a report of August 21 of 1998. Youth aged 12 to 17 using illegal drugs has more than doubled, 120 percent, a 27 percent increase from 1996 to 1997.

For kids 12 to 17, these are the latest statistics, first time heroin use, which is proven to kill, surged a whopping 875 percent from 1991 to 1996. The overall number of past month heroin users increased 378 percent from 1993 to 1997.

I submit the chickens have come home to roost. When we have a policy and we have an administration from 1993 to 1995 that cut our interdiction programs, that decimated our source country programs, that reduced the military involvement in stopping drugs come into this country, which destroyed the Coast Guard's ability to protect our coast and areas like Puerto Rico, the chickens have come home to roost, and we see the results.

This bill by my colleague the gentleman from Florida (Mr. MCCOLLUM) is the antidote. It is what the doctor has ordered. It directs our resources to the source countries. We know where the drugs are coming from, heroin and cocaine. They are coming from Colombia. They are coming from Peru. They are coming from Bolivia. And they are being transited through Mexico.

This puts the resources to stop drugs at their source, the most cost effective

means of stopping drugs. So we have got to put Humpty Dumpty back together again. He has fallen off the wall. He has been destroyed. But it is going to take this legislation and subsequent legislation that we will hear today and tomorrow by this country to refocus our energy to stop drugs at their source.

I do not want to see another headline in my district with another teenager, a record number killed, dying a horrible death in central Florida, my peaceful central Florida that the gentleman from Florida (Mr. MCCOLLUM) shares with me. A fluent area, not a ghetto, not an urban blighted area, but the suburbs, the heart and core of this Nation has now been affected.

So it is something that really is important that we pass this legislation, this cost effective measure that is produced, not only to stop drugs at their source by our efforts, but also training those who are involved in producing drugs at their source to help us interdict this death and destruction that is plaguing our streets and our children.

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

Mr. Chairman, I certainly support what the gentleman from Florida (Mr. MCCOLLUM) is doing. One of the things is, we talk about terrorism and we talk about drug use. When one talks about 14,000-plus kids and other Americans dying on our street corners every year, that is some kind of terrorism. That is a terrorism that we face day in and day out.

I have a brother who teaches in a middle school in Aurora, Illinois, who had children killed out of his classroom last year because of drugs and gang violence. That is certainly a terrorism that we face.

In reality, when one looks at the international side, one cannot separate drugs and terrorism because the narcotraffickers of South America and especially Colombia today, who were once ideologues that believed in the fight for a political reason, today are using almost \$100 million a month in revenue from drugs to be able to move their causes.

So one cannot separate this type of terrorism of kidnapping and murder and things like that that goes on in Colombia and Bolivia from terrorism or drugs. They are intertwined. When one talks about bin Laden in the Middle East, there have been reports that there has been trafficking through Afghanistan and other Middle Eastern countries perpetrated by these folks and the profits that they made from drugs actually go for terrorism. So really we cannot separate terrorism and drugs because they are intertwined.

We need to allow the armed services, as the gentleman from Florida (Mr. MCCOLLUM) has done in his amendment, to weigh this evidence and try to make decisions that are good decisions,

decisions that protect Americans, decisions that stabilize peace and tranquility not only in this country but other nations, and I really salute the gentleman from Florida (Mr. McCOLLUM) for doing that.

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

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to make a clarification, a comment for the gentleman from Illinois (Mr. HASTERT) and anybody else here, and that is my amendment today is not affecting the actual bill. The underlying bill has the sense of the Congress resolution in it that says that the question of asset allocation to the Department of Defense should be given the same priority as is given to the peacekeeping operations just after war, but it does set forth the findings of fact that that predicate. I think we need to state that.

I think the gentleman has accurately and correctly stated the fact that we need to treat this on a wartime footing. It is the same as terrorism. It is our kids whose lives are being lost, and while if we were really at war against some nation, obviously we would be mobilizing and so forth, and that would be a little different and we do not ask that people put that over there at the Department of Defense on the same level but we are asking in the sense of the Congress that is in the bill and supporting it with this amendment findings of fact, that the Department of Defense recognize that it does have a high priority. It should be up there at least equal to those things they are doing elsewhere in the world that are short of war, and I think that is very justifiable.

I was not going to earlier but eventually I intend to ask for a recorded vote on this so we can go on the record on it and make sure that it does work.

Mr. Chairman, again, I thank the gentleman from Illinois (Mr. HASTERT) for yielding to me.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from Florida (Mr. McCOLLUM).

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

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 537, further proceedings on the amendment offered by the gentleman from Florida (Mr. McCOLLUM) will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. HASTERT. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTERT. Mr. Chairman, I think that this is a substitute motion, and I am not sure how we can proceed with other amendments if this motion is not voted on.

The CHAIRMAN pro tempore. The larger amendment in the nature of a substitute pending is the original text under the rule. What was just postponed was a request for a vote on an amendment thereto.

AMENDMENT NO. 2 OFFERED BY MR. HASTERT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HASTERT: Strike section 303 and insert the following:

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) COORDINATION.—The Director shall develop the plan in coordination with—

- (1) the Department of Agriculture;
 - (2) the Drug Enforcement Administration of the Department of Justice;
 - (3) the Department of Defense;
 - (4) the Environmental Protection Agency;
 - (5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;
 - (6) the United States Information Agency;
- and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

Mr. HASTERT. Mr. Chairman, my amendment is a very simple amendment. It is a technical amendment. It came at the request of the chairman of the Committee on Agriculture, I think at the request of the Secretary of Agriculture. What we have done is asked the director of the Office of National Drug Control Policy to develop a 10-year master plan for the use of mycoherbicides to control narcotic crops of coca, poppy and cannabis in the United States and internationally, that is, to do the research.

Before, the original text of the bill asks the Department of Agriculture to do it. We think that this keeps it in more the focus of the ONDCP and it gives them authority to develop that 10-year plan for herbicides and we think that this is probably a correction and something that should be done in the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. HASTERT).

The amendment was agreed to.

□ 1245

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of title V add the following new section:

SEC. 503. PROVISION OF ASSISTANCE BY THE ARMED FORCES TO THE IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

The Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members of the Armed Forces to assist—

(1) the Immigration and Naturalization Service in preventing the entry of drug traffickers and narcotics into the United States; and

(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

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

The CHAIRMAN pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Ohio?

Mr. MENENDEZ. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will continue.

The Clerk continued reading the amendment.

Mr. TRAFICANT. Mr. Chairman, we just supported the McCollum amendment, and I congratulate the gentleman for incremental gains in securing America from illegal narcotics.

International narcotics traffickers are international terrorists. Period. Our borders have been overwhelmed by tons and tons of narcotics. One hundred percent of all the heroin, 100 percent of all cocaine is a stone cold import coming across not only our Mexican border but, contrary to what is the popular thought around here, our Canadian border as well, that can be assured, and through our many ports of entry and other security check points.

It has been pointed out that 14,000 kids die in America each year and the majority of them are victims of international narcotic traffickers who made available powerful drugs.

Mr. Chairman, who speaks today for the youth of America with noses running, eyes watering, stomach cramps, bowels breaking loose, pain and suffering, because no one really has ever really waged a war on drugs, as far as I am concerned?

There are some in the Congress that want to hand out free needles to make this destruction somewhat safer. Beam me up, literally. There is no intelligent life left here. Demand reduction is great. I would say to the gentleman from Illinois (Mr. YATES) education is great. Treatment? Cops? More cops, great. Psychiatrists? Psychologists? Absolutely marvelous. Slogans? Slogans are good. I am for them. Counselors? Teachers? Yes, we can use more. Chemotherapy? Methadone, use of narcotics to blunt the effect of narcotics? It has its place. Halfway houses? Hospitals? Free clinics? All great, I support them. Task forces? How many more blue ribbon panels will we support? I support them. They are all good; they are not good enough.

There was an amendment to the national security bill that the other body would not accept. It was abandoned, and I surely accepted that. It took 11 years to change the burden of proof in a civil tax case. Frankly, in my opinion there is not enough balsam in the United States Senate to do anything about this.

Mr. Chairman, I think the House of Representatives has been right on target. We have troops receiving a check from Uncle Sam in Frankfurt, cashing that check, going to the dinner theater. All the Traficant amendment says is the Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members to the respective divisions to give it a hand. Now, if that is earth shattering, so be it. But I am going to ask a for vote again.

Mr. Chairman, we are not waging a war on drugs if we are continuing to treat addicts. It is time to deal with the supply side of this issue. The greater the supply, the lower the price. The lower the price, the younger the initiate. The younger the initiate, the greater the problem.

We can rehabilitate a 40-year-old alcoholic. How do we rehabilitate a 15-year-old heroin addict? It is not about rehabilitation, it is about habilitation. We are wrong. It is time to do something.

I am glad to see that the gentleman from New York (Mr. RANGEL) former chairman of the narcotics committee of the United States Congress, supports the initiative. I believe everybody with some common sense is beginning to recognize that all facets of our government have to assist with this tremendous problem.

Mr. Chairman, I am going to ask the Congress to once again stand up, the House of Representatives, and take the lead on straightening out this problem in our Nation.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman's amendment is a good amendment. It is very straightforward. It simply says the Department of Defense and the military shall assist, and the word is "assist," no particular details to it, the Immigration and Naturalization Service and Customs in their efforts at antinarcotics.

Mr. Chairman, I think that is extremely important, particularly with regard to the Customs question. In this bill what we are proposing to do is to, in essence, put into the hands of Customs the full force of the air control and surveillance that we want to have, not only at our direct border but also over the source country region and in the transit zone, in the sense that they would get 10 planes, specifically designed P-3s with AWACS-type radar on them, to be the eyes that can look down and survey the area of the waters, that before these planes that might be coming to the United States with drugs can get here in the air over

the source countries of Colombia, Bolivia and Peru, to keep track of all these craft that might be coming our way by air or maybe even by sea, since those planes have some of that capability too.

We are asking them to take care, Customs to take charge of all of this. We are giving them 10 more chase planes as well, a different form of the P-3 plane, adapted a little differently, asking them to go out and chase anybody that they find who is coming across with these drugs or coming our way from the source countries. They are not necessarily going to be as up to speed on doing all of the work in this regard as we would like them to be, because in the past, AWACS planes, the big radar planes, are and have been a military asset. They have been part of our Department of Defense inventory. Occasionally now, and in the past very often, but occasionally, like one-half a day a month I am told, an AWACS plane is on loan for our Southern Command to go down and take a little survey run to see if they can spot any of these planes flying around, trafficking in drugs.

Mr. Chairman, what Customs is going to have is a fleet of planes. It is going to have the money in this bill to be able to man those planes and operate those planes 24 hours a day around the clock over the source countries of Bolivia, Colombia and Peru, in the region, in the Atlantic, in the Pacific, in the Gulf of Mexico and the Caribbean, wherever that is needed; to fly that region; to map every single small, private plane flying in the region and keep track of it at all times; to be able to identify those planes, and then be able to communicate with other intelligence that information needed by the source countries in order for them to be able to force down planes that are identified as drug trafficking planes and to give our Customs forces, their adjunct sister force, the ability to go chase any of those planes that are coming across open waters or coming across our borders.

Now, that is an awesome task. In the past, to whatever extent that task has been performed, Customs has done some of it, but our Department of Defense has done a lot of it. So it is very appropriate that the gentleman from Ohio (Mr. TRAFICANT) is offering this amendment today that says that the Department of Defense shall assist Customs in its effort at antinarcotics, because that assistance may well be training. It may well be helping them with the details of what they need to know and how to do these things. It may well be some minor, albeit not large and expensive, item of equipment that they need on an emergency basis for assistance.

We do not know what it may be, but there needs to be in this bill, and I think the gentleman is making a great addition, an explicit direction to do this. This is different from the amendment we just took a vote on on the

asset allocation reprioritization. That is very important too, that they make a policy change to do that so that there are assets available and other things that we do not know what equipment it might be, manpower or whatever of the Department of Defense itself. That priority needs to be changed so it cannot get lost down there somewhere.

This is different. This is saying they shall go forward and assist in these ways so they have specific authorization, if it is not already clear in law, and I do not know that it is, that they will help Customs do these things and, to some extent, Immigration and Naturalization and Customs.

Mr. Chairman, I support the gentleman's amendment. I thank him for offering it. We need to wage a real war against drugs, and only if we have the Department of Defense at least involved in assisting can that be done.

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

Mr. Chairman, back when I was a freshman in this institution, we passed on the floor an amendment that I put forth, and that was to strike the provisions which prevented the military from getting involved in law enforcement, with a specific reference and specific thought towards what they have since contributed since we have modified the posse comitatus laws of this country. That is a giant step forward.

Before we passed that particular amendment in this Congress, and the final passage was in the next Congress because we could not talk the Senate into such a radical position, can my colleagues imagine where we would be now without even the surveillance activity of the Armed Forces with the sophistication that the bad guys are using to bring drugs into this country?

There is no question in my mind that any country in this world that protects or refuses to cooperate in harboring the drug dealers and the drug industry, whether they be growers or processors, they are terrorist nations by allowing these things to continue within their own borders.

Actually, I would like to see at a future date, and I believe we will see at a future date, going further than what the gentleman from Ohio (Mr. TRAFICANT) wants to do in this particular amendment, Mr. Chairman, when we can go in and take out laboratories that are producing weapons of mass destruction, germ warfare, chemical warfare, all of these things, where we are going in and stopping the spread of it in Iraq or Libya, wherever we see it on the face of this globe. What is more terrifying to the future of this country or more destructive to our youth than the processing of drugs and then turning a blind eye as they come into our shores?

I think it is a good amendment. Anything we can do to further the role of the military in this regard is to the advantage of our country and I would urge the acceptance of the amendment.

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

Mr. Chairman, for the purposes of understanding the gentleman's amendment, I would ask the gentleman from Ohio (Mr. TRAFICANT) for clarification. Can the gentleman tell me, is he proposing what he has proposed in the past, that the Secretary of Defense shall assist by placing troops on the border? What exactly did the gentleman have in mind?

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

Mr. REYES. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, it does not specify exactly what that assistance is. It just makes in order the understanding that the Congress of the United States wants the Secretary of Defense and our military to be one of the participants in the effort and to assist where they can. It does not make specifications.

It differs from the previous amendment, which called for specific training, specific activities when assigned; the training, the law enforcement aspect. This just calls for an assistance in a broad term and broad form, and a commitment to assist, and a direction and mandate of the Congress that the Defense Department shall assist where they can and where it is acceptable to do so.

PARLIAMENTARY INQUIRY

Mr. REYES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. REYES. Mr. Chairman, what I would like to know is what is the procedure to amend the amendment to make sure that we are talking about assistance from the Department of Defense by way of what the gentleman from Florida (Mr. MCCOLLUM) mentioned in terms of equipment, in terms of being able to track planes and those things, and specifically not troops on the border?

□ 1300

The CHAIRMAN pro tempore (Mr. QUINN). The Traficant amendment is subject to amendment, so the gentleman from Texas would have to draft an amendment and, of course, send it to the desk.

Mr. REYES. And Mr. Chairman, what is the time frame for that? Do I have to do it immediately?

The CHAIRMAN pro tempore. The time frame is very soon; during the debate of the amendment that the gentleman from Ohio (Mr. TRAFICANT) has offered, which is right now.

Mr. REYES. I thank the Chairman, and I thank the gentleman for clarifying for me his amendment.

Part of the concern that I have is we just recently settled with the family in Redford, Texas, \$1.9 million for the death of their son, who died as a result of an incident along the U.S.-Mexican border which, unfortunately, was involved with specifically military units

on the border patrolling in assistance to law enforcement.

I have the background of 26½ years of Federal law enforcement on the U.S.-Mexican border. I am very concerned about periodically the attempts in this House, in the people's House, to put forth a policy, a law, a procedure, or a process where we would make such a situation where military troops would be on our border to help law enforcement.

I am reminded of the analogy where we have a very rich dessert that looks good, it tastes good and it feels good. But although while we are eating it we think it is good for us, it does not have any nutritional value. It adds fat content to our body, and, ultimately is very detrimental to us. And that is exactly the point I want to make here this afternoon about putting troops on the border.

If the amendment is to bring military assets, such as radar, such as being able to track airplanes, such as being able to assist law enforcement in identifying routes but specifically excluding military patrols on the border, then I do not have any objection to it. In fact, in the past it has been a very effective policy. I worked on the border. I worked in south Florida. I can attest to the fact that we do need that kind of capability.

One other concern that I want to bring forth here is that we cannot possibly have it both ways. I just came here from a hearing where we listened to testimony from U.N. Inspector Scott Ritter about the situation in Iraq. Part of the concern and the testimony that we are hearing now is the readiness factor that we have right now and our inability at this point, and the concern from the national security perspective, that we would not be able to do a Gulf War type operation today.

So we cannot have it both ways. We cannot continue to bring forth, because it sounds good, because it feels good, a proposal to have the military participate in the war on drugs and then expect them to do and carry out their mandates.

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

Mr. Chairman, I stand in support of the gentleman's amendment. I have been working on this not as long as some, but the last 4 years, and we see in the eastern Pacific where cocaine would come up from Mexico or would come up from Colombia or would come up from Peru unfettered, unstopped. Why? Because we have not one ship, Navy ship, Coast Guard ship, or anything else in the eastern Pacific to stop trainloads of cocaine in the bottom of fishing boats and luxury liners and freighters and cargo containers. Even though we have the intelligence to do it, we cannot do it. The resources are not there.

I have seen classified programs in the eastern Pacific and the Caribbean, both in the western Caribbean and the east-

ern Caribbean, dropped. They are not there. Why? We do not have the resources to do it. Meaning we have literally tons and tons, and hundreds of tons of cocaine and marijuana and, in some cases, heroin coming up through our island chains through the Bahamas, through Puerto Rico, through the Dominican Republic. Why? Because we do not have the resources.

The gentleman from Florida (Mr. MCCOLLUM), who spoke before, talked about having an AWACS one-half a day a month. If there are 30 days in a month, round it off, and we have a half a day, that means that any narco-trafficker, moving narcotics by air or by sea from Mexico or Colombia or through the Mediterranean or through the eastern Pacific, has 59 out of 60 chances of success because we do not have the AWACS to do that.

Now, do we need AWACS? No, all the AWACS are in the Middle East or they are up in Alaska. Fine. But we do have P-3s. I was in Monahan Davis Air Force Base last winter just to see what inventory we had there. We have P-3s by the score, with the radar domes and everything else we see sitting on the ground. They are there. The resources are there. Why not be able to use the resources that we already have to put eyes in the sky and stop the drugs?

Finally, I have to address the problem that the gentleman just talked about. I was in Texas. I spent 4 long days in Del Rio and Eagle Pass; talked to a lot of people; talked to ranchers; talked to people who have kids in school. It was 115 degrees. And I tell my colleagues, that is a tough place to live. Walking out in that desert, and whatever else it is, there is something that will either scratch you, bite you or eat you. Unfortunately, we are losing scores of people who are dying in that desert, being brought across the border by what they call "coyotes," and are forced to swim and they are drowning. They are moving through that desert and they are dying, but a lot of those people are dying with backpacks on their back with illegal narcotics.

Now, we can have observers helping law enforcement sitting there watching. I had ranchers tell me, a group of about 50 ranchers that came and sat and we had a long discussion one evening, it was in Del Rio, Texas, and they were saying, "We do not understand." They feel the United States Government has abandoned them. Those were their words. They feel we do not care because we have taken the troops away from the border. And they are saying that they cannot leave a tractor sit out in their field, these ranchers right along the Rio Grande River, because people come over at night, steal the tractors, steal the parts, and they are gone.

They talked about people shooting into their houses, into their ranches. And these are people that have been there for five and six generations and are losing the ability of having the

right of their land, the right of their homes, because there is nobody there to protect them.

Now, what has happened, and this meeting was set up by the Border Patrol to sit down and be able to talk to these people, the same people the gentleman worked with over the years. And I am not sure if the outcome of the meeting was what the outcome of the meeting was intended, but this was the story that rolled out. These people feel that they are abandoned American citizens because there is nobody there to protect them. The Border Patrol can do some things, but they are rolling along. They are not sitting there and being observers hour after hour.

We need the help. If the Secretary of Defense deems it necessary, if he deems it wise to do, we need to give people the options to do these things.

AMENDMENT OFFERED BY MR. REYES TO THE
AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. REYES to the amendment offered by Mr. TRAFICANT:

On line 7, strike "members of".

On line 14, add the following new sentence, "Nothing in this amendment shall be construed to authorize the deployment of the Members of the Armed Forces in contravention of United States law for the purposes of this amendment."

Mr. REYES. Mr. Chairman, first of all, in my 5 minutes I wish to address some of the comments my colleague from Illinois made.

I just want to, first of all, tell my colleagues that one of the things we need to understand and remember here is that if the intent is to control and to stop the flow of narcotics into this country, then we have to realize that 90 percent of the drugs that flow across the U.S.-Mexican border, 90 percent of the drugs that flow across the U.S.-Mexican border, come through the ports of entry. Statistics show us that only 10 percent come in between the ports of entry, and have nothing to do with some of the concerns that the gentleman raises.

That is point number one. Point number two is that we in this Congress, for the last several years, and for 2 or 3 years henceforth, have taken it upon ourselves to increase the number of resources specifically intended for the United States Border Patrol. We have doubled their force. By the year 2001, we are going to have a Border Patrol force that will exceed 10,000 officers.

I am a cosponsor of a bill that was introduced, bipartisan bill introduced by the gentleman from California (Mr. HUNTER) that states that we want to take the Border Patrol up to 20,000. I think that if we will continue on that course, giving the United States Border Patrol the resources necessary to do the job, it does several things.

First of all, we have trained, professional Federal law enforcement agents that understand and are recognized as being part of the law enforcement pres-

ence along the border. They understand the culture, they are bilingual, they are expected to be there, and it makes sense. That is part of what I think we ought to be about in terms of addressing the strategy in between the ports of entry.

Second thing is that I am also a cosponsor of a bill that will give additional resources to Customs. We have to understand that in order to be successful at the ports of entry, we have to do two things. First of all, we have to send a strong law enforcement presence; and, secondly, we have to facilitate commerce. That has been part of the argument and part of the frustration that I have faced here, and other Members from the southern border, from the U.S.-Mexican border have faced here in this Congress, is that we want and expect people to settle for different rules between the United States and Mexico and between Canada and Mexico. That was the premise of the argument in section 110.

So what we are trying to do is put forth some public policy and resources that, first of all, do the job; secondly, do not endanger border communities; and, third, have people understand that there is a better way of doing things.

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

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

Mr. MENENDEZ. Will the gentleman be addressing the amendment that the gentleman has offered as well?

Mr. REYES. Yes, I will.

MODIFICATION TO THE AMENDMENT OFFERED BY
MR. REYES TO THE AMENDMENT OFFERED BY
MR. TRAFICANT

Mr. REYES. Mr. Chairman, at this point I want to ask unanimous consent to make a technical modification to my perfecting amendment to change the last word "amendment" to say "section".

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. REYES of Texas to his amendment:

Strike out the word "amendment" in both places that it appears and insert in lieu thereof "section".

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentleman from Texas (Mr. REYES)?

There was no objection.

Mr. REYES. Mr. Chairman, what is my remaining time?

The CHAIRMAN pro tempore. The gentleman has 1 minute of time remaining.

Mr. REYES. Again, in summary, and again concluding as to the perfecting amendment that I have before this House, I hope that this body understands that there is a reasonable way to address the problems that we face against narcotics trafficking and against those that would perpetrate criminal acts against border residents.

I understand. I spent 26½ years working the area. I understand what my col-

league from Illinois is talking about. But I think that we have to respect a process that takes into account the fact that border residents are United States citizens also, and they deserve and should expect the same kinds of protections and the same kinds of rights and privileges that the rest of the country has.

□ 1315

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

Mr. Chairman, I stand in opposition to the perfecting amendment, or the secondary amendment. Basically a couple of things. The gentleman from Texas said that 90 percent of all the drugs go through ports of entry. We are doing a better job quite frankly because we have given Customs better and more technical equipment and this bill does that, too. So we have a parallel interest here. But as you start to shut down the ports of entry and do a better job, especially in places like El Paso and Laredo and on and on down the line, the next place and the next porous area along the border is the Del Rios and the Eagle Passes and the place where there are no ports of entry, so these are the areas where they are coming through and it is tougher to do it. You do not bring it through by a truckload, you put it in backpacks on 20 people and have them march across the river, go through the desert to the next highway. That is what is happening. That is a fact. When they do that, they trample across people's property. They are outlaws in the first place. They are taking and shooting at people's homes, moving them out, terrorizing people along there.

We are just saying, a simple fact, that if the Secretary of Defense is asked and has an option to put people down there to help observe and help the Border Patrol, it was interesting because my discussions with the Border Patrol and especially in Del Rio and Eagle Pass is that they thought they worked well with the military observers that were there.

Mr. Chairman, I regretfully oppose this amendment.

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

Mr. Chairman, I would like to speak against the Reyes perfecting amendment and in support of the Traficant amendment.

Mr. Chairman, we have lived in a land of "maybe" for 5½ years now. We have lived in a land of we should do this and we should do that but we have not done this or that. Ladies and gentlemen, we have seen again the results, and I do not want to repeat them, but the results are devastating on our children and on the flow of drugs and illegal narcotics into this country.

The question before us is, shall we use the military along our borders to protect our borders in the interest of national security? I strongly support the gentleman from Ohio (Mr. TRAFICANT). Mr. Chairman, if this Nation has

ever been under attack, it is now. If you do not count 15,000 deaths per year and add up in the last 5½ years the number of innocent Americans and mostly young people who have died on the streets and in our neighborhoods and in our communities, you cannot say that is not war. The total is more than the casualties, the fatalities in the Vietnam War and the Korean War and in the Persian Gulf War. I submit that we have 2 million Americans in prison behind bars locked up at public expense. Any sheriff, any law enforcement officer will tell you that 70 percent of them are there because of use of illegal narcotics. If this is not a national security threat, if we have not seen enough lives destroyed in our communities, whether it is Plano, Texas; Los Angeles, Detroit or my central Florida, I do not know when we will recognize the problem. And here we are in our Nation's capital, the United States of America, Washington, the District of Columbia. I have been coming here for 18 years. And every week I have read the obituaries. Every year 3 to 400 young black Americans have been slaughtered in the streets here because people will not stand up and take a stand against illegal narcotics and trafficking. That is thousands of lives lost in this Nation. And here we are debating "shall" or "should." It is time to stop playing games. The gentleman from Ohio (Mr. TRAFICANT) is correct.

Fifty percent of the drugs have come in from Mexico. Here are the reports, we have held hearing after hearing. Here are the reports. There are facts. The drugs are coming in across the borders. We must use every possible means to stop them. In this poll-driven city, everyone relies on polls. Here is a poll taken September 15, 1998, 60 percent of Americans say the use of military patrols along the border to stop drugs is either an excellent or very good idea. So hide behind polls but do what we need to do, because if drug dealers were to lob missiles across our borders, they could not do any more damage than they have done to this Nation's capital, to the streets of America. So do not come up with these last-minute "should," "maybe" or "possibly." This is a time for action. We need to defeat the Reyes amendment. We need to support our colleague on the other side of the aisle and let us go forward and stop this travesty on our youth and this Nation.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words. That was a very passionate speech. Let me just talk about the fact that we do have a real serious problem in this country, but part of that seriousness is taking an obligation that we also have a problem in this country, in this country in terms of what exists in our area and providing that assistance to those individuals. I would ask to those individuals who stand up here and talk to also inquire how many times they are willing to fund those

programs that are out there and those youngsters that are in need of those programs to be able to respond to some of their concerns and some of the problems that they have.

Mr. Chairman, as a member of the Committee on National Security and a member representing communities along the U.S. border, I represent two counties right on the border in the Rio Grande. I oppose the amendment offered by the gentleman that would allow the troops to go in there and I support the amendment, the substitute that is being submitted by the gentleman from Texas (Mr. REYES). An increase of U.S. troops on the border with Mexico is a dangerous proposal that would put border residents in danger and reduce military readiness. I would repeat that again. It is going to reduce military readiness. Our military is the world's best trained fighting force. They are not police officers. They are not Border Patrol agents. They are trained to fight. We put our own citizens at risk by deploying them on American soil. I represent two counties, as I indicated, right on the Mexican border. In the town hall meetings that I have had during the month of August, I had 11 town hall meetings during the month of August, not once did anyone raise that this is a key issue that we need to do. In fact most of my constituents do not approve putting troops on the border. We do have existing troops that are working there now that are working directly with the Border Patrol, that are working there directly with the Customs. Those individuals are doing a tremendous job. But to put them in the way that we have had them in the past that has created problems is not the way that we should approach this.

Again I would indicate to the gentleman that spoke before, it is fine to scapegoat other countries, but we have a responsibility to take and fight it here at home, also, because our citizens are the ones that are also choosing to also take those drugs. Border residents just like everyone else want to stop the influx of illegal drugs. They believe in stopping the flow of undocumented immigrants. But the solution they support is more Border Patrol that are well qualified, more Customs Service agents which we have failed to put enough money to assure that we have those Customs individuals. The Customs Service is the one that opens those trunks, is the one that looks into those cars. Those are the individuals that we should be supporting. Those are the individuals that we should be increasing their budgets. That is where the trade has increased and doubled and tripled in the last few years, but we have failed to put enough resources for the Customs where it is needed.

In the last two years, an 18-year-old young man, an American citizen, was shot to death by a Marine on the border in Redford, Texas. That particular case after it came out, and this was a tragic incident that highlights the

complexity of this issue, and places our soldiers on the border and the potential harm to other residents. The military itself has come back after the settlement, has indicated that it was a very serious mistake to even put those Marines there on the border. They were there in camouflage as they worked the border. They shot this innocent young man who was in high school and he was out there herding his goats. They shot him. They indicated there after the settlement, and it is no wonder, that the Department of Defense and the Department of Justice and the Immigration and Naturalization Service, all of them, oppose this process. The Border Patrol, they have nearly 8,000 agents patrolling the national borders. Congress has authorized an additional 1,000 agents up to the year 2001. We are going to have an additional 1,000 agents on the border. Last year the San Antonio Express-News pointed out that the Redford incident may be isolated but the warning against deploying soldiers into an area lawfully and peacefully used by private citizens needs to be seriously looked at.

Mr. Chairman, again let me inform my colleagues that I serve on the Subcommittee on Military Readiness of the Committee on National Security. At the time when readiness concerns are at their highest and with troops sent for extended periods to Bosnia and elsewhere, we cannot afford to pull additional men and women away from their posts to do work that Border Patrol agents should be doing. It is unfair to our fighting men and women and it does harm to our national interests.

I ask that we support the Reyes alternative.

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

Mr. Chairman, when this issue last came before the House in May, I said it was a wrongheaded measure. My sentiments have not changed, not one iota in the intervening months. As I said when I spoke at that time, all of our budgets are tight. I certainly have been trying to find precious dollars for items that I deem of much higher priority than this, items such as funding higher education, programs which are badly needed throughout the country.

As a member of the Committee on Education and the Workforce, I can vouch for that. Now, the gentleman from Ohio (Mr. TRAFICANT) is proposing asking us to fork over tens of millions of dollars for a program that is not only costly but unnecessary. Putting troops on our borders is simply a bad use of government resources and taxpayer dollars. These funds could better be used for training our armed forces for military readiness, not performing the jobs of Border Patrol agents.

This country already benefits from the work of highly qualified, highly trained Border Patrol agents who courageously and skillfully enforce our Nation's laws and protect our borders on a daily basis. I have said it before

and I will say it again, to replace these INS agents with military troops is simply a bad idea.

For that reason, Mr. Chairman, I urge all my colleagues to vote against the Traficant amendment today.

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding. One of the things that my colleagues will recall, Mr. Chairman, I started out by asking my colleague from Ohio specifically what he intended or what the intent of his amendment was. Based on that conversation, I offered my perfecting amendment. The issue here, and this should be of concern to all of us, are those that think that we here in this body should adhere to a quick fix at any price. We have already seen one young man killed on the Texas-Mexico border as a result of military troops on the border. I would ask my colleagues that are so intent on protecting the neighborhoods, does that mean that they are willing to deploy United States military resources to the neighborhoods in Washington, D.C. and Florida and Kansas and Illinois and the areas that they represent? I think not. We cannot afford it. We should not subject neighborhoods to that kind of military presence. Yet that is the very thing that they are proposing in the context of the amendment that is offered that they are opposed to a perfecting amendment that would preclude border neighborhoods from seeing and having to deal with troops on our borders.

Part of the process of understanding those that want that quick fix, because of what we need to clarify here is that it is not inconsequential that those of us who represent border communities are opposed to military troops in our communities and along our borders, the areas that we serve, the areas that we represent. No one should be enamored with a quick fix. No one should say, it is okay to put U.S. soldiers in jeopardy both professionally, legally and personally by deploying them to the border to do counterdrug operations.

□ 1330

That is not what they were trained for, that is not what they want, that is not what anyone wants that is involved in drug enforcement. INS does not support it, the Attorney General does not support it, the administration does not support it. Those of us that know and understand and have worked, not have gone for 3 or 4 days and suffered 115 degree heat and the bites of insects and everything else, those of us that have worked that area, in my case 26½ years, and in the cases of America's finest law enforcement officers that are serving us very well today, day in day out, 24 hours a day, they do not want troops on the border to complicate an already complicated and controversial part of the legacy of this country.

We should understand that there are no quick fixes. Quick fixes come with a tremendous cost. It has already cost the life of an 18-year-old high school student in Redford, Texas. I would submit that those of us that are so concerned about the deaths in this country throughout the neighborhood should take that into account.

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

Mr. Chairman, I would like to propound a question to the author of the main amendment, if he would be willing to respond. He and I have discussed this on many, many occasions, and I understand the seriousness of the problem that we are dealing with here, and I support the gentleman's amendment, as I have in the past on other times, that we have this debate before us.

But I listened to the debate of the gentleman from Texas (Mr. REYES), and I would have to tell my colleagues that I have tremendous respect for him, I have listened to his debates at great length, not only today but at previous times. He and I have the privilege of serving together on the Board of Visitors at the Air Force Academy, and his presentations are always very well thought out, very sincere, and his questions are right on target.

But today I have this question, I want to confirm this. It is my understanding that the Traficant amendment does not specify that there would be U.S. troops placed on the border.

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

Mr. YOUNG of Florida. I yield to the gentleman if he would respond to that.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment does not mandate troops on the border but does not limit any action taken by the Secretary of Defense and our military to assist in drugs crossing our border.

So under the Traficant amendment, if the administration had so chosen, it has the option of using every asset they have to combat this problem. Under the Reyes amendment, they would limit it and take away the assignment of troops, if they would wish to assign to our borders, and I believe it is a killing amendment, I believe it is designed to simply kill the total flexibility of the Pentagon to aid in the matter.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's response, and I maintain my support for the gentleman's amendment and in opposition to the amendment to his amendment.

But, Mr. Chairman, I would also like to point out that as I read the bill and as I read some of the substitutes and some of the amendments that will be offered, there are quite a few references to the Department of Defense, the transfer of assets and the distribution of authorizing funds from a Defense Department account to a nonDefense Department account. And I just wanted to make the case to my colleagues that

yesterday we appointed conferees to go to work with the Senate on the defense appropriations bill, and as we talk about any legislation that authorizes additional spending, we need to know that as we go to conference with the Senate now, we are approximately \$5 billion apart between the two houses, and we do have, as my colleagues know, a cap that was set by the budget agreement of last year. And so we need to be very careful about what types of mandated Defense Department spending that we deal with here.

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

Mr. Chairman, I am a member of the Committee on National Security, and I do not know how many of my colleagues have had a chance to look at the military report that came out just recently. A military report earlier this month found that the marines involved in the fatal shooting on the border were not adequately trained for anti-drug operations that place combat-ready troops amongst civilians. The report found that the mission appears to have been viewed at every level of Marine Corps command as more of a training opportunity than a real world deployment. The failure to appreciate the difference has tragic consequences.

Mr. Chairman, I not only served in the military, I was in law enforcement for 14 years, and there is a difference being sheriff, with all due respect to my good friend, we both were sheriffs, in middle America than being a sheriff in a district that is very, very close to Mexico.

We talk about drug trafficking, we talk about illegal aliens coming into this country. What have we done about consumption? If we do not have consumption, and it is not only the United States, other countries are beginning to experience, and at one point they were considering only as being transshipment points. But it has changed now. Now Columbia, Costa Rica and other countries are beginning to have problems with consumption as well.

Mr. Chairman, this is something that we are going to have to work on together.

So, I have a lot of respect for my good friend, the gentleman from Ohio (Mr. TRAFICANT) but I do not think that the answer is putting troops on the border, even at the discretion of the Secretary of Defense.

So at this time I would just ask my colleagues to look back and see what has happened. Read the military report and see what it says. The training, my colleagues, is totally different.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Chairman, as my colleagues know, it was an unfortunate situation, tragic situation, that happened in Redford, Texas. I do not think anybody debates that. But we have tragic situations all over this country in my district, in my colleagues' districts, everywhere we are where kids

are getting killed either by gang violence tied with drugs or by drugs themselves. So the teenager in Redford, Texas, who actually shot three times at the servicemen who were doing observations there, that was unfortunate. But there was three shots fired at those troops.

But let us look at and talk about this. What this allows is JTF-6 has basically suspended intelligence operations along the border. Last year they did 350 surveillance operations in conjunction with the Border Patrol and Customs and everybody else that made this system work, and now that action is largely suspended.

And if we talk about education, we should spend dollars for education, we can spend a lot of dollars for education, but as long as those kids have drugs in the classroom and those schools are in jeopardy of being shot up, I will tell my colleagues all the dollars in education does not do any good, at least where my brother teaches, in Aurora, Illinois.

Mr. SHAW. Mr. Chairman, in the time that I have remaining, I would like to underscore what the gentleman from Illinois said in opposition to the amendment to the Traficant amendment.

We have technical equipment out there, sophisticated defense-oriented equipment out there, that really needs the people in the Defense Department, our troops, to be able to monitor them and to operate and to be able to work in concert with law enforcement officials. And there is nothing that says that we cannot train some of our military personnel in law enforcement. We do it all the time with our military police. There is no reason we cannot cross-train these people.

The Traficant amendment does not mandate troops to the border; let us get this out of the way. But if my colleagues want to mandate that we can not in any way use our troops along the border, then support the amendment to the Traficant amendment which, as the gentleman from Ohio (Mr. TRAFICANT) says, is a killer amendment. It is a poison pill to the Traficant amendment, and I think it would certainly kill this amendment which is well thought out, when it is put in place. It does not mandate the placement of troops, and I would hope that we would defeat the amendment to the Traficant amendment and then support the Traficant amendment.

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

Mr. Chairman, I would like to join my colleague from Texas (Mr. REYES) in supporting his amendment to the Traficant amendment. I know my colleague, my other colleague from Texas who is here, the gentleman from Texas (Mr. ORTIZ), was a former sheriff like my colleague from Ohio is a former sheriff; but the background that I know of Congressman Reyes, and I knew of him long before he decided to run for Congress, he was an INS officer not only in the El Paso district, but

also in south Texas a few years ago, and he showed us how we can handle the problem with illegal immigration.

He created the hold-the-line program that now INS is doing in California, and they are doing in south Texas and the Rio Grande Valley without military presence. He showed us how to do it, and that is why it is so important that we listen to his expertise in law enforcement and not necessarily even my colleague from Texas or my colleague from Ohio, because as my colleague from Texas (Mr. ORTIZ) mentioned, it is different to be a sheriff in middle America or even a sheriff in Texas than it is to be a law enforcement officer charged with the border protection that the INS does.

The hold-the-line was successful without military personnel. We have military personnel now on the border, and we know the tragedy that happened. That was just one tragedy, and one tragedy is too many, particularly the incident. And I know I heard from my colleagues that that young man took a couple of shots at somebody that was following.

Well, I also know, coming from Texas, the difference between a 22 rifle that a young man a 16-, 17-, 18-year-old may be using and someone carrying an M-16. So we know the difference between a 22 shell that does not have the velocity or the threat that maybe a bigger weapon does.

The concern I have is that we already have them for detection. They need to have more oversight there, more civilian cooperation, but that is why I support the Reyes amendment. We have the way that can be done, the success that can be done, and this Congress has passed every session more INS agents to go to the border and to institute hold-the-line from the Rio Grande all the way out to the Pacific Ocean. We just have to put the resources there and not bring our military to have to guard our borders.

The United States has a great tradition of military only being used in national emergencies. Now I know the gentleman from Ohio (Mr. TRAFICANT) will make that case, and I have some constituents who are concerned about illegal immigration, but we have a way to solve it using civilian personnel without using the military.

And one last thing before I yield to my colleague from Texas. We also have a concern that our military is being overutilized or used in functions that they should not be done, not only around the world, but I think this is another case that we may be over-extending the military commitment that our country needs in using it to be a border patrol, and we can do that with civilian authority and keep our military highly trained to protect our Nation from terrorists and from foreign enemies and not just do civilian police work.

Mr. Chairman, I yield to my colleague, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I also wanted to add, I think of anyone here I think I am probably the only one that has worked as a case worker. I had a caseload of over 60 heroin addicts, and I worked for about 3 years with them. I worked about 2 years with adolescent substance abuse, and we do have a very serious problem. And one of those areas is in our backyard where we really need to come down, and I am going to give my colleagues one example:

In Bexar County during the 1970s, it was occasionally, every time the D.A. came up for reelection, most of the addicts were picked up, in all honesty, and those were some of the individuals that, yes, they might have been selling and, yes, they might have been using. But they were the ones that were fixing, they were not the ones who had the money, they were not the ones making the big profits.

There is a need for us to really look at our own backyards and go after those individuals that are making those millions. When that money comes in, there is someone there that is capable of dishing out several million dollars to get involved. Those are the ones that we need to get after, those are the ones that we need to make sure that we go after.

The other thing that I wanted to share with my colleagues, I think there has been some discussion talked about the fact that the military can provide assistance, and they are. They are doing a great job there with the Customs, they are doing a great job there in the form of assistance, but not in the form of troops.

We have a real serious situation with the budget, and it is time, as the gentleman from Texas (Mr. ORTIZ) has indicated, and I am also in the Committee on National Security, and we recognize the importance of the fact that we are real tight when it comes to the budget. But putting troops on our border is extremely costly and is a bad use of our scarce resources, and I would ask for support.

□ 1345

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

Mr. Chairman, I rise in opposition to the Reyes amendment and in support of the Traficant amendment.

Mr. Chairman, I support H.R. 3400, the Western Hemisphere Drug Elimination Act. However, I do with some disappointment over how the bill was handled.

As chairman of the Subcommittee on the Western Hemisphere, our subcommittee did not have the normal opportunity to hold hearings on this bill or to spend some time discussing the various provisions of the bill. That being said, I am still cosponsoring this legislation.

I certainly support any effort we can make to enhance our fight against illegal narcotics. I do not know of any

Member in this body who would be opposed to making resources available for this effort. H.R. 3400 aims to reduce the drug flow into the United States by 80 percent over the next 3 years. This legislation is vital if we are going to stem the flow of drugs into our country and to protect our citizens.

This bill is plain and simple. It provides increased resources for international interdiction and eradication programs of the antinarcotics effort. This bill provides increased funding for alternative development programs which must be provided to convince coca growers that they can make a livelihood by producing other products.

Finally, the bill provides much-needed assistance to primary source nations such as Colombia, Peru and Bolivia to help them fight drugs. Demand reduction and domestic law enforcement are important parts of our anti-drug strategy, but we can no longer allow eradication and interdiction to lag behind.

We need to get back on track with a balanced anti-drug program that makes attacking drugs at their source and stopping their shipments a top priority.

This legislation will clearly help make a dent in the fight on drugs, and I urge its support.

Now, despite my strong support for this effort, there is one provision in this legislation which I am very uncomfortable with and one which I would have preferred further discussion on, at least before it was included in the McCollum substitute.

I believe this is one of those provisions which slipped into the legislation precisely because there was no committee consideration of the bill. That provision is found in section 201 regarding aid to Colombia. This provision, which may border on interference in Colombia's internal affairs, stipulates that if the Colombian government negotiates certain agreements in its attempt to end the bloody civil war which has engulfed the nation for the past 40 years, then we will cut off all antinarcotics assistance to that nation.

Now, Mr. Chairman, I agree that we do not want to see any peace agreement in Colombia which gives the guerrillas a free hand to continue to produce and ship lethal drugs into this country. But I do not believe we should be instructing or threatening the president of Colombia in a bill such as this in what the provisions of their peace agreement should be.

President Pastrana has only been in office now for 1 month, Mr. Chairman. He was elected with a mandate to end the civil war. He has made this his top priority. His job is a very difficult one. But for us now in this bill to threaten to tie one arm behind his back could jeopardize the peace negotiations before they even begin. This provision is premature. We have a very tough certification process, and if the Colombian government does negotiate a treaty

which includes provisions which we cannot accept because they impact on the war on drugs, then Colombia could face decertification and their funds would be cut off. But let us give the new president of Colombia a chance. Let us not threaten or try to dictate what he should do to end the civil war.

Again, Mr. Chairman, I support the overall thrust of this bill. I applaud its authors; I am a cosponsor. But I would have preferred that this bill have gone through the regular order and the committees of jurisdiction have the opportunity to work on the provisions of the bill in more detail. Nevertheless, Mr. Chairman, I urge the adoption of the bill.

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

Mr. Chairman, I am concerned about those who would portray the debate as some who would be softer on fighting the interdiction of drugs into this country and others who would be tougher, and who can outtough who? The fact of the matter is that for those of us who are supporting this bill, as myself, we want to take a very tough stand on the question of interdiction.

The gentleman from Texas (Mr. REYES) raises a serious concern. Now, I have heard the language that has been used with reference to the Traficant amendment, but the language that has been used is not the words of his amendment. I have heard here about observers. Fine. I have heard here about AWACS, fine. I have heard about helicopters. Fine. I have heard about surveillance. Fine. I have heard about intelligence. Fine. All of those things are fine. But to suggest that this amendment does not specify the use of troops on the border is not to read the amendment at least the way I read it.

What does it say? The Secretary of Defense shall assist in keeping illegal drugs out of the United States, by doing what? By assigning members of the armed forces, by assigning members of the armed forces to do what? To assist the INS in preventing the entry of drug traffickers into the United States. Where is that? Along the ports and borders. And the United States Customs Service and inspection of cargo vehicles and aircraft, at what? At points of entry into the United States.

Therefore, although one can say in debate that this does not mean that troops will go at the border, the amendment says the Secretary of Defense shall assist in how? By assigning members of the armed forces. And where? At the points of entry to the United States. That means U.S. troops on the borders.

Now, I asked my colleagues. I have heard those who are involved in the Committee on National Security, which I am not. I have listened to them and their expertise. I asked my colleagues. We have passed bills over the last several years for 1,000 new border patrol every year for the next 10 years.

That means 10,000 new border patrols on the borders of the United States. I voted for that. I support that. But now, in addition to those 10,000 border patrols, we are talking about placing armed forces of the United States at the border.

No one has suggested, and the gentleman from Ohio (Mr. TRAFICANT) did not offer in his amendment nonlethal forces, which is what everybody talks about, but that is not what the amendment provides for. We could have provided for nonlethal forces so that we could have the surveillance, the intelligence, the helicopters, the AWACS and all of that, but that is not what is being provided for here.

Mr. Chairman, I would urge my colleagues who do, in fact, have a sense of what the national security of the United States is in the context of the number of troops that we need across the world, what are we doing? We have troops in Bosnia. We have troops in Macedonia. We have troops in Kosovo. We have troops in the Gulf, in north and south. We have troops in South Korea. We see the need to respond to terrorism in the recent attacks that took place in Afghanistan. We do not know where the next threat comes from, and we need to have the ability to respond to those threats.

Now, does anybody here want to fight drugs more than the next? No. My 2 children, I am concerned about them, as my colleagues are for their children and the children of the district my colleagues represent. But let us be honest. The fact of the matter is that we have a finite set of resources. Mr. Chairman, 52 percent of all of our monies right now are being used in domestic police protection along the borders. We are going to add to that another 1,000 border patrol a year for the next 10 years, 10,000 more.

Yes, we can have the ancillary services of the armed forces to assist that effort. But should we now take from all of the other efforts we need throughout the world, from our counterterrorism efforts that only have to increase because we are all the more susceptible, should we now take those troops and put them in lethal positions on the borders of the United States? That is what the legitimacy of the gentleman from Texas (Mr. REYES)'s point is.

We can support the amendment of the gentleman from Ohio (Mr. TRAFICANT) in the context of saying that the ancillary forces of the nonlethal aspects should be in fact used, but we should support the gentleman from Texas (Mr. REYES) in the context that lethal forces with our troops are already stretched throughout the world and the necessity to respond in what I have heard Members here speak so many times of 2 different theaters in the world in which our troops need to be able to respond.

Mr. Chairman, look what we are asking them to do: Respond in 2 different places in the world at the same time. All of the peacekeeping missions we

have, all of the places we want them to support, all of the antiterrorism efforts we want to address, and in addition to all of that, we want to put them on the borders of the United States. We do want to fight drugs, but let us be intelligent about the way that we do it.

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

We are not sheriffs today, we are lawmakers. I support the bill and the tremendous effort of the gentleman from Illinois (Mr. HASTERT) and the process that was developed to eliminate drugs in the Western Hemisphere. That is the bill.

I want to compliment the gentleman from New Jersey (Mr. MENENDEZ). He is a most capable leader on our side of the aisle, and certainly advancing himself up the ladder.

I want to talk about the Reyes amendment.

I have great respect for the gentleman from Texas (Mr. REYES). I support his bill to amplify and increase Customs. I support the bill of the gentleman from California (Mr. HUNTER) to increase border patrol. Increased border patrol, increased Customs is not going to eliminate drugs from the Western Hemisphere.

Let us talk about what the Traficant amendment would do. The Traficant amendment would allow the Secretary of Defense, after consultation with the White House and the administration and congressional leaders, to do everything in their power to mitigate and eliminate narcotics from our country. The Reyes amendment would limit the White House and the Secretary of Defense if they chose to take a specific course and allow for troops on our border.

The tragedy of Esequiel Hernandez cannot be overlooked. FBI agents have been killed in wrongful death shootings. American soldiers have been shot by their own company men. Do we throw out the army? Do we defund the FBI?

We are today targeting narcotics. The Traficant amendment is not targeting immigration.

Now, we have had that whole sphere constantly brought into this matter. We have painted anyone who takes this stand as having some sinister ethnic bias. That is very foolish. Very, very foolish.

I support every initiative on our borders to be fair, but I will say this to Members of Congress. We have not really engaged in a war on drugs. The gentleman from Florida (Mr. SHAW) knows that; the gentleman from Florida (Mr. MICA) knows that. We all know that. We are now debating the politics of how the Pentagon can assist us.

The Reyes amendment says, even if we want to, we cannot. The Traficant amendment says, we do not have to do anything but assist, but we want you to assist and we do not limit you in any way.

Now, I want to talk about 14-year-olds in Youngstown, Ohio who buy

brown Mexican heroin every day. If, and I say this to the Committee on National Security, if 5 tons of heroin can be brought across our border, is it not a fact that a nuclear warhead can come across our border?

□ 1400

I am asking that question today. Our border is a national security check-point. It should be treated as such. We should not limit the Secretary of Defense in any of his capacities.

So if we vote for the Reyes amendment, we vote technically to put a limitation on what we do and how we do it as a Nation. I think it is time to take the shackles off. I think it is time to let our Nation truly engage in the battle against drugs. We need the help like the gentleman from New York (Mr. RANGEL) said of all of our departments.

I do not mandate it. But let it be well known the Traficant amendment allows for every military asset to be used if so chosen by our administration and our leadership because the Congress is allowing them to do so. In America, the people govern. We are not out-toughing one another. The gentleman from Texas (Mr. REYES) is awfully tough. We might differ; but on this, he would kill our efforts.

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

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, this is a very serious debate about a very serious issue that can potentially have very serious consequences on communities along the border.

Again, let us one by one separate fact from fiction. My colleague, the gentleman from Ohio (Mr. TRAFICANT) talks about 5 tons of heroin coming across the border and asked the rhetorical question: If 5 tons of heroin can come across the border, cannot a nuclear weapon come across the border? Yes. Absolutely.

But I can tell my colleague from Ohio, there has never been one incident on the U.S.-Mexican border where 5 tons of heroin have come across the border. There has never been one single incident where 1 ton of Mexican brown heroin has come across the border. I know because I worked it, I lived it, I did it. I fought the war on drugs.

Part of what we need to understand here is to get a grip on what the facts are and what all the rhetoric is and separate these two things. First of all, heroin is introduced into this country in very small quantities because it is a very valuable commodity, and drug smuggling organizations do not want to risk millions of dollars on one intercepted package.

Secondly, fact from fiction. My colleague, the gentleman from Ohio talks about my perfecting amendment limiting the power and the authority of the White House, the President of the United States. I want to tell this body and I want to tell my colleague, the

gentleman from Ohio, that if there is a national emergency, the President already has that authority. He can deploy every single soldier wherever he wants if there is a national emergency. So I think the argument about my perfecting amendment limiting us in the war on drugs is ludicrous.

Fact from fiction. I mentioned earlier let us separate our ability for instant gratification and for that all-satisfying quick fix. There is no quick fix. I made mention that there are currently two bills that will increase the resources of customs, that will increase the resources of the United States border patrol; and, conceivably, we will have a United States border patrol of as many as 20,000 agents, trained, profession, bilingual officers that work on the border, that are expected to be on the border, and would never confront an 18 year old by shooting at him. Those are the facts. Those are the kinds of things that repeatedly get ignored here.

I listened to my colleagues, and they all say they have a tremendous amount of respect and all of the nice things that they say about me in the context of the job that I did for 26½ years. But that is not what this is about.

What this is about is listening, listening and understanding the impact that a proposal like this would make on communities along the border. Again, I ask this House to consider, is it not strange that all those that propose and support this kind of an effort, that want to sound tough on the war on drugs, that want to sound like they want to protect communities all across this country do not live nor do they represent the border? I find that kind of strange.

All of us that represent border communities understand the implications. All of us understand the consequences. All of us understand and live with constituents that do not want the danger. They do not want this kind of proposal coming out of the people's House.

Listen to the argument. Listen to the consequences, and then understand that the military is not a solution. The military trains for warfare. We need the military to be ready to defend us in a completely different context, not patrolling the border, not in our border communities, and not jeopardizing the residents that live along that border. They have an expectation to have the same kinds of protections that the rest of the communities along this great country have.

Those are the issues. Those are the facts. Ultimately, if this thing passes, and ultimately, time and time again, as we argue and debate this thing, ultimately if it passes, those are going to be the consequences. Yes, we are going to be talking about settling with families whose children have been killed, settling with communities that are not understanding why this body would put troops in their communities.

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

Mr. Chairman, I speak in support of the Reyes amendment and against the Traficant amendment, and I would start by reading something. "El Paso, August 11. The federal government will pay \$1.9 million to the family of a teenager who was killed by a Marine patrolling the U.S.-Mexico border," according to the family's attorney. "The controversy over the May 27, 1997, shooting led to the suspension of military patrols along the Rio Grande. Esequiel Hernandez, Jr., 18" years of age "was killed while herding goats near Redford, Texas, 200 miles south-east of El Paso, by Marines who said the youth fired on them."

"After a long battle over what happened, the Hernandez family has signed a settlement agreement with the Justice Department and the Navy."

"The settlement is 'one more piece of evidence that there was total wrongdoing in this case by various arms of the government,' said the Reverend Melvin LaFollette, a Redford activist. 'Innocent parties don't pass out millions gratuitously.'"

We did that last year because this Congress told the armed forces to send troops to the border. One of the first things that happened was an American citizen lost his life, an 18-year-old American citizen.

The Traficant amendment says not only shall we go back to that failed policy but we will require that the Department of Defense do it, not in its discretion do it but require that we do it.

The gentleman from Ohio (Mr. TRAFICANT) says that if we pass the Reyes amendment and not his amendment we are going to throw out the Army, we are going to defund the FBI and that the Reyes amendment would put a limitation on our Nation's ability to fight drugs.

Let me read what the Reyes amendment says and see if any of that can be found. Nothing in this section shall be construed to authorize the deployment of the members of the armed forces in contravention of United States law for the purpose of this section.

The only thing the Reyes amendment says is, let us continue to follow the law that says that we will not have various forces, military and quasi-military forces, doing the job that is not assigned to them. That is the only thing the Reyes amendment says.

Now, what does the Traficant amendment say? It says the Secretary of Defense shall, shall assist, in keeping illegal drugs out of the United States by assigning the armed forces to assist the INS and the Customs Service; shall.

I want to make a note. "Shall" is written in by hand. Stricken right below it in type, the original form of the amendment was "should," "should assist," which is what the gentleman from Ohio (Mr. TRAFICANT) has been saying; discretion.

The Traficant amendment originally did provide the Department of Defense, the President of the United States and

Congress with discretion to proceed. Someone struck that, I suspect it had to be the gentleman from Ohio (Mr. TRAFICANT), it is his amendment, and now it is "shall."

So contrary to what the author of the amendment, the gentleman from Ohio (Mr. TRAFICANT) is saying, this provides no discretion to the President, no discretion to the Secretary of Defense, no discretion to the Secretaries of the Army, Navy or Marines. They must do this. That is what "shall" means. It is not "may" or "should."

We can stand here and talk all about this, but the only person who really has a right to tell us what really is best for the border is the gentleman who spoke earlier, the gentleman from Texas (Mr. REYES), who spent more than 20 years of his life doing exactly that, patrolling the border. Many of us could continue to talk and we will.

I shudder to think what the men and women who actually are on the border, carrying the guns, doing the surveillance, having to stop drugs, having to stop people from coming into this country illegally, are saying as they listen to this debate; we must not be very good officers, they must be thinking, that they believe that now we must send down the troops to help them do their job. Not give them more resources to hire more INS officers and Customs officers to do the job, but, no, send the armed forces, which is trained not to surveil, not to guard, not to interdict but to kill.

What a statement we are sending to the men and women who day after day put their lives on the line trying to do what we say we need to have the Army do. If one really believes we need to put more on the border, and we do, then give the INS Border Patrol, give the Customs agency more resources to hire people who are trained to do exactly that. Do not try to have our men and women who are trained to do something different in the armed forces all of a sudden go into a foreign atmosphere and now try to do the work, because when you do, what happens? Folks like Esequiel Hernandez are killed. And what else? The taxpayers are told, give me \$2 million because we have to pay off this family for having killed people like Esequiel Hernandez.

Are we destined to travel down that same path? Are we destined to repeat history? I urge my colleagues to vote for the Reyes amendment and against the Traficant amendment.

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

Mr. Chairman, I rise in support of the Traficant amendment.

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

Mr. LAHOOD. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there have been a couple of misrepresentations here and I would like to clarify them. With the

legislative intent by the author of those provisions, the Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members of the armed forces to assist the Immigration and Naturalization Service and the United States Customs Service. It does not limit the assistance but it does not say it must be patrolled, either. It is at the discretion of the Secretary of Defense, in consultation with what I had assumed to be the brain trust of our country.

Let me just close out and make this statement: American troops, as we speak, are guarding borders all over the world. The only border our military is not guarding is the United States of America border. We have a civilian law enforcement service that is doing a respectable job, but we are guarding foreign borders, we are not guarding our own.

Second of all, one other thing, I think it is time to stand up for number one, and I do not apologize for wanting to bring in every asset that the Pentagon has to have us keep illegal drugs out of the country.

So I want to close by saying, the first vote evidently in this series will probably be the vote on the McCollum amendment. Then the second vote would be the Reyes substitute.

Let there be no mistake, the Reyes substitute strikes the use of members of the armed services for patrols. That, it does. The Traficant amendment allows for it and allows for the Secretary of Defense to do everything in his power to help us with the problem.

With that, I would hope that the Members would vote for McCollum, defeat Reyes, and give me a vote on my amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. REYES), to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 537, further proceedings on the amendment, as modified, offered by the gentleman from Texas (Mr. REYES), to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

□ 1415

AMENDMENT NO. 6 OFFERED BY MR. SHAW

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

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SHAW: At the end of the bill add the following new title:

TITLE VII—CRIMINAL BACKGROUND
CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county,

Mr. SHAW. Mr. Chairman, today I rise to offer an amendment to H.R. 4300. This amendment would allow local and State governments the ability to access Department of Justice information for the purpose of doing criminal background checks on port employees or applicants to become port employees. I had previously introduced this amendment as a bill entitled the "Drug-Free Ports Act," H.R. 3975.

Mr. Chairman, I am offering this amendment because of the increasingly high incidence of collusion between drug traffickers and port employees. These "internal conspiracies" at ports are becoming a major avenue for bringing illegal drugs into the United States. To lessen the chance of future internal conspiracies, my amendment would simply allow the local governing body to conduct Federal criminal background checks at their discretion on port employees and applicants to become port employees.

The subject of this amendment was discussed at length at a hearing of the House Subcommittee on National Security, International Affairs and Criminal Justice last year which I attended on an ex-officio basis.

Internal conspiracies are clever in the way they help smugglers. They have been known to "innocently" swing a container in front of a surveillance camera in order to allow another container filled with drugs to pass through undetected. They also have been known to tip off smugglers regarding the routines of Customs officials to maximize the chance of success in bringing in the illegal contraband.

According to James Milford, a former head of the DEA in Miami, Florida, "Longshoremen are a source of frustration for us, particularly in South Florida. One of the things that concerns us is the ability of longshoremen to be utilized successfully in pulling cocaine shipments out of cargo and moving it out of the port with impunity."

In response to the reports about internal conspiracies at Florida's ports in the press, I requested that the Customs Service do a random sample of arrest records of longshoremen at the Port of Miami and the Port Everglades in the Ft. Lauderdale/Hollywood area. The results are quite disturbing.

Of a random sample of 50 Port of Miami longshoremen, 36 had arrest records. Of these 36 arrest records, they had a total of 213 arrests, including 68 on drug charges. In a random sample of

38 Port Everglades longshoremen, 19 had arrest records. Of these 19, they had a total of 73 arrests, including 14 drug arrests.

Mr. Chairman, consider the arrest records from the following two subjects: Subject 1, from the Port of Miami: Arrested for robbery, assault and battery, carrying a concealed firearm, possession of a firearm by a convicted felon, aggravated assault, possession of heroin with intent to distribute, possession of cocaine with intent to sell, possession of heroin with intent to sell, grand theft, petty theft, uttering a forged instrument, forgery of a U.S. Treasury check, possession of cocaine, simple battery, aggravated battery, and petty theft. This is one person.

Subject 2, from Port Everglades: Arrested for robbery, assault with intent to commit murder, breaking and entering, disorderly conduct, shoplifting, burglary, dealing in stolen property, possession of cocaine, sale of cocaine, and domestic violence.

Mr. Chairman, since 1993, the Waterfront Commission of New York Harbor had been conducting criminal background checks on certain employees and their system has worked well. I believe that that particular port is in the jurisdiction, or in the district of the gentleman from New Jersey (Mr. MENENDEZ).

This is a federally chartered port and these ports have access to Federal records. Considering the torrent of drugs and other contraband that moves in and out of our ports, I do not consider it unreasonable for the local government, or a port authority, to require clean records for the people who work on the docks, the people who are actually on the front lines, the people that are handling the cargo.

For that reason, I would urge support of this amendment. Quite frankly, all we are asking is to have the same privilege, that the ports in the district of the gentleman from New Jersey already have, in the Port of Miami, Port Everglades, the Port of Boston, Norfolk, New Orleans, Charleston, all over this country. It has worked in New York and New Jersey and it will work elsewhere.

The incidence of drugs coming into this country through ports is increasing tremendously. We need to cut this off and it is only common sense that we do not have criminals or do not have the foxes guarding the hen house.

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

Mr. Chairman, I recognize the intentions of the gentleman from Florida (Mr. SHAW). I want to express, however, some reservations.

Port employees overwhelmingly are hard-working and honest people who have a strong commitment to doing their jobs and serving their Nation. Also not only in terms of moving the trade that we always talk about in this Chamber, 95 percent of all the Nation's commerce moves through ports like

the ones that I represent, but also in their efforts to eradicate illegal drug importation.

Mr. Chairman, I represent the largest port in the Eastern seaboard. I clearly understand the need to fight the entry of illegal drugs through the ports of entry. In fact, port workers cooperate with the Customs Department in a program that they work together called the "Dock Workers Against Drugs Initiative." They are not coerced or force to do this. Rather, they participate voluntarily.

Now, this bill imposes a Federal mandate in an area where local efforts are already underway. Criminal background check records of the Port of New York and New Jersey workers, including ancillary workers, are already examined thoroughly. The port already does what this amendment offers. The Waterfront Commission of New York Harbor did this without a mandate from the Federal Government.

My concern is the extent in which the amendment is written. It says upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to that entity all of these rights to have criminal background checks on employees or applicants for employment at any point under the jurisdiction of that otherwise State, county, port authority, or other local jurisdiction.

Now, my sense is I am not quite sure whether by "local jurisdiction" we mean port authorities or what is the extent of that entity. I am concerned that the extent, the broad net that is being cast here, provides no safeguards to prevent the distribution of sensitive information to those with no connection to port operations.

This amendment provides no limits to the information that can be collected and records can be released to a wide variety of entities, as I think are described here, that may not in essence accomplish our goals. The protection of the integrity of our borders and stopping the entry of illegal drugs is a worthy goal. The gentleman from Florida clearly has a worthy goal.

The workers at our ports I know, and I have spoken before the International Longshoremen's Association, I have heard from them their efforts and their commitment. These are working men and women who clearly understand the consequences to their families and to the communities in which they live.

But I am concerned, and I just raise the caution and concern here in terms of the potential overbreadth of the way that this amendment has been written. In that context, I raise those concerns and hope that we can, as this bill moves, seek to make sure that the purposes of the gentleman from Florida can be tailored in such a way that we reach his goals, but provide certain protections.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SHAW). I am not an expert on longshoremens. I live in the corn fields of Illinois and we see the products that are moved through our ports. It happens in our schools and our towns and our villages and the little country towns where those narcotics are available.

We know that most of those narcotics come across the Southwest border, something we have just talked about. We also know that about 40 percent of those narcotics come through our ports of entry into this country, our seaports and airports. It is pretty important, I think just common sense, it is pretty important that the people who handle the luggage, the people who handle the containers, the people who load the boats, who onload the ships, who load the trucks, who maneuver cargo through the railroads, those people need to be trusted. They need to be screened.

It would surely be wonderful if it was always voluntary, but we understand those people who have been able to infiltrate, and it happens in this country and it is rampant throughout this country. They are not law-abiding citizens. They would hide the fact.

Mr. Chairman, I just think we ought to be able to screen them. The facts show themselves. Out of the scores of people that were finally arrested, and we found that we had 200 to 300 arrests for that score of people, we ought to do that screening. If we are going to protect our children, if we are going to protect our families and we are going to protect our communities against drugs, we need to be able to make sure that the ports of entry, those people handling cargo and those poisons coming from across the oceans, that they are people that we can trust and that we have faith in and that will do the right job.

Mr. Chairman, I insert the following letters for printing in the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 14, 1998.
Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. I understand that it is the desire of the Leadership to take H.R. 4300, the "Western Hemisphere Drug Elimination Act," and H.R. 4550, the "Drug Demand Reduction Act," to the floor without this committee reporting these bills.

In the interest of the Leadership's desire to move expeditiously on these bills, I will agree to Judiciary Committee's being discharged from further consideration of these bills. However, this should not be construed as a relinquishment of the Committee's jurisdiction as to these matters generally, or as to any further amendments relating to them. I also request that the Committee's rights to have our Members named to any conference committee on these bills or any similar bill be protected.

Sincerely,
HENRY J. HYDE, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 11, 1998.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S.
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: On July 22, 1998 the bill H.R. 4300, the "Western Hemisphere Drug Elimination Act of 1998," was introduced in the House. Amendments made to this bill fall within the jurisdiction of the Committee on Agriculture.

Knowing of your interest in expediting this legislation, the Committee on Agriculture will agree to waive jurisdiction and will not seek a sequential referral in order to speed its consideration of the floor. In so doing, the Committee on Agriculture does not waive any future jurisdictional claim over this or similar measures. Furthermore, the Committee reserves the right to seek appropriate representation in the event the measure should go to conference.

Thank you very much for your courtesy in this matter and I look forward to continuing to work with you on this important project.

Sincerely,
ROBERT F. (BOB) SMITH, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, September 15, 1998.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 4300, the Western Hemisphere Drug Elimination Act, the Committee on National Security agrees to waive its right to consider this legislation. As you know, H.R. 4300, as introduced, addresses subject matter that falls within the legislative jurisdiction of the Committee on National Security pursuant to House Rule X.

The Committee on National Security's waiver of its right for further consideration is taken with the explicit understanding that the text H.R. 4300 will be modified on the floor by a manager's amendment incorporating changes agreed to between the Committee and sponsors of the legislation. Further, this action is taken with the understanding that the Committee on National Security's jurisdiction over the provisions in question is no way diminished or altered, and that the Committee's right to appointment of conferees during any conference on the bill remains intact.

Finally, while I commend and appreciate the willingness of the sponsors of the legislation to work with the Committee to address the various jurisdictional concerns associated with the introduced bill, I still hold reservations over portions of the legislation that express the need to alter the Global Military Force Policy of the Department of Defense. This fundamental policy question deserves careful and thorough consideration as it has the potential to alter how limited defense resources are allocated among the many worthy and critical national security priorities, including the Department's counterdrug efforts. Further, this matter is currently being negotiated with the Senate as part of the conference on H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999 which I hope to bring back to the House within days. As the likely conference outcome on this issue differs from the text contained in H.R. 4300, I believe this matter will require further consideration in conference or any subsequent consideration of this legislation.

With warm personal regards, I am
Sincerely,
FLOYD D. SPENCE, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 11, 1998.

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

DEAR MR. SPEAKER: One of the bills scheduled for consideration before the Committee on Rules next week, H.R. 4300, the Western Hemisphere Drug Elimination Act, was referred to several Committees, including the Committee on Transportation and Infrastructure. I strongly support H.R. 4300, and, in order to expedite its passage, do not object to the Rules Committee granting a rule for Floor consideration next week. This should not be deemed to be a waiver of this Committee's jurisdiction over the subject matter contained in H.R. 4300, or our right to be appointed as conferees should this bill go to conference with the Senate.

The problem of drug use among teenagers in this country has reached crisis proportions. H.R. 4300 will authorize funds to allow the Coast Guard to aggressively pursue drug smugglers and protect our country's borders from illegal contraband. We must act now to provide the funds necessary to deter America's teenagers from using illegal drugs.

Although I agree that time does not allow us to proceed through the normal Committee process for this legislation, in the future, the Committee on Transportation and Infrastructure will continue to exercise its jurisdictional responsibilities over all Coast Guard drug interdiction issues, and all related legislation.

With kind personal regards, I am
Sincerely,
BUD SHUSTER, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 14, 1998.
Hon. NEWT GINGRICH,
The Speaker,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing concerning consideration of H.R. 4300, the Western Hemisphere Drug Elimination Act. Sections 101(a) and 501(e) contain authorizations for appropriations for the U.S. Customs Service for drug interdiction and, as such, fall within the jurisdiction of the Committee on Ways and Means.

As you know, the House recently passed, by an overwhelming margin, H.R. 3809, the Drug Free Borders Act. This bill greatly increased authorization levels for the U.S. Customs Service for drug interdiction, particularly along the southwest border.

I have long been concerned that Customs have adequate resources to fulfill its responsibilities for drug interdiction, particularly along the southwest border, as well as the facilitation of legitimate trade, and these priorities have been reflected in H.R. 3809. I understand that since the passage of H.R. 3809, certain serious needs have come to light for which you seek additional authorizations for the U.S. Customs Service in H.R. 4300. I understand, however, that you fully support the funding priorities authorized in H.R. 3809. I further understand that you do not seek in any way to diminish those funding levels by the new authorizations in H.R. 4300 but that you intend to seek supplemental appropriations to fund the bill.

In order to expedite the consideration of this important legislation, I do not believe that a markup of H.R. 4300 by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding, first, that this does not in any way

prejudice the Committee's jurisdictional prerogatives on this measure or any similar legislation; second, that it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future; and, third, that you will support the funding priorities and levels in H.R. 3809.

Thank you for your consideration of this matter.

With best personal regards,

BILL ARCHER, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL
RELATIONS,

Washington, DC, September 9, 1998.

Hon. NEWT GINGRICH,

Speaker,

The Capitol, Washington, DC.

DEAR MR. SPEAKER: It is my intention to waive committee jurisdiction over H.R. 4300 "The Western Hemisphere Drug Elimination Act". As this session nears conclusion, we are in a serious crisis on the drug front as a result of Administration's neglect in both source nation and interdiction efforts in the war on drugs. The supply of pure, and low cost drugs from abroad increases daily, while corresponding demand and use rises here at home, especially among our young people.

A good case in point of this neglect is Colombia, which produces 80% of the world's cocaine, and most recently has also captured the heroin market here in the U.S. (75%). Our committee has held an extensive hearings on drugs in Colombia, and we also had the GAO report on the crisis there. We have conducted extensive analysis of the critical need for more and better assistance including high performance helicopters, and overall reform of our war on drugs.

Most recently, events turned for the worse in the fight against drugs at the source in Colombia. U.S. law enforcement is in agreement that the best place to fight drugs is at the source. The war on drugs is now on hold in Colombia. Without good helicopters, opium eradication has been cut 50%, and the results in the U.S. from the influx of Colombia heroin are indeed frightening. In addition, the narco-guerrillas' recently destroyed the Colombian National Police's forward drug fighting base in Miraflores. Fear of attack on their key anti-drug operations base at San Jose del Guaviare, forced the withdrawal of its remaining few operational Vietnam era Huey helicopters, so coca and cocaine lab destruction are also down.

The results from this de facto cessation of the war on drugs in the major source nation in our hemisphere are becoming more and more evident in the U.S. as the price of hard drugs fall while their purity rises. Most recent National Household Survey data released while we were on recess, showed 171,100 teens for the first time used heroin in 1996. Heroin use in the U.S. now exceeds the late 1960s, early 1970s historic levels, and the future is not bright. On the cocaine front, prices fall, as purity rises, with use on the rise. We are witnessing a major failed demand only driven drug fighting strategy, which will reverse all of the major Reagan/Bush gains in the war on drugs.

H.R. 4300 sets out a three-year plan to reverse this serious neglect at both the source and in the area of interdiction. The bill provides vital anti-drug assistance like high performance helicopters for the excellent and effective Colombian National Police to help eradicate opium and coca, as well as take down and destroy the production laboratories making these drugs for the U.S. market. It also increases aid to other drug producing nations in the region, and increases our interdiction capacity to prevent these drugs from every reaching our shores.

As this drug crisis threatens our youth, and nation, it also requires our action before the session adjourns. Accordingly, under these extraordinary circumstances, I am without prejudice to the Committee's ongoing jurisdiction over the subject matter, willing to waive jurisdiction on this bill so the full House can act on it.

With best wishes.

Sincerely,

BENJAMIN A. GILMAN,

Chairman.

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

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

Mr. SHAW. Mr. Chairman, in the minute that is left I would like to say that I think that I would say to the gentleman from New Jersey (Mr. MENENDEZ) that I do believe without question that the language is sufficiently tight. What we are talking about, people who are either working in ports or apply for positions in ports, are going to get their background checked. I think the language is very clear that only the jurisdiction controlling the port can pull up this information and pull it up on these particular people.

Right now, they can pull up the State records as in Broward County, they passed a county ordinance that required this. In Dade County, they have done the same. But now they can only get to the State records. We should have the same privilege that the Port of New York has and the Port of New Jersey, and that is to be able to tap into the Federal records. That is all this does.

It certainly makes sense to have the honest people be the ones that are handling the cargo. They have the greatest opportunity to assist the drug smugglers and assist the drugs smuggled into this country, and we know that drugs are a huge problem. Mr. Chairman, I ask the approval of the amendment.

Ms. LEE. Mr. Chairman, I rise to express my opposition to the Shaw amendment to H.R. 4300. The amendment would allow any state, county, port authority or any local government entity to utilize information collected by the U.S. Justice Department about working men and women at our nation's ports. This draconian measure was introduced in response to drug smuggling activities of a few longshore workers in the State of Florida.

The longshore and port workers in my district work hard. They are a proud lot. They are proud of their affiliation with the International Longshore and Warehouse Union—a union dedicated to democracy, economic security for all workers and a peaceful world.

The Shaw legislation is a dagger in the heart of these patriotic Americans. Port workers perceive this legislation as questioning their character and honesty. The legislation would affect workers on the West Coast involved in the international drug trade. It is blatantly offensive to single these workers out because of a few bad apples in one state. The Constitutional right to privacy is cherished by the American people, and there are no extraordinary circumstances that would warrant local government officials rifling through FBI

and Justice Department files on a select group of individuals.

There are no safeguards in the Shaw amendment to prevent the dissemination of sensitive information on individuals to use material for selfish political ends, blackmail, or any other nefarious activity. Surely, there is a better way to fight drugs than to invade the privacy of a proud group of workers.

Mr. MENENDEZ. Mr. Chairman, the amendment before us labels a whole class of workers guilty until proven innocent. I rise to express my strong opposition to this amendment. It automatically considers any worker at a port suspect, and it only targets port workers. Port employees are hard-working and honest people who have a strong commitment to doing their jobs and serving their nation in its efforts to eradicate illegal drug importation. This amendment does not account for those facts.

Let me emphasize that I represent the largest port in the eastern seaboard. I understand the need to fight the entry of illegal drugs at our ports of entry. There's no doubt we need to continue in those efforts.

The U.S. Customs Service with other government agencies does a valiant job in trying to seize narcotics at New Jersey's ports. They could not accomplish this without the assistance of the Port's workers. Here are some examples: in July 1998 under Operation Brass Ring the U.S. Customs Service seized 700 pounds of cocaine at Port Newark/Port Elizabeth, New Jersey; and in June 1998 the Customs Service seized 1,300 pounds of cocaine concealed in a shipment at Port Newark/Port Elizabeth. I cite these examples to demonstrate ongoing narcotics fighting efforts at the Port; efforts which the Port's workers aided.

Port workers have their own initiatives to fight illegal drugs with programs like the Dock Workers Against Drugs initiative. They are not coerced or forced to do this; rather they participate voluntarily.

This amendment imposes a federal mandate in an area where local efforts are already underway. The criminal background records of the Port of New York and New Jersey's workers, including ancillary workers, are already examined thoroughly. The ports of New Jersey and New York already do what this amendment offers. But the Waterfront Commission of New York Harbor did this without a mandate from the Federal government.

This amendment violates workers' privacy. It does not provide any safeguards to prevent the distribution of sensitive information to those with no connection to port operations. This amendment provides no limits to the information that can be collected, and records could be released that date back years and have no relation to the work of port employees. The information could be used in inappropriate ways.

Protecting the integrity of our borders and stopping the entry of illegal drugs is a worthy goal and the workers at our ports support this effort wholeheartedly. Mr. Chairman, we need to fight the entry of illegal drugs coming into our ports. In New Jersey we have established rigid background checks to ensure our workers can function in the port environment, but we did it without a mandate from the Federal government. We shouldn't use this bill as a means to violate the privacy rights of our workers. The International Longshoremen's

Association, the AFL-CIO, and the International Longshore and Warehouse Union all oppose this amendment. We should use this bill as an opportunity to provide the resources to stop illegal drugs at their source.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

Strike section 201.

Strike section 204(a).

In section 204(b), strike "(b) SENSE OF CONGRESS.—".

Ms. WATERS. Mr. Chairman, I would first like to thank the gentleman from Illinois (Mr. HASTERT) for working with me to accommodate me and give me the opportunity to get this amendment up, who happens to be the chair of the Republican Drug Task Force.

I would also like to thank the gentleman from Florida for the work that he has put into this legislation. I do have some concerns that this legislation did not travel the traditional course and have the oversight of all of the committees that should have seen it. However, I am one of the cosponsors on the legislation.

Mr. Chairman, having said that, I would like to make it absolutely clear that one of the priorities of the Congressional Black Caucus is the eradication of illegal drugs in our country. The Congressional Black Caucus, in formulating its agenda at the beginning of the 105th Congress, made this a priority simply because we were tired of sitting around and waiting for someone else to make this happen.

We have put millions of dollars into the eradication of illegal drugs in our society. We have had presidents and elected officials for years now talking about the eradication of drugs, and to tell the truth, those drugs continue to show up in our communities.

□ 1430

And the gentleman is absolutely correct; too many lives are lost, too many families are destroyed, too many dreams and hopes unrealized because, in fact, these drugs continue to flow.

And let me tell the gentleman what a lot of the young people say. They say, "Ms. Waters, we don't have any planes, and we don't have any boats, and we don't have the money to go out and buy huge shipments of drugs to bring them into our community. Why don't you go and get the big boys? Why don't you do something about interdiction? Why don't you do something to stop the flow of drugs into the communities?" And this bill attempts to do something of that nature.

This amendment is simple, direct and crucial, and I join with my colleagues on the other side of the aisle to do something about the eradication. However, I am simply asking that we strike

two provisions that currently give direct military aid to the Colombian National Police and army as well as the Mexican military. I believe this is a crucial amendment due to the disturbing and most recent revelations about the involvement of the Colombian and Mexican military and police in drug trafficking.

The first part of the amendment strikes section 201, which gives additional eradication resources for the army and national police of Colombia, the section which gives \$165 million of direct military aid to these forces at a time when they are being alleged to have ties and providing protection for Colombian drug cartels.

The second part of the amendment strikes section 204 that gives direct military aid to Mexican military forces at a time when they are being implicated for their ties to drug cartels. In fact, just today in *The New York Times*, we have reports that elite Mexican drug officers are said to be tied to traffickers. The *Washington Post* ran an article last week on reports of those supposedly incorruptible anti-narcotics police who were taking suitcases full of cocaine and walking around the drug-sniffing dogs in Mexico City's airport and then placing the suitcases back on the luggage racks for the cartel agents to pick up.

Other similar revelations have surfaced regarding the Colombian military. A June 22 *New York Times* editorial wrote of the ties between the paramilitaries in Colombia and drug cartels. Colombia's investigative police say Carlos Castano, a top paramilitary leader, heads a drug cartel. According to reliable sources, his paramilitary drug cartel is also receiving protection from Colombian police and security forces.

In fact, the Colombian military and anti-narcotics police units based in Guaviare have been recently implicated in supporting Carlos Castano and his paramilitary when they carried out a massacre that took place from October 18 through October 20, the day before our own General Barry McCaffrey landed at the capital at San Jose del Guaviare.

Mr. Chairman, I ask for support on this amendment to make sure we stop dumping our dollars, our taxpayer dollars, into corrupt police officers who are part of the drug problem in Mexico and Colombia.

October 29, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: We are writing to you regarding the human rights situation in Colombia. We have just received credible information that military and anti-narcotics police units based in Miraflores, Guaviare actively supported a paramilitary massacre that took place from October 18 through October 20, the day before Gen. (ret.) Barry McCaffrey landed at the capital at San Jose del Guaviare.

According to the Public Ombudsman's office, on October 18, heavily armed men calling themselves the Autodefensas del Sur

(Southern Self-Defense Group) entered Miraflores and executed four men, identified in press reports as Jose John Gordillo Daza, Pablo Quejoa Menza, Silvano Batioja Castro, and Florentino Torres. Apparently the paramilitaries had a list of names that they used to search out their victims. In the formal complaint, witnesses said that they overheard the men say, "Who said we couldn't come to this town? From here on, we give the orders here." Over the course of three days, at least six people were reported executed.

Miraflores has the permanent presence of three security force units: the army's "Joaquin Paros" Battalion, the navy, and the anti-narcotics police. Although the surrounding countryside is controlled by guerrillas, the town itself is heavily militarized.

Eyewitnesses reported that security force personnel did not leave their barracks until 45 minutes after the first three people had been killed. Then, their only activity was to collect the bodies left in the street. According to our information, they did nothing to apprehend the paramilitaries, who were still in town searching for more people on their list. One more person was killed that day and two more on October 20.

On the afternoon of October 18, our information indicates that army soldiers provided an escort for two of the gunmen to the army-controlled airstrip. Eyewitnesses also claim that soldiers summoned a private airplane with an army radio, which arrived shortly thereafter, boarded the gunmen, and left. Subsequently, Miraflores mayor Edgar Emilio Lozano and many other residents fled Miraflores out of fear.

We are also concerned because the security forces have not impeded this paramilitary group's free movement in the region using a DC-3 airplane. According to local residents, Autodefensas del Sur landings are frequent and notorious. The group is also implicated in the October 16 killings of Jorge Puerto and his mother, Maroa, near the town of Puerto Trujillo, Meta.

Paramilitaries led by Carlos Castano publicly identified the department of Guaviare as a military objective a year ago. Like the attack in Mapiripon, Meta in July, which left seven confirmed dead, the Miraflores massacre appears to be part of a paramilitary plan to expand their operations into areas historically dominated by guerrillas. Although the role of the security forces in the Mapiripon massacre is not clear, eyewitnesses have provided compelling testimony about the role of Colombian units in the Miraflores attack.

We know you must share our dismay at the apparent role played by the Colombian military and anti-narcotics police in the Miraflores massacre. If confirmed, security force assistance in the massacre would constitute a serious human rights violation. It would also challenge the United States decision to permit anti-narcotics aid to be sent to units operating in the department of Guaviare, according to the August end-use monitoring agreement.

We ask you to carry out an immediate inquiry of the Miraflores massacre, and particularly the reported involvement of the Colombian military and anti-narcotics police. We also request that U.S. intelligence relevant to the incident be shared with the Fiscalia and Procuraduria, to aid them in their on-going investigation. Finally, we urge you to ensure that appropriate action is taken with regards to the provision of U.S. assistance to units operating in Guaviare and Meta under the guidelines laid out in the Leahy amendment.

Thank you for your attention to this urgent matter.

Sincerely,

JOSE MIGUEL VIVANCO,
Executive Director,
Human Rights Watch/Americas.
COLETTA YOUNGERS,
Senior Associate,
Washington Office on Latin America.
GEORGE VICKERS,
Executive Director,
Washington Office on Latin America.
JAMIE FELLNER,
Associate Counsel,
Human Rights Watch.

[From the New York Times, September 16, 1998]

ELITE MEXICAN DRUG OFFICERS SAID TO BE TIED TO TRAFFICKERS

(By Tim Golden)

WASHINGTON.—An ambitious effort to overhaul Mexico's corrupt law-enforcement system has been thrown into turmoil by the disclosure that top investigators of an elite American-trained police unit may have ties to drug traffickers, American officials say.

The disclosure emerged after recent lie-detector tests administered, at Mexican authorities' request, to Mexican police agents by American Government experts.

Officials said at least some of those investigators whose tests indicated collusion with traffickers had been chosen for their posts after elaborate screening devised by Americans.

American officials said they were just beginning to assess the damage that corrupt investigators might have wrought, a task that will take weeks. Most senior officials in the unit were implicated by the lie-detector tests.

Officials said they feared that much of the sensitive information that American law-enforcement agents had shared with the Mexican unit during the last year might have been compromised.

"You have to assume that everything we've been giving them has ended up in the hands of the traffickers," said a senior United States law-enforcement official who, as did others, insisted on anonymity.

"It's a disaster."

Other officials were more cautious about the significance of the tests. But they said they expected that American collaboration with the unit to be suspended until the Mexican Attorney General's office undertook an investigation of the case.

A senior Mexican law-enforcement official said tonight that the accusations were serious, but did not necessarily mean that senior investigators had been working for traffickers. He said, though, that an administrative inquiry was under way and that one senior investigator had been reassigned.

"This vetting process was not the one we agreed to; the questions were not clear and they were not the ones we authorized," the official, who insisted on anonymity, said of the American conclusions.

"Failing a polygraph does not mean that these people committed crimes or took money, and there may be a lot of reasons why they did not tell the truth, he said, in a telephone interview from Mexico City. "But the law is very clear. To work in this unit you have to pass the polygraph."

The possible penetration of the unit, apparently by powerful drug gangs, in the latest in a series of such calamities.

Last week The Washington Post reported that Mexican officials were investigating allegations of corruption against dozens of army soldiers who had been stationed at the Mexico City airport as part of the armed forces' American-supported involvement in the fight against drugs.

For 10 years, as successive Administrations in Washington have sought to work more closely with the Mexican authorities, both to fight the flow of illegal drugs to the United States and to strengthen the rule of law in a strategically vital neighbor, American officials have publicly embraced senior Mexican prosecutors, police commanders and other officials who have later been revealed, one after another, to have taken bribes from major drug smugglers.

In the most serious case, the Mexican Government announced early last year that its drug-enforcement chief was in fact working secretly with the man then considered the biggest cocaine trafficker in the country, Amado Carrillo Fuentes. Days earlier the official, Gen. Jesús Gutiérrez Rebollo, had been basking in the praise of the Clinton Administration's drug-policy director, Gen. Barry R. McCaffrey.

General McCaffrey and other Administration officials vowed that such a debacle would not occur again. They pressed for a sweeping reorganization of how the United States gathers and disseminates intelligence about trafficking. The reorganization plans have run into wide opposition among Mexican law-enforcement officials.

But more important for Mexico, American law-enforcement officials also provided extensive help in writing a new law against organized crime, in setting up an investigative unit to enforce the law and in screening hundreds of other police agents assigned to drug enforcement.

Prospective members of the Organized Crime Unit were submitted to extensive background and financial checks, lie-detector tests and psychological evaluations. Most of those chosen also received training from the Federal Bureau of Investigation, the Drug Enforcement Administration or both.

But after a year and a half, in which the team of more than 200 investigators, prosecutors and intelligence analysts has been responsible for investigating many of the most important drug-trafficking and kidnapping cases, its record is mixed.

Mexican and American officials praise the unit for what they say was its role in the arrests of a handful of important smugglers and the dismantling of a kidnapping ring that terrorized central Mexico while receiving protection from state officials.

In particular Dr. Samuel González Ruiz, 37, a former law professor who heads the unit, has won wide respect from American officials for what they say is honesty and courage. Dr. González Ruiz was one of three top unit officials who were said to have passed the lie-detector tests.

Increasingly, though, American officials have grown critical of the unit for the same basic failing of the special forces that came before it. Despite issuing dozens of arrest warrants, the squad has been unable to capture leaders of the biggest trafficking gangs, despite having access to some of the most sensitive intelligence that Washington has ever given the Mexican Government.

As part of the law on organized crime that went into effect in November 1996, the unit has pioneered the use of protected witnesses and plea bargaining in criminal cases. Among other actions, Dr. González Ruiz arranged this year for testimony before a Federal grand jury in Houston by a former Mexican federal police chief who agreed to cooperate with authorities in return for a reduced prison sentence on corruption charges.

But the unit's handling of its witnesses has sometimes left a lot to be desired. A highly valued informer who implicated senior military officials in drug corruption, Tomás Colsa McGregor, was murdered last year after having left the custody of the unit, American officials said.

Another informer, a former federal highway police officer, Jaime José Olvera, was kidnapped from a street in Mexico City on Thursday, after having been in the protective custody of the unit. He was found dead on Friday.

American officials said Officer Olvera had provided crucial information about the most important drug gang, which he had once worked for, providing security.

Three officials said the lie-detector tests were partly a response to informers. But other experts said Americans screened agents in countries like Bolivia, Colombia, Peru and Thailand.

According to two officials, the testing, led by the F.B.I. and the Drug Enforcement Administration, focused in part on whether senior investigators had passed information to drug traffickers.

PARLIAMENTARY INQUIRY

Mr. HASTERT. Mr. Chairman, I have a parliamentary inquiry.

I understood the rule to say that preprinted amendments have a preference. I also understood the gentlewoman from California to stand up and ask to strike section 201.

I think what has happened is there is a combination of two amendments here. I just want to know what rule are we going under? Has there been a change in the amendments? Because I did not hear a unanimous consent request.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The rule allows for any sections of the bill to be stricken by amendment because the bill is open to amendment at any point, and the gentlewoman's amendment has, in fact, done that.

Mr. HASTERT. My question, Mr. Chairman, was based, and I understand we are going to hear these amendments, but there are independent issues on each side of this bill, or these two pieces of legislation. The preprinted amendments, which was the rule, asked that those amendments have preference.

The CHAIRMAN pro tempore. The gentlewoman's amendment is in order. It is the Chair's understanding that the gentlewoman's amendment is one amendment, as reported by the Clerk.

Mr. HASTERT. I am just trying to get straight what we are debating here. My understanding is the preprinted amendments, which were the rule and as the rule was passed, had two different provisions, two different amendments. And now we are going from preprinted preference to rules that are just reported by the Clerk. I do not quite understand.

The CHAIRMAN pro tempore. The Chair's understanding of the rule was that the preprinted amendments received discretionary preference on their order. The rule did not require that all amendments be preprinted to be offered.

Mr. HASTERT. So would we not have to offer the two preprinted amendments first?

The CHAIRMAN pro tempore. The Chair's understanding is that the gentlewoman from California chose not to offer the preprinted amendments.

Mr. HASTERT. I thank the Chair. I would just say to the gentlewoman from California (Ms. WATERS) I misunderstood that. If she is to take both these together, it is a little more complex issue when she combines them.

The CHAIRMAN *pro tempore*. The gentleman's time on his inquiry has expired.

Mr. HASTERT. Mr. Chairman, I rise in opposition to this amendment.

What this combined amendment asks is basically to do a couple of things. First of all, what the text of the bill says is that our law enforcement agencies that work in Mexico ought to have the protections that anybody who works in an embassy should have. And in exchange, people who work in Mexican law enforcement, who have duties in this country, ought to have those same types of privileges.

Also, the black tar Mexican heroin that is now coming into our street corners in Los Angeles and Chicago and New York, some of the cities in New Jersey, and certainly Denver and other places, comes from the high mountains in Mexico. The only way that we can eradicate that black tar heroin is from helicopters that have the ability to reach high altitudes.

Now, we need to be able to provide, in cooperation with explicit actions from the Mexican Government that we require, we need to be able to provide those helicopters. We need to have our agencies and agents in Mexico to have the same protections that other people in our embassies have, and that is basically, on the Mexican side of this issue, that is that part of the amendment. That is what we afford. Why should we take that away from our people, law enforcement agents that work in Mexico?

The second part of this deals with Colombia. The law enforcement agency in Colombia that is in charge of drugs, that we have worked with, is the Colombian National Police. They have an extraordinary record on human rights. And as a matter of fact, the 18 people that got killed, that the gentlewoman from California talked about, right before General McCaffrey was there, were Colombia National Policemen. They were ambushed and killed. As a matter of fact, there has been 400 Colombian National Policemen killed in the last year; 4,000 over the last 10 years. These are people who have fought and struggled to stop drugs being produced in Colombia and have given a lot of their life and talents, for those people who have been wounded and others, to try to fight this battle.

They need help. That country is at the brink, absolute brink of chaos. If they do not have help, if they do not have the ability to fight within their own country, we will see Colombia being the first Democratic nation in the southern part of this Western Hemisphere become a narco-state. That is the danger that we are in, my colleagues.

Both of these amendments, combined, first strike at our ability to

work with Mexico, which has been, at times, a difficult country to work with; and also try to get things straight with the ability to move this process and to stop narcotics flowing into our neighborhoods from Colombia. We need to have the helicopters, we need the eradication, we need to be able to do the job with the Colombian National Police who are vetted and who have wonderful human rights' records. Why destroy that? Why take that ability to deal with those folks away?

I just question why are we doing this in this amendment? I strongly oppose these amendments and would ask other Members of this body to vote "no".

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

Mr. HASTERT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding and I rise in strong opposition to the gentleman's amendment to cut off aid to Colombia.

Let the record reflect the aid in this bill for Colombia primarily goes to the Colombian National Police to fight drugs at their source. General Jose Rosso Serrano is the director general of that outstanding organization. His Colombian National Police antidrug unit, the Danti, is the recipient of most of the drug fighting funds for Colombia.

In March of this year, our House passed H. Res. 398 to provide Blackhawks for the Colombian National Police. It was passed out of our House Committee on International Relations with bipartisan support. There was no major opposition to that resolution.

The CHAIRMAN *pro tempore*. The time of the gentleman from Illinois (Mr. HASTERT) has expired.

(On request of Mr. GILMAN, and by unanimous consent, Mr. HASTERT was allowed to proceed for 2 additional minutes.)

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, let me read some parts of that resolution:

Whereas the Colombian National Police is led by the legendary and incorruptible General Jose Serrano, who has dedicated his life to fighting drugs, and whereas the elite anti-narcotics union of the Colombian National Police, the Danti, is one of the best and most effective anti-narcotics police forces in the region and the world.

That was the preamble to that measure. The CNP have had 4,000 police officers killed over the last 10 years fighting drugs in Colombia, before they reach our streets and before they kill our children. They destroyed the Cali and Medellin cartels, and killed the violent notorious drug dealer Pablo Escobar in a shoot-out. So let us understand who we are giving funds to and who deserve it.

There is no corruption in the CNP antidrug unit nor is there any history of human rights' abuses by the Danti antidrug unit. In fact, the Ambassador to Colombia, Myles Furchette, told our committee staff of the Congress not

long ago that in the 10 years of providing U.S. assistance to General Serrano's antidrug unit, there have been no allegations of human rights' abuse.

The amendment to delete antidrug aid to Colombia and especially the Colombian antidrug police is ill-founded and lacks merit. Accordingly, I request our colleagues to defeat the Waters amendment.

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

First of all, I want to say I have a great deal of respect for the gentlewoman and particularly for her concerns about the corrupt activities that take place in Mexico and in Colombia, particularly with reference to the narcotics trade. And I think it is a legitimate concern. We have concerns about human rights' abuses, but most particularly by the military aspects of those countries, and it is a legitimate concern. But I must respectfully and strongly oppose her amendment.

The fact of the matter is that I would suspect that we would have all of the end use monitoring that we have had under what is known as the Leahy amendment, and that we would continue to have that. The fact of the matter is that it is in the national interest of the United States and the national security interest of the United States to assist these countries because, ultimately, assisting these legitimate efforts helps us in the interdiction and eradication of those drugs that would transverse our borders into our country, into our communities and, ultimately, to our children and those who are the most susceptible.

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So, in fact, as someone who traveled last year to Colombia with the Committee on International Relations and who boarded a helicopter in the jungles of Colombia and who went with the Colombian National Police in the jungle to see their eradication and who in the process ended up catching, in the very fields of the jungles a laboratory which refined these products and saw all of the work and the risk that was engaged and who talked to members of the Colombian National Police who were harmed and injured, and to their leadership which our own U.S. ambassador in Colombia has talked about time and time again, both in our visit there and as the chairman of the full committee has just suggested before the committee in terms of the degree of integrity that they have, not to suggest that for so long as there are human beings in any entity there is not a risk, but ultimately when we focus on the Colombian National Police, for example, we are more likely than not to have the type of resources flowing to an entity that is legitimately dedicated to combating narcotics trafficking. So it makes a lot of sense to have these provisions.

If we without any limitation go ahead and strike these provisions, then

Colombia and Mexico clearly will not have the wherewithal, particularly in Colombia, will not have the wherewithal to go ahead and be able to have any enforcement efforts. You also have to understand that in Colombia, we have very difficult consequences. We have guerillas who seem to lack any ideological perspective, but you have guerillas who use the narcotraffickers as their enforcement and the narcotraffickers use the guerrillas to fuel economically their efforts. So the bottom line is you have a synergistic relationship, none of them ultimately for any good purposes, and obviously for purposes that are incredibly detrimental to the interests of the United States and the national security of the United States in our efforts to combat drugs.

I share the gentlewoman's concerns on the questions of corruption and human rights. But this broad swath of cutting I think would not meet our interests.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentlewoman from California.

Ms. WATERS. I thank the gentleman for yielding. Let me just say, Mr. Chairman, we are being laughed at. I want to call my colleagues' attention to when our drug czar went down to Mexico and wrapped his arms around Drug Czar Gutierrez Rebollo, a week before it was revealed that he was on the payroll of the Juarez cartel.

I want to draw my colleagues' attention to Colombia, when people were saying that the National Police were clean. I will tell you what happened to Pablo Escobar. They were supporting him until we put so much heat on them, and they tried to make it look as if they were better, they killed him. But these are the same National Police that we are talking about putting more money in their hands. This is above and beyond the current appropriations.

I am simply saying, we need money to fight drugs in this country. We need good interdiction. What we do not need is to keep talking about giving our money to dope dealers under the banner of their police. Our own officers that we send down there to train them are disgusted and they are saying we are the laughingstock. I know that we need to get up in those mountains, but I think we need to go up there ourselves and stop giving our money.

Mr. MENENDEZ. Reclaiming my time, I simply will say that I understand the gentlewoman's concerns, but unless we are going to send armed forces into another sovereign country which has all other types of ramifications, I think it is very, very dangerous and I would urge a "no" vote on the gentlewoman's amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words. First off I know the gentlewoman shares a deep concern about the heroin and cocaine on the streets of Los Angeles and in Fort Wayne in my

hometown, but she maligned the name of the National Police.

This hat belongs to Colonel Gallego who personally took down Pablo Escobar. He did not take him down because he was in on some kind of drug deal. They were trying to take out the Medellin cartel and then the Cali cartel. It has been difficult. You cannot make just random allegations about individuals.

There are problems in Colombia. We know there are problems in Colombia. None of us are going to stand here and defend Mexico. She mentioned it. But she is failing to distinguish between the Colombian National Police and their defense units.

General Wilhelm, the head of SouthCom, said that in Colombia, it is the number one priority in his command. I outlined earlier this afternoon the importance not only directly in Colombia but to the oil from Venezuela and the Panama Canal.

DEA Administrator Tom Constantine said after his visit that General Serrano and the Colombian National Police are the first line of defense in the war on drugs. He called these policemen heroes.

I know that while I may have a general reputation as a conservative among many people, I am still viewed in many places as kind of a liberal, open-minded guy. For example, Ambassador Frechette when I was in Colombia in particular asked me if I would go over and meet with the Human Rights Watch people and the people who had the concerns about the Colombian National Police and the Defense Department. In going through the particulars, they had no complaints on record, this was not this year but last year, with the Colombian National Police narcotics unit in particular but they do have them with the military. That is why this bill specifies specifically that the Black Hawks go to the Colombian National Police and the 50 Hueys go to the National Police.

The incident that she referred to earlier, there is a difference between the Danti, the Colombian antinarcotics group, and the National Police as a whole. It is on this hat. It says antinarcotics. You are accusing Colonel Gallego of not participating in the takedown of a paramilitary organization when he only has jurisdiction over antidrug issues and was in an antidrug raid at the time. You cannot mix apples and oranges and that is an incorrect statement on the House floor.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I will let you get additional time when I am done with my points.

Ms. WATERS. We have documentation.

Mr. SOUDER. You have documentation that he did not participate, not that he participated and took somebody down.

I want to illustrate what is at stake here. We have Huey helicopters that we

would not allow Americans to ride in. Our only line of defense now in Colombia to keep the cocaine and heroin from our streets are these helicopters that are grounded. I personally visited in the hospital in Colombia some of the people in some of these Huey helicopters that have crashed. It is a tragedy that we are putting these old junkers out right now that will not work and we are trying to say that this is the only way we are going to protect our kids and families in America? If we do not make sure that the National Police have these helicopters and the ability to get up to the higher elevations with the Black Hawks and the Black Hawks can carry larger loads of people to protect the people who are trying to eradicate the drugs, let me assure you, if we do not do this, my son and daughter and your sons and daughters are going to be down there in Colombia trying to fight this war directly.

We have people out there, Colonel Gallego has a multimillion-dollar price on his head and his family is in hiding. General Serrano has even more millions of dollars' price on his head. If they are with the drug dealers, why are they trying to kill them? Why have they killed the equivalent of 30,000 American police officers in the last few years trying to fight this? These people are dying. These people deserve our praise and credit. I understand and am concerned about the corruption, too, and that is specifically why we are not allowing these funds to go into places where we are concerned they are going to be misused. But if we do not stand with those people who are fighting this war, we are going to have to fight it because our national security is at stake and our kids' lives are at stake.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman's concern.

I have here a letter from the very people that he referred to in the Human Rights campaign. Jose Miguel Vivanco, Executive Director, Human Rights Watch; Coletta Youngers, Senior Associate, Washington Office on Latin America; George Vickers, Executive Director, Washington Office on Latin America; and Jamie Fellner, Associate Counsel, Human Rights Watch, raising these questions about the National Police.

I have great sympathy for the fact that you have a relationship and that you certainly are pointing to someone who lost their life. Yes, a lot of people have lost their lives; however, we cannot stop them from dumping these drugs in our country.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 30 additional seconds.)

Mr. SOUDER. Mr. Chairman, the point here is that the gentlewoman alludes to allegations. There is one specific point, it is well known publicly, that is, that the National Police antinarcotics unit did not participate in stopping a paramilitary group. That is different than alleging human rights abuses.

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

Mr. Chairman, I reluctantly rise in opposition to the amendment because I know the gentlewoman from California, a colleague of mine, does fight in every way she can to remove drugs from the streets. I think her heart is in the right position on this particular amendment. I do see it a little bit differently and I would like to go through why we have those differences.

Almost every family in this country has been affected negatively by drugs one way or another, including my own, not only from usage but sale of drugs. I want to tell you how disappointing, how hurtful it is and how damaging it is to the family. It is not easy to deal with those kinds of things. We have had a lot of activity, President Reagan, President Bush, President Clinton. I think President Reagan and President Bush made more of a dent in antidrugs than many of the other Presidents, but we have never really had a war, a real war on drugs. That is what it is going to take. It is across the lot of broad fronts. Is it education? Absolutely. Interdiction. Border control where most of it is coming from. The cargo containers. That is why one of the reasons we did not want Long Beach Naval Shipyard to fall to the Communist Chinese because they have been known to sell drugs along with AK-47s and the rest of it. Diplomatic, trade agreements ought to include these things and be real tough, and also penalties. Many times we come to the floor to penalize the people that are really selling these poisons to our neighborhoods and many people feel differently, that we should not do that.

Mr. Chairman, you remember a man named Enrique Camerino, a Border Patrol guy just east of my district and the district of gentleman from California (Mr. HUNTER). He was buried alive after being tortured by Mexican officials. Yes, Mexico does have a problem. But I want to tell my colleagues, I live down on the border. There are citizens in Mexico that feel the same as we do, they are fed up, they are exasperated. They want drugs out of their country and they do not want drugs being sold to other countries. There are law enforcement agents in Mexico that feel the same that we do. There are politicians that feel the same.

Are there problems? Yes. But I would say to the gentlewoman, if we are going to have this war, first of all we need to make sure that the resources go to where it is going to do the good and not pilfered. But if we take away those resources with the gentle-

woman's amendment to people that we think are really fighting this war, then we are going to have problems. Because there are people in every one of those countries that are good citizens, whether they are law enforcement, politicians or just citizens.

I would remind my colleagues, it was right here in the House when we closed the Post Office, there were members, not Members of Congress but there were individuals selling cocaine right here in the Capitol of the United States. We have the Mayor of Washington D.C. that went to jail for cocaine.

Does it affect a lot of people? Is it in the political world? Is it individual? Every Member is being affected. I would say with the most humility, the gentlewoman's heart is in the right place in this amendment. I just happen to disagree with the amendment itself.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the recognition that the gentleman has for the concern of the Congressional Black Caucus and myself as we try and deal with the issue of drugs and he is right. It has touched an awful lot of lives. But as a fiscal conservative, I know that you would not throw your money away time and time again. You talk about, for example, the war on poverty and you make the case, well, what do we have to show for our money, you say?

I can show you more there than you can show me in terms of advancements that we have had, given the money we have been throwing down this rathole. I am saying to you as a fiscal conservative, you should not want to keep doing the same old thing. You have got to try something new. When you find time and time again and you have an article even in today's newspaper that says once again, these are the very people that we are funding to help fight the war on drugs are the drug dealers themselves and they are protecting those who are trafficking in drugs. You ought to want to change. You should not want to keep on doing the same old thing.

Mr. CUNNINGHAM. Reclaiming my time, I am a strong fiscal conservative. That is where the disagreement is. We feel that to fight this war and give it to the people that are very effective is the best that we can do, because it saves a lot of money in our own country and other countries fighting this. I think that is where the difference is, that we feel that there are people in Mexico and Colombia that are fighting this war effectively. If we accept the gentlewoman's amendment, then we lessen that war.

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

Mr. Chairman, I want to commend the gentlewoman from California (Ms.

WATERS) for supporting this bill. She has been a strong proponent of H.R. 4300, been an original sponsor of it, and I am very pleased that she joined in it. With all due respect, I do disagree with her over her amendments. I am only going to briefly remark on those because they have been discussed considerably here, but one point I do want to make is that the only aid to Mexico in this bill would be in the form of six helicopters, if this were adopted, this bill were adopted, and that is contingent upon granting Mexico, granting our Drug Enforcement Administration the same diplomatic immunity that we have for the FBI and the same right to carry arms, which they have been very reluctant to do because of the incidents surrounding some drug enforcement agents. But we think that is terribly important, those helicopters are important, but nobody would deny the Mexicans, and currently the Mexican Government is embroiled in considerable problems with respect to the people down there who are running their operation, and we are all disturbed by that.

Columbia, as has been stated, is a different scenario completely. The Columbian National Police are extraordinary folks. All of the money in here, all of the equipment in here, goes strictly for their purposes, not to the Columbian military as such. In the 10 years the United States has been assisting the Columbian National Police in their efforts against narcotics, they have sustained 4,000 casualties. The Columbian National Police have given up 4,000 lives to try to destroy the drug operations in that country. General Serrano, when he came to office in taking charge of this group, purged 7,000 of his police officers because of human rights violations, and an incredible screening operation has gone on since then.

So I, with all due respect, must oppose the gentlewoman's amendment in that regard.

I also want to point out, though, in the closing moments of the debate here, as we get near the end of the bill, the very important bill itself that the gentlewoman supports, this bill is to provide some direction in conformance with what our people in Bolivia, Columbia, Peru, and in our military at the lower levels in SouthCom who are on the front lines of the effort against narcotics have told us that they need, that they want; and if they have it, that they could produce, with the cooperation of the three key governments involved, and our own government, of course, at the highest leadership levels, they could produce a reduction in the flow of drugs out of those three countries into the United States by 80 percent within 3 years.

That would be truly remarkable. When we consider the fact we have had double the teen drug use in this country in the last 6 years since 1992 and the fact that the administration's drug plan calls for a 10-year plan to simply

reduce drug use and drugs imported into this country by 50 percent in 10 years, this is a very, very significant thing we are trying to do in this bill, and we very much need to come to a closure on giving them the resources. That is, the planes; there are a lot of planes in here that go to Customs, new planes so we get the radar we need to be able to see down. We need to have the Coast Guard equipment, we need to have the resources that are here. Most of all, we need to do what this administration has not done, and that is to fight a real war against drugs and to end all of this now that we need to be doing.

So I urge in the strongest of terms the adoption of this bill at the conclusion of the amendment process and, of course, the defeat of this amendment.

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

Mr. Chairman, let me begin by commending the gentleman from Illinois (Mr. HASTERT), the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Ohio (Mr. PORTMAN), and all the different Members who have spent so much time working on this. Let me commend all the Members in the Democratic Party who have been active on this issue and who know that drugs have been a disaster for this country, who know that a great deal of the violence we are now facing is violence that either comes directly from the use of drugs or comes from drug dealers or from people fighting over drug territory.

Since 1992, we have seen an 80 percent increase in marijuana use among high school seniors. Since 1992 we have seen an 80 percent increase in cocaine use among high school seniors. Since 1992 we have seen a 100 percent increase in heroin use among high school seniors. For kids 12 to 17, first-time heroin use has surged 875 percent from 1991 to 1996. Heroin is killing kids in Texas, in New York, in Florida, in California.

And make no mistake about it. Heroin, cocaine, marijuana, are not problems of the inner city, they are not problems of minorities, they are not problems of the poor; these are problems that affect every American in every town in this country.

To stand in Iowa and be told that one of the two biggest issues in Iowa this fall is methamphetamines and the traffic coming in from Mexico and coming up the interstate in the smallest towns in Iowa, clearly that is a problem. What makes it a tragic problem is not only that it destroys young people, that it ruins their lives, but that it is avoidable.

From 1980 to 1992, we had a dramatic decline in drug use in the United States. It is very important to understand that. From 1980 to 1992, drug use kept coming down. It is ironic to me that we have living proof, as an historian, occasionally these things happen, and we kind of wonder how did we get there.

As an historian, I know that in the summer of 1992, by any reasonable standard, we were winning the war on drugs. Cocaine use in that period was down dramatically, marijuana use in that period was down dramatically, heroin use in that period was down dramatically, I think largely for two very different reasons, both of which this bill seeks to work on.

First because, led by Nancy Reagan, there was a just-say-no program that the experts laughed at but the American people listened to, and it turned out that when 7-, 8-, 9-, 10-, 11-year-olds hear just say no, when they hear it on television and advertising, when they hear it in school, when they hear it at church or synagogue or mosque, when they hear it from their parents, when they hear it from authority figures they respect such as President Reagan, they say, I guess that is right. And they said no, and we saw a dramatic impact over a 12-year period. And drug use was declining, and it was reasonable to project in the summer of 1992 that we were going to win the war on drugs. Literally win the war. We were on the way.

Then for a variety of reasons, and I do not want to go into the partisan background, and I am not going to make any partisan attacks here, for a variety of reasons, the war on drugs got off track and drug use went back up over the following 6 years.

So here we are in 1998. This is not the bill I wish we were passing. The bill I wish we were passing would have been written by General McCaffrey with the total support of the Pentagon, with the strong support of the State Department, with the strong support of the Justice Department, with the strong support of the Treasury Department, with the open hand of the Office of Management and Budget, and with the enthusiastic public speeches by the President and the Vice President. That is the bill I wish we had here.

That bill does not exist. General McCaffrey is not given the authority to write that bill, the Pentagon will not cooperate in writing it, the State Department will not pay attention in writing it, the Treasury Department will not think through the problems of our border, the Justice Department is itself busy, and the Office of Management and Budget will not approve the funds.

So the Congress is writing a bill.

I just talked to General McCaffrey a few minutes ago, and I assured him that when this bill passes the House and when it passes the Senate and when we meet in conference, we will be glad to sit down with him and work out any practical details he is concerned about. But what we will not do in this Congress is have the administration fail to show leadership, fail to provide a successful plan, fail to provide the resources.

For example, there are no ships in the eastern Pacific. That is not the Congress's fault. So to be told we do

not solve all their problems, which by the way they do not solve either, is a nonstarter. Why are there no ships in the eastern Pacific? Because this administration did not think it was a high enough priority. To be told, on the one hand, we do not have the airplanes today and, on the other hand, under our bill they will not get them for 2 years, so that 2 years from now we will have the airplanes; but if we do not pass our bill, 2 years from now they will not have the airplanes and they will say, well, they will not get them for 2 years.

So the answer all too often downtown has been, let us not talk about it, let us not address it, let us not solve it, let us not pay for it, let us not do it, let us not plan it. And then our children use drugs. And our children die.

This bill is a step in the right direction. It is a step on prevention, it is a step on rehabilitation, it is a step on interdiction. All three steps need to be taken simultaneously.

It is a good bill, it is an important bill, and it says in the right direction we are going to do what it takes to win the War on Drugs.

And let me just say one closing thing. I see the chairman of the Committee on International Relations is here. We have Members from every committee that deals with this, from the Committee on Appropriations, from the Committee on Ways and Means, from the Committee on the Judiciary, from the Committee on Government Reform. Every committee that has a piece of this action is involved, because we think saving our children is important enough to transcend the bureaucracies and transcend the territorialities and get the job done.

I commend in particular the gentleman from Illinois (Mr. HASTERT) who has led the task force that has brought everyone together. And we stand ready, as soon as this is done, to go right to the administration, to sit down with every part of the bureaucracy that needs to be involved, to work in good faith in our children's behalf and to make sure that we get the best possible bill to dramatically strengthen our ability to tell the kids not to do it, where the gentleman from Ohio (Mr. PORTMAN) has been such a great leader, to help rehabilitate those who are doing it, and to help interdict those who would come and destroy our children.

I urge a strong "yes" vote on final passage.

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

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman is recognized for 1 minute.

Mr. FORD. Mr. Chairman, I rise in support and really I thank the gentleman from Georgia (Mr. GINGRICH), I thank the gentleman from Illinois (Mr. HASTERT) and I thank the gentleman from Florida (Mr. MCCOLLUM) for the leadership as well as those others, the

gentleman from Ohio (Mr. PORTMAN), the gentlewoman from California (Ms. WATERS) and others who have supported this substitute offered by Mr. MCCOLLUM.

But sections 201 and 204, striking them would not do violence to what the Speaker has just talked about. I even applaud his work in this area. But I would remind the Speaker, as he decried the fact that the administration has not been as supportive as he would like on these issues, I would remind him that the administration is also supporting using the surplus for Social Security, and the other side would like to use it for tax cuts, and that has not stopped the other side from pushing a tax cut bill.

The Speaker has spoken so eloquently about education over the past several months. He has decried efforts in the public arena to educate kids. That did not stop him from pushing a voucher program because he thought that our public schools were not educating our kids. We have evidence, ample evidence, that much of the money that we are spending in these areas is not actually being used to fight drug trafficking. All of us on this side support all efforts, interdiction and domestic efforts, to fight at every point of entry in this Nation, every point of entry in all of our communities and neighborhoods. But we cannot continue going down a path where we are getting a door slammed in our face. It is clear that moneys we are spending now are being used by drug traffickers. It is clear that what we are doing now, moneys are being spent with agencies who are apparently purportedly out to attack drug traffickers who are actually complicit in working with drug traffickers.

Let us do the right thing, strike 201 and 204, and let us pass this Western Hemisphere Drug Elimination Act and do something positive.

The CHAIRMAN pro tempore. The time for consideration of amendments in this bill having expired, the Chair must now put the question on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 537, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

The point of no quorum is considered withdrawn.

□ 1515

SEQUENTIAL VOTES POSTPONED IN COMMITTEE
OF THE WHOLE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to

House Resolution 537, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from Florida (Mr. MCCOLLUM); the amendment, as modified, offered by the gentleman from Texas (Mr. REYES) to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT); the amendment offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 362, noes 61, not voting 11, as follows:

[Roll No. 438]

AYES—362

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barratt (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Billbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps

Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell

Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrist
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof

Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney

McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascarell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandin
Sawyer
Saxton
Scarborough

NOES—61

Frank (MA)
Furse
Hamilton
Harman
Jackson (IL)
Kanjorski
Kennedy (RI)
Klink
Lee
Lewis (GA)
Lowey
McDermott
Miller (CA)
Minge
Moran (VA)
Nadler
Oberstar
Obey
Olver
Paul
Payne

Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Siskiy
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Engel
Gonzalez
Goss
McHugh
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Towns

□ 1538

Messrs. MINGE, VISCLOSKEY, DOOLEY of California, VENTO, BROWN of California and MATSUI changed their vote from “aye” to “no.”

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Ms. DANNER, and Messrs. HINOJOSA, COYNE, BERRY, ABERCROMBIE, BECERRA and MATSUI changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 357, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed for further proceedings.

The Chair also intends to put the question on the Traficant amendment immediately after the vote on the Reyes amendment to the Traficant amendment. If a recorded vote is ordered on the Traficant amendment, it will also be a 5-minute vote.

AMENDMENT, AS MODIFIED, OFFERED BY MR. REYES TO THE AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Texas (Mr. REYES) to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 11, as follows:

[Roll No. 439]

AYES—167

Abercrombie	Capps	Dooley
Ackerman	Cardin	Doolittle
Allen	Carson	Doyle
Baldacci	Chenoweth	Edwards
Barrett (WI)	Clay	Ehrlich
Bateman	Clayton	Evans
Becerra	Clement	Farr
Bentsen	Clyburn	Fattah
Berman	Condit	Fazio
Berry	Coyne	Filner
Blagojevich	Cummings	Ford
Blumenauer	Davis (FL)	Frank (MA)
Bonilla	Davis (IL)	Frost
Bonior	DeFazio	Furse
Borski	DeGette	Gejdenson
Boyd	Delahunt	Gephardt
Brady (PA)	DeLauro	Goodling
Brown (CA)	Dicks	Gordon
Brown (FL)	Dingell	Green
Brown (OH)	Dixon	Gutierrez
Buyer	Doggett	Hall (OH)

Hamilton	Mascara	Rothman	Radanovich	Shays	Thomas
Harman	Matsui	Roybal-Allard	Ramstad	Sherman	Thune
Hastings (FL)	McDermott	Rush	Rangel	Shimkus	Thurman
Hayworth	McGovern	Ryun	Redmond	Shuster	Tiahrt
Hefner	McHale	Sabo	Regula	Sisisky	Traficant
Herger	McIntosh	Sanders	Riley	Skeen	Turner
Hilliard	McKinney	Sanford	Rivers	Smith (MI)	Upton
Hinchey	Meehan	Sawyer	Roemer	Smith (NJ)	Visclosky
Hinojosa	Meek (FL)	Scott	Rogan	Smith (OR)	Walsh
Hooley	Menendez	Serrano	Rogers	Smith (TX)	Wamp
Hoyer	Metcalf	Skaggs	Rohrabacher	Smith, Adam	Watkins
Jackson (IL)	Millender-	Skelton	Ros-Lehtinen	Snowbarger	Watts (OK)
Jackson-Lee	McDonald	Slaughter	Roukema	Solomon	Weldon (FL)
(TX)	Miller (CA)	Snyder	Royce	Spence	Weldon (PA)
Jefferson	Minge	Souder	Salmon	Spratt	Weller
Johnson (WI)	Mink	Stabenow	Sanchez	Stearns	Wexler
Johnson, E. B.	Moakley	Stark	Sandlin	Stenholm	White
Kanjorski	Mollohan	Stokes	Saxton	Strickland	Whitfield
Kennedy (MA)	Moran (VA)	Stump	Scarborough	Sununu	Wicker
Kennedy (RI)	Morella	Stupak	Schaefer, Dan	Talent	Wilson
Kennelly	Nadler	Thompson	Schaffer, Bob	Tanner	Wolf
Kilpatrick	Neal	Thornberry	Sensenbrenner	Tauscher	Young (AK)
Kingston	Oberstar	Tierney	Sessions	Tauzin	Young (FL)
Klecza	Obey	Torres	Shadegg	Taylor (MS)	
Kolbe	Olver	Velazquez	Shaw	Taylor (NC)	
Kucinich	Ortiz	Vento			
LaFalce	Owens	Waters			
Lampson	Pastor	Watt (NC)			
Lantos	Paul	Waxman			
Lee	Payne	Weygand			
Lewis (GA)	Pease	Wise			
Lofgren	Pelosi	Woolsey			
Maloney (CT)	Pomeroy	Wynn			
Maloney (NY)	Rahall	Yates			
Markley	Reyes				
Martinez	Rodriguez				

NOES—256

Aderholt	Dreier	Kind (WI)
Andrews	Duncan	King (NY)
Archer	Dunn	Klink
Armey	Ehlers	Klug
Bachus	Emerson	Knollenberg
Baesler	English	LaHood
Baker	Ensign	Largent
Ballenger	Eshoo	Latham
Barcia	Etheridge	LaTourette
Barr	Everett	Lazio
Barrett (NE)	Ewing	Leach
Bartlett	Fawell	Levin
Barton	Foley	Lewis (CA)
Bass	Forbes	Lewis (KY)
Bereuter	Fossella	Linder
Bilbray	Fowler	Lipinski
Bilirakis	Fox	Livingston
Bishop	Franks (NJ)	LoBiondo
Bliley	Frelinghuysen	Lowey
Blunt	Gallely	Lucas
Boehlert	Ganske	Luther
Boehner	Gekas	Manton
Bono	Gibbons	Manzullo
Boswell	Gilchrest	McCarthy (MO)
Boucher	Gillmor	McCarthy (NY)
Brady (TX)	Gilman	McCollum
Bryant	Goode	McCrery
Bunning	Goodlatte	McDade
Burr	Graham	McInnis
Burton	Granger	McIntyre
Callahan	Greenwood	McKeon
Calvert	Gutknecht	McNulty
Camp	Hall (TX)	Mica
Campbell	Hansen	Miller (FL)
Canady	Hastert	Moran (KS)
Cannon	Hastings (WA)	Murtha
Castle	Hefley	Myrick
Chabot	Hill	Nethercutt
Chambliss	Hilleary	Neumann
Christensen	Hobson	Ney
Coble	Hoekstra	Northup
Coburn	Holden	Norwood
Collins	Horn	Nussle
Combest	Hostettler	Oxley
Conyers	Houghton	Packard
Cook	Hulshof	Pallone
Cooksey	Hunter	Pappas
Costello	Hutchinson	Parker
Cox	Hyde	Pascrell
Cramer	Inglis	Paxon
Crane	Istook	Peterson (MN)
Crapo	Jenkins	Peterson (PA)
Cubin	John	Petri
Cunningham	Johnson (CT)	Pickering
Danner	Johnson, Sam	Pickett
Davis (VA)	Jones	Pitts
Deal	Kaptur	Pombo
DeLay	Kasich	Porter
Deutsch	Kelly	Portman
Diaz-Balart	Kildee	Price (NC)
Dickey	Kim	Quinn

Shays	Thomas
Sherman	Thune
Shimkus	Thurman
Shuster	Tiahrt
Sisisky	Traficant
Skeen	Turner
Smith (MI)	Upton
Smith (NJ)	Visclosky
Smith (OR)	Walsh
Smith (TX)	Wamp
Smith, Adam	Watkins
Snowbarger	Watts (OK)
Solomon	Weldon (FL)
Spence	Weldon (PA)
Spratt	Weller
Stearns	Wexler
Stenholm	White
Strickland	Whitfield
Sununu	Wicker
Talent	Wilson
Tanner	Wolf
Tauscher	Young (AK)
Tauzin	Young (FL)
Taylor (MS)	
Taylor (NC)	

NOT VOTING—11

Engel	Meeks (NY)	Schumer
Gonzalez	Poshald	Smith, Linda
Goss	Pryce (OH)	Towns
McHugh	Riggs	

□ 1548

Mrs. KENNELLY of Connecticut changed her vote from “no” to “aye.”

So the amendment, as modified, to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 291, noes 133, not voting 10, as follows:

[Roll No. 440]

AYES—291

Aderholt	Cannon	Ehlers
Andrews	Capps	Emerson
Archer	Cardin	Engel
Armey	Castle	English
Bachus	Chabot	Ensign
Baesler	Chambliss	Eshoo
Baker	Christensen	Etheridge
Ballenger	Clement	Everett
Barcia	Clyburn	Ewing
Barr	Coble	Fawell
Barrett (NE)	Coburn	Foley
Bartlett	Collins	Forbes
Barton	Combest	Ford
Bass	Condit	Fossella
Bereuter	Cook	Fowler
Bilbray	Cooksey	Fox
Bilirakis	Costello	Franks (NJ)
Bishop	Cox	Frelinghuysen
Bliley	Cramer	Frost
Blunt	Crane	Gallely
Boehlert	Crapo	Ganske
Boehner	Cubin	Gekas
Bono	Cummings	Gephardt
Boswell	Cunningham	Gibbons
Boucher	Danner	Gilchrest
Boyd	Davis (VA)	Gillmor
Brady (TX)	Deal	Gilman
Bryant	DeLay	Goode
Bunning	Deutsch	Goodlatte
Burr	Diaz-Balart	Goodling
Burton	Dickey	Gordon
Callahan	Doolittle	Graham
Calvert	Doyle	Granger
Camp	Dreier	Greenwood
Campbell	Duncan	Gutknecht
Canady	Dunn	Hall (OH)

Hall (TX)	Maloney (NY)	Salmon	Sanders	Stokes	Waters	Condit	Hyde	Pomeroy
Hansen	Manton	Sanchez	Sanford	Stump	Watt (NC)	Cook	Inglis	Porter
Harman	Manzullo	Sandlin	Sawyer	Stupak	Waxman	Cooksey	Istook	Portman
Hastert	Mascara	Saxton	Scott	Thompson	Weygand	Costello	Jefferson	Price (NC)
Hastings (WA)	Matsui	Scarborough	Serrano	Thornberry	Whitfield	Cox	Jenkins	Quinn
Hefley	McCarthy (MO)	Schaefer, Dan	Skaggs	Tierney	Wise	Coyne	John	Rahall
Hefner	McCarthy (NY)	Schaffer, Bob	Slaughter	Torres	Woolsey	Cramer	Johnson (CT)	Ramstad
Herger	McCollum	Sensenbrenner	Snyder	Velazquez	Wynn	Crane	Johnson (WI)	Rangel
Hill	McCrery	Sessions	Stark	Vento	Yates	Crapo	Johnson, E. B.	Redmond
Hilleary	McDade	Shadegg				Cubin	Johnson, Sam	Regula
Hobson	McInnis	Shaw				Cummings	Jones	Reyes
Hoekstra	McIntyre	Shays	Gonzalez	Poshard	Smith, Linda	Cunningham	Kanjorski	Riley
Holden	McKeon	Sherman	Goss	Pryce (OH)	Towns	Danner	Kasich	Rodriguez
Horn	McNulty	Shimkus	McHugh	Riggs		Davis (FL)	Kelly	Roemer
Hostettler	Metcalf	Shuster	Meeks (NY)	Schumer		Davis (IL)	Kennedy (MA)	Rogan
Houghton	Mica	Sisisky				Davis (VA)	Kennedy (RI)	Rogers
Hoyer	Miller (FL)	Skeen				Deal	Kennelly	Rohrabacher
Hulshof	Minge	Skelton				DeGette	Kildee	Ros-Lehtinen
Hunter	Moakley	Smith (MI)				Delahunt	Kim	Rothman
Hutchinson	Moran (KS)	Smith (NJ)				DeLauro	Kind (WI)	Roukema
Hyde	Moran (VA)	Smith (OR)				DeLay	King (NY)	Royce
Inglis	Murtha	Smith (TX)				Deutsch	Kingston	Rush
Istook	Myrick	Smith, Adam				Diaz-Balart	Klink	Ryun
Jefferson	Nethercutt	Snowbarger				Dickey	Klug	Salmon
Jenkins	Neumann	Solomon				Dicks	Knollenberg	Sanchez
John	Ney	Souder				Dingell	Kolbe	Sandlin
Johnson (CT)	Northup	Spence				Dixon	Kucinich	Sanford
Johnson (WI)	Norwood	Spratt				Dooley	LaFalce	Sawyer
Johnson, Sam	Nussle	Stabenow				Doolittle	LaHood	Saxton
Jones	Oxley	Stearns				Doyle	Lampson	Scarborough
Kaptur	Packard	Stenholm				Dreier	Lantos	Schaefer, Dan
Kasich	Pallone	Strickland				Duncan	Largent	Schaffer, Bob
Kelly	Pappas	Sununu				Dunn	Latham	Sensenbrenner
Kildee	Pascrell	Talent				Edwards	LaTourette	Serrano
Kim	Paxon	Tanner				Ehlers	Lazio	Sessions
Kind (WI)	Pease	Tauscher				Ehrlich	Leach	Shadegg
King (NY)	Peterson (MN)	Tauzin				Emerson	Levin	Shaw
Kingston	Peterson (PA)	Taylor (MS)				Engel	Lewis (CA)	Shays
Klink	Petri	Taylor (NC)				English	Lewis (GA)	Sherman
Klug	Pickering	Thomas				Ensign	Lewis (KY)	Shimkus
Knollenberg	Pickett	Thune				Eshoo	Linder	Shuster
Kucinich	Pitts	Thurman				Etheridge	Lipinski	Sisisky
LaFalce	Pomeroy	Tiahrt				Evans	Livingston	Skaggs
LaHood	Portman	Trafficant				Everett	LoBiondo	Skeen
Lampson	Price (NC)	Turner				Ewing	Lucas	Skelton
Lantos	Quinn	Upton				Fawell	Maloney (CT)	Slaughter
Largent	Radanovich	Visclosky				Foley	Maloney (NY)	Smith (MI)
Latham	Ramstad	Walsh				Forbes	Manton	Smith (NJ)
LaTourette	Rangel	Wamp				Fossella	Manzullo	Smith (OR)
Lazio	Redmond	Watkins				Fowler	Markey	Smith (TX)
Leach	Regula	Watts (OK)				Fox	Martinez	Smith, Adam
Levin	Riley	Weldon (FL)				Frank (MA)	Mascara	Snowbarger
Lewis (CA)	Rivers	Weldon (PA)				Franks (NJ)	Matsui	Snyder
Lewis (KY)	Roemer	Weller				Frelinghuysen	McCarthy (NY)	Solomon
Lipinski	Rogan	Wexler				Frost	McCollum	Souder
Livingston	Rogers	White				Gallegly	McCrery	Spence
LoBiondo	Rohrabacher	Wicker				Ganske	McDade	Spratt
Lowey	Ros-Lehtinen	Wilson				Gejdenson	McGovern	Stearns
Lucas	Rothman	Wolf				Gekas	McHale	Stenholm
Luther	Roukema	Young (AK)				Gibbons	McInnis	Strickland
Maloney (CT)	Royce	Young (FL)				Gilchrest	McIntosh	Stump
						Gillmor	McIntyre	Stupak
						Gilman	McKeon	Sununu
						Goode	McNulty	Talent
						Goodlatte	Meehan	Tanner
						Goodling	Menendez	Tauscher
						Gordon	Metcalf	Tauzin
						Graham	Mica	Taylor (MS)
						Granger	Miller (FL)	Taylor (NC)
						Green	Mollohan	Thomas
						Greenwood	Moran (KS)	Thornberry
						Gutierrez	Morella	Thune
						Gutknecht	Murtha	Thurman
						Hall (OH)	Myrick	Tiahrt
						Hall (TX)	Neal	Trafficant
						Hansen	Nethercutt	Turner
						Harman	Neumann	Upton
						Hastert	Ney	Visclosky
						Hastings (FL)	Northup	Walsh
						Hastings (WA)	Norwood	Wamp
						Hayworth	Nussle	Watkins
						Hefley	Ortiz	Watts (OK)
						Hefner	Oxley	Waxman
						Herger	Packard	Weldon (FL)
						Hill	Pallone	Weldon (PA)
						Hilleary	Pappas	Weller
						Hobson	Parker	Wexler
						Hoekstra	Pascrell	Weygand
						Holden	Paxon	White
						Hooley	Pease	Whitfield
						Horn	Peterson (MN)	Wicker
						Hostettler	Peterson (PA)	Wilson
						Houghton	Petri	Wise
						Hoyer	Pickering	Wolf
						Hulshof	Pickett	Yates
						Hunter	Pitts	Young (AK)
						Hutchinson	Pombo	Young (FL)

NOT VOTING—10

Mr. ROTHMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. WATERS

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 67, noes 354, not voting 13, as follows:

[Roll No. 441]

AYES—67

Abercrombie	Jackson (IL)	Olver
Barrett (WI)	Jackson-Lee	Owens
Bonior	(TX)	Pastor
Brady (PA)	Kilpatrick	Paul
Brown (CA)	Klecza	Payne
Brown (FL)	Lee	Pelosi
Carson	Lofgren	Rivers
Clay	Lowe	Roybal-Allard
Clayton	Luther	Sabo
Clyburn	McCarthy (MO)	Sanders
DeFazio	McDermott	Scott
Doggett	McKinney	Stabenow
Farr	Meek (FL)	Stark
Fattah	Millender-	Stokes
Fazio	McDonald	Thompson
Filner	Miller (CA)	Tierney
Ford	Minge	Torres
Furse	Mink	Velazquez
Gephardt	Moakley	Vento
Hamilton	Moran (VA)	Waters
Hilliard	Nadler	Watt (NC)
Hinchey	Oberstar	Woolsey
Hinojosa	Obey	Wynn

NOES—354

Ackerman	Berman	Burr
Aderholt	Berry	Burton
Allen	Bilbray	Buyer
Andrews	Billakis	Callahan
Archer	Bishop	Calvert
Armey	Blagojevich	Camp
Bachus	Bliley	Campbell
Baessler	Blumenauer	Canady
Baker	Blunt	Cannon
Baldacci	Boehlert	Capps
Ballenger	Boehner	Cardin
Barcia	Bonilla	Castle
Barr	Bono	Chabot
Barrett (NE)	Borski	Chambliss
Bartlett	Boswell	Chenoweth
Barton	Boucher	Christensen
Bass	Boyd	Clement
Bateman	Brady (TX)	Coble
Becerra	Brown (OH)	Coburn
Bentsen	Bryant	Collins
Bereuter	Bunning	Combest

NOES—133

Abercrombie	Dooley	Martinez
Ackerman	Edwards	McDermott
Allen	Ehrlich	McGovern
Baldacci	Evans	McHale
Barrett (WI)	Farr	McIntosh
Bateman	Fattah	McKinney
Becerra	Fazio	Meehan
Bentsen	Filner	Meek (FL)
Berman	Frank (MA)	Menendez
Berry	Furse	Millender-
Blagojevich	Gejdenson	McDonald
Blumenauer	Green	Miller (CA)
Bonilla	Gutierrez	Mink
Bonior	Hamilton	Mollohan
Borski	Hastings (FL)	Morella
Brady (PA)	Hayworth	Nadler
Brown (CA)	Hilliard	Neal
Brown (FL)	Hinchey	Oberstar
Brown (OH)	Hinojosa	Obey
Buyer	Hoolley	Olver
Carson	Jackson (IL)	Ortiz
Chenoweth	Jackson-Lee	Owens
Clay	(TX)	Parker
Clayton	Johnson, E.B.	Pastor
Conyers	Kanjorski	Paul
Coyne	Kennedy (MA)	Payne
Davis (FL)	Kennedy (RI)	Pelosi
Davis (IL)	Kennelly	Pombo
DeFazio	Kilpatrick	Porter
DeGette	Klecza	Rahall
Delahunt	Kolbe	Reyes
DeLauro	Lee	Rodriguez
Dicks	Lewis (GA)	Roybal-Allard
Dingell	Linder	Rush
Dixon	Lofgren	Ryun
Doggett	Markey	Sabo

NOT VOTING—13

Conyers	Meeks (NY)	Schumer
Gonzalez	Poshard	Smith, Linda
Goss	Pryce (OH)	Towns
Kaptur	Radanovich	
McHugh	Riggs	

□ 1607

Mr. NEAL of Massachusetts and Mr. RUSH changed their vote from "aye" to "no."

So the amendment was rejected.

The vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Chairman, I was unavoidably detained for rollcall vote 441. Had I been present, I would have voted "yes."

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment in the nature of a substitute, as amended.

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

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. BURR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, pursuant to House Resolution 537, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. DREIER). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HASTERT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 39, not voting 12, as follows:

[Roll No. 442]

AYES—384

Abercrombie	Bachus	Barrett (NE)
Ackerman	Baesler	Barrett (WI)
Aderholt	Baker	Bartlett
Allen	Baldacci	Barton
Andrews	Ballenger	Bass
Archer	Barcia	Bateman
Armey	Barr	Becerra

Bentsen	Forbes	Livingston	Serrano	Stabenow	Upton
Bereuter	Ford	LoBiondo	Sessions	Stearns	Walsh
Berman	Lowmyer	Lowe	Shadegg	Stenholm	Wamp
Berry	Fossella	Lucas	Shaw	Stokes	Waters
Billray	Fowler	Luther	Shays	Strickland	Watkins
Bilirakis	Fox	Maloney (CT)	Sherman	Stump	Watts (OK)
Bishop	Franks (NJ)	Maloney (NY)	Shimkus	Stupak	Waxman
Blagojevich	Frelinghuysen	Manton	Shuster	Sununu	Weldon (FL)
Bliley	Frost	Manzullo	Sisisky	Talent	Weldon (PA)
Blumenauer	Furse	Markey	Skeen	Tanner	Weller
Blunt	Galleghy	Mascara	Skelton	Tauscher	Wexler
Boehlert	Ganske	Matsui	Slaughter	Tauzin	Weygand
Boehner	Gejdenson	McCarthy (MO)	Smith (MI)	Taylor (MS)	White
Bonilla	Gekas	McCarthy (NY)	Smith (NJ)	Taylor (NC)	Whitfield
Bono	Gephardt	McCollum	Smith (OR)	Thomas	Wicker
Borski	Gibbons	McCrery	Smith (TX)	Thompson	Wilson
Boswell	Gilchrest	McDade	Smith, Adam	Thornberry	Wise
Boucher	Gillmor	McGovern	Snowbarger	Thune	Wolf
Boyd	Gilman	McHale	Snyder	Thurman	Wynn
Brady (PA)	Gingrich	McInnis	Solomon	Tiahrt	Young (AK)
Brady (TX)	Goode	McIntosh	Souder	Tierney	Young (FL)
Brown (CA)	Goodlatte	McIntyre	Spence	Trafigant	
Brown (FL)	Goodling	McKeon	Spratt	Turner	
Brown (OH)	Gordon	McKinney			
Bryant	Graham	McNulty			
Bunning	Granger	Meehan			
Burr	Green	Meek (FL)			
Burton	Greenwood	Menendez			
Buyer	Gutierrez	Metcalfe			
Callahan	Gutknecht	Mica			
Calvert	Hall (OH)	Millender-			
Camp	Hall (TX)	McDonald			
Campbell	Hansen	Miller (FL)			
Canady	Harman	Minge			
Cannon	Hastert	Mink			
Capps	Hastings (FL)	Moakley			
Cardin	Hastings (WA)	Mollohan			
Castle	Hayworth	Moran (KS)			
Chabot	Hefley	Morella			
Chambliss	Hefner	Murtha			
Christensen	Herger	Myrick			
Clay	Hill	Neal			
Clayton	Hilleary	Nethercutt			
Clement	Hilliard	Neumann			
Clyburn	Hinche	Ney			
Coble	Hinojosa	Northup			
Coburn	Hobson	Norwood			
Collins	Hoekstra	Nussle			
Combest	Holden	Ortiz			
Condit	Hookey	Oxley			
Cook	Hostettler	Packard			
Cooksey	Houghton	Pallone			
Costello	Hoyer	Pappas			
Cox	Hulshof	Parker			
Coyne	Hunter	Pascrell			
Cramer	Hutchinson	Pastor			
Crane	Hyde	Paxon			
Crapo	Inglis	Pease			
Cubin	Istook	Peterson (MN)			
Cummings	Jefferson	Peterson (PA)			
Cunningham	Jenkins	Petri			
Danner	John	Pickering			
Davis (FL)	Johnson (CT)	Pickett			
Davis (VA)	Johnson (WI)	Pitts			
Deal	Johnson, E. B.	Pombo			
DeGette	Johnson, Sam	Pomeroy			
DeLauro	Jones	Porter			
DeLay	Kanjorski	Portman			
Deutsch	Kaptur	Price (NC)			
Diaz-Balart	Kasich	Quinn			
Dickey	Kelly	Radanovich			
Dicks	Kennedy (MA)	Rahall			
Dingell	Kennedy (RI)	Ramstad			
Dixon	Kennelly	Rangel			
Doggett	Kildee	Redmond			
Dooley	Kilpatrick	Regula			
Doolittle	Kim	Riley			
Doyle	Kind (WI)	Rivers			
Dreier	King (NY)	Rodriguez			
Duncan	Kingston	Roemer			
Dunn	Klecza	Rogan			
Edwards	Klink	Rogers			
Ehlers	Klug	Rohrabacher			
Ehrlich	Knollenberg	Ros-Lehtinen			
Emerson	Kolbe	Rothman			
Engel	Kucinich	Roukema			
English	LaFalce	Roybal-Allard			
Ensign	LaHood	Royce			
Eshoo	Lampson	Rush			
Etheridge	Lantos	Ryun			
Evans	Largent	Salmon			
Everett	Latham	Sanchez			
Ewing	LaTourette	Sandlin			
Farr	Lazio	Sawyer			
Fattah	Leach	Saxton			
Fawell	Levin	Scarborough			
Fazio	Lewis (CA)	Schaefer, Dan			
Foley	Lewis (KY)	Schaffer, Bob			
	Linder	Sensenbrenner			
	Lipinski				

NOES—39

Bonior	Lofgren	Sanders
Carson	McDermott	Sanford
Chenoweth	Miller (CA)	Scott
Conyers	Moran (VA)	Skaggs
Davis (IL)	Nadler	Stark
DeFazio	Oberstar	Torres
Filner	Obey	Velazquez
Frank (MA)	Olver	Vento
Hamilton	Owens	Visclosky
Jackson (IL)	Paul	Watt (NC)
Jackson-Lee	Payne	Woolsey
(TX)	Pelosi	Yates
Lee	Reyes	
Lewis (GA)	Sabo	

NOT VOTING—12

Gonzalez	McHugh	Riggs
Goss	Meeks (NY)	Schumer
Horn	Poshard	Smith, Linda
Martinez	Pryce (OH)	Towns

□ 1628

Ms. WOOLSEY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4300, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1995

Mr. McKEON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1995.

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

There was no objection.

DRUG DEMAND REDUCTION ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4550) 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by Representative Hastert of Illinois or a designee and a Member opposed to the bill. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1630

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During the consider-

ation of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the proposed rule is a modified open rule providing for 1 hour of general debate equally divided between the gentleman from Illinois (Mr. HASTERT) or a designee of Mr. HASTERT's and a Member opposed to the bill. After general debate, the proposed rule provides for a 3-hour time limit on the amendment process.

House Resolution 538 further provides, prior to the consideration of any other amendment, for the consideration of the amendment printed in the report of the Committee on Rules if offered by a Member designated in the report. This amendment shall not be subject to demand for division or to amendment and shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent.

Mr. Speaker, finally, the proposed rule provides that should the amendment be adopted, the bill, as amended, be considered as original text for the purpose of further amendment.

The proposed rule provides that the Chairman of the Committee of the Whole may accord priority in recognition to Members who preprint their amendments in the CONGRESSIONAL RECORD. The proposed rule also allows the Chairman of the Committee of the Whole to postpone votes on amendments and reduce to 5 minutes the minimum time for electronic voting on any postponed votes provided voting time on the first in a series of questions is not less than 15 minutes.

Finally, the rule provides 1 motion to recommit, with or without instructions.

This rule was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the underlying legislation, the Drug Demand Reduction Act of 1998, is intended to intervene and reduce the demand for illegal drugs and the inappropriate use of illegal drugs in this country. The Drug Demand Reduction Act of 1998 complements other anti-drug legislation like H.R. 4300, the Western Hemisphere Drug Elimination Act, and seeks to interdict drugs before they reach the United States. This proposed rule will allow ample time for the House to consider this measure, any amendments to it; 1 hour for the proposed rule, 1 hour of general debate and 3 hours on the amendments; a total of 5 hours devoted to the debate regarding H.R. 4550 and the Drug Demand Reduction Act of 1998.

The underlying bill is a recent product of the Drug Task Force headed by the gentleman from Illinois (Mr. HASTERT). However, the provisions of the underlying bill have been under consideration for the past year. Most of the provisions contained in the bill can be found in our bills, bills that have been thoroughly considered in other committees.

I am not happy to note that illegal and illicit drug use in this country have doubled in the last several years.

As a former police officer, Mr. Speaker, as somebody who has been on the street and somebody who understands illegal drugs, as somebody who has dealt with illegal drugs on a firsthand basis in my law enforcement days, I can tell my colleagues that this is a situation that is a serious, serious situation, and the Members ought to support this rule and move on to address the substance of this legislation. And it is my forecast the majority of our colleagues on this House floor will, in fact, support this bill because we share a common thread, and that thread is, cut out the illegal drugs.

I think the Republicans have worked very strongly on this issue, an issue that has been driven in our Republican conference for a long period of time, and finally we are bringing it to some time of fruition.

As Members noted in the earlier debate on the Western Hemisphere Drug Elimination Act, for kids 12 to 17, first-time heroin use, which has been proven to kill, surged 875 percent from 1991 to 1996. There is a problem out there, and it is a big problem. We, the Congress, have got to address this drug problem in this country. The Drug Demand Reduction Act of 1998 seeks to address the prevailing attitude towards drugs and shift that attitude.

As a father of three children, actually three teenagers, two now in college and one that is now a junior in high school, I can tell my colleagues firsthand, we deal with lots of issues in our family discussions; but the one that concerns my wife Laurie and I the most is, what about illegal drugs? And constantly we have conversations with our children, as my colleagues do with theirs, about how deadly these things can be, how any kind of enjoyment on them, if it is there, is temporary at best, and the damage is long term. These discussions should be amplified by everybody in this country, and this bill helps our country move towards that War on Drugs. It is critically, critically important.

The Drug Demand Reduction Act of 1998 seeks to intervene and send that message that drug use is not only dangerous, it is wrong, it is illegal, and it is illegal for a purpose. It is illegal because it gets people nowhere.

I like the advertisement on TV with the gentleman who says, "Intervene any way that you can." I will talk about that a little bit later on, but I think that is a message that we should do here. This is one way that we can intervene. As he says, "Get between your kids and those illegal drugs." This bill is a step in that direction. It helps us intervene any way we can.

And we should not spend a lot of time on semantics. We know what it does, this bill is clear. Contents of this bill have been in front of a number of committees. We have put it together as a model, it is ready to go, and I encourage my colleagues to support the rule and the underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend from Colorado (Mr. MCINNIS) for yielding me the customary 30 minutes.

Mr. Speaker, illegal drugs are the scourge of American society. Illegal drugs damage or destroy not only the individual using them, but they impose a tremendous cost on the American society as a whole, a cost that is just too high for our society to continue to pay.

No one, nobody in this Congress, holds a monopoly on deploring what drugs have continued to do to the millions who use these poisons.

But, Mr. Speaker, I am sure this bill will pass, as indeed it should. We all want to do whatever it takes to stop illegal drug use in this Nation.

But I must take this opportunity to address the process or the lack thereof that surrounds this bill.

This legislation has been drafted behind closed doors, by a task force composed almost entirely of Republican Members, with little opportunity for input from the other side of the aisle. And what that means, Mr. Speaker, is that the ideas of all but a very few Democratic Members were not a part of the discussion when this bill was created. It also means that we are today considering a bill that was introduced only last Thursday and then referred to six committees; referred to six committees, Mr. Speaker, none of which has taken any action on this bill.

This bill has had no hearings, it has not been subjected to the scrutiny by experts in the field of drug abuse; yet, Mr. Speaker, it will be touted as a major anti-drug initiative. It will be managed on the floor not by the chairman of the committee of original jurisdiction, but by the head of the Republican task force that drafted it.

This is not the way we should be proceeding with an issue as important to our Nation as combating the War on Drugs.

My concerns, Mr. Speaker, may be the ultimate inside baseball; however, I think that when the Congress is addressing what may be one of our most pressing, what may be one of our most critical social problems, that we would all be better off and we would all be better served if all points of view were part of this process.

Again, I must point out that no one among us holds a monopoly on condemnation of the use of illegal drugs. We might, however, differ in our views in which way to approach reducing the demand and the use of them. We do have a committee process, Mr. Speaker, and I think had this bill been considered under regular order, it might have far more to offer in our national struggle against the use of illegal drugs.

Mr. Speaker, I am not saying this is not a good bill. It is a good bill as far as it goes. I am especially pleased that the bill includes authorization for the creation of a model substance abuse treatment program for men and women in our prisons.

The relationship between drugs and crime is alarming. The Office of National Drug Control Policy says that as drug use increases, so does the number of crimes that a person will commit. The National Drug Control Policy Office also points out that a 1992 survey of chronic drug users not in treatment found that during the 30 days prior to enrollment in that study, more than 50 percent of both male and female drug users were involved in some kind of illegal activities.

Drug use has led to the substantial growth in the prison and jail population in this country so that today we have, and this is very important, today we have more people behind bars in our prisons in this country than we have men and women in our entire Armed Forces. Clearly this should be our national policy, to use the time substance abusers are behind bars to expose them to treatment in the hopes that they will not return to a life of drugs and crime once they are free.

But again, Mr. Speaker, it should be our policy to keep our children away from drugs in the first place, and while this bill provides \$195 million for a national anti-drug media campaign and \$30 million in authorization for parent involvement programs, it ignores a proposal made by the administration to create a pilot program that would provide 6,500 schools around this country with drug prevention counselors. It also ignores alcohol abuse in teenagers and ignores under-age smoking, both gateway behaviors that can lead to later illegal drug use.

Mr. Speaker, this bill also ignores making more treatment beds available around the country. In fact, an amendment by the gentleman from Minnesota (Mr. RAMSTAD) to address this very important component of drug control was voted down by the Committee on Rules Republicans. The Ramstad amendment, based on a bill which has 92 cosponsors, would help alcoholics and would help addicts who are working and who have health insurance get treatment by requiring health insurers to treat alcoholism as an addiction, as diseases on a parity with other covered diseases. This amendment is a good one, for if we are to combat and confront addictions on both alcohol and drugs, we have to make sure that the treatment is available, we have to make sure that it is affordable.

□ 1645

But unfortunately, Mr. Speaker, the House will not get any opportunity to vote on this very important issue.

Mr. Speaker, there are no easy answers to this very crushing problem. I only wish that my Republican colleagues had included more Democrats in their deliberations. Had they used the tried and true committee process, perhaps the more Democratic voices might have been heard. This is a national crisis requiring the efforts of every American.

I will vote for the bill, Mr. Speaker, but I think it would have been a far

better product had it been created in a truly bipartisan manner.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. I have great respect for the gentleman from Massachusetts, and I know that from a personal standpoint he is very adamant about our involvement in the war against drugs, but he also represents the views of some people perhaps who have come to him and complained.

Let me point out a couple of things that I think are important that the gentleman brought up in his statement.

Number 1, anybody who does not like this is free to vote "no." Number 2, the Democrats, when they controlled the Congress, they controlled the Senate, they controlled the House, and they had the current President as President of the United States, they could have put this bill through overnight. It took the Republicans, frankly, who only control the House and the Senate, we do not control the presidency, it took us to push this thing forward. And at that, we are making it bipartisan. The bill itself is constructed from the components of a number of other bills.

This is a good bill. This takes on the illegal drugs out there. I am a parent. I used to be a cop. I know what we need to do. Carroll O'Connor, as I said earlier in my testimony, said, get in between the drugs, intervene any way we can. The Democrats did not do it when they had the House and the Senate and the presidency. This bill does, and it is a bipartisan bill.

Now, there was some comment made about one of my colleagues here did not get his amendment put in order. It was not the content of the amendment that caused the problem, it was that the amendment was not germane to the bill. We agreed to an open rule; we are going to have lots of time for debate. In fact, Mr. Speaker, the time we are allowing for debate here is exceptionally generous.

The basics of the bill are pretty simple. We have 4 or so amendments, we have one hour of general debate and several hours for the amendments, but we have to keep it germane, we have to keep it on subject, and that is what we were attempting to do there.

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

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

I said I was not opposed to the bill, I was opposed to the process. We have a committee process in the Congress. The Congress meeting in committee is the Congress working. I mean all of a sudden just to set that committee process aside and create a task force, why do we not just do away with all of the committees and make a task force; in fact, get rid of the Committee on Rules and just get a task force. Things

would be done much quicker, but I am not sure that being quick about some of these pieces of legislation is the best way to go.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of one of the committees that was bypassed in this process.

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

Mr. DINGELL. Mr. Speaker, one can tell this is an election year, because with this wonderful piece of legislation we have authorized a lot of programs which are now in effect and which are now working. A remarkable exercise.

Having said that, this is the most curious process. The bill was introduced Friday last, and essentially, according to the reports that we have been able to get from the departments, authorizes a series of programs that are now in place and that are now working just fine.

The bill was apparently referred to the Committee on Commerce as well as the Committee on Government Reform and Oversight, Committee on Small Business, Committee on Transportation and Infrastructure, the Committee on the Judiciary, Committee on Education and the Workforce. None of them ever had hearings, never did anything on it, because they did not have time. It just came up here Friday.

There are a lot of questions my Republican colleagues need to address. Did any of the committees report on this bill? Did any of the committees have hearings? Did any of the committees take testimony from any citizen or from any governmental agency? The answer is no, they did not. Did any of these committees have hearings on the bill? No. How was this bill drafted? Well, I gather that it was drafted by a Republican task force. Clearly, that is hardly adherence to the regular procedures and orders of the House, or indeed, a proper following of the rules of this body.

Were any outside groups involved in the drafting of this bill? Were there consultations with any government agency or any private anti-drug agency? How did the task force function? Did they comply with the requirements of the sunshine rules? Did they comply with the Rules of the House? How did they decide what outside groups would appear and would testify, or which would not?

The bill has a very interesting proposal and provision in it. It strengthens and lengthens the exclusivity period for antiaddiction drugs by 6 months. Was there any consultation on this matter with the Food and Drug Administration, the Department of Health and Human Services, or the Patent Office? The answer is none.

But interestingly enough, what does this do? It says, if one has an antiaddiction drug that one will get an extension on any period of exclusivity on any drug which one happens to have

in one's drug inventory. Not necessarily the one on which one has the antiaddiction drug, but on any others. And according to the Food and Drug Administration, this could even extend to drugs on which the period of exclusivity has expired, a most remarkable provision. So that a drug owner, or rather a patent holder may then extend his period of exclusivity on any drug in his inventory if he so chooses, even if the period of exclusivity has expired.

Was there any consultation with the Justice Department, the Patent Office, the Food and Drug Administration on this? Absolutely not. But, after all, this is an election year, and this matter should be rushed to the floor so that it may be voted upon, even though almost all the provisions of this bill are now being funded and being implemented and on which programs are now in fact in place.

Now, let us look at some of the requirements of the distinguished gentleman from Ohio (Mr. PORTMAN), who is the principal author of this bill and who is the author of provisions of the rules which relate to requiring the government to take certain actions. For example, did the Congressional Budget Office calculate the cost of the provisions with regard to patients who use antiaddiction? The answer is no, the Congressional Budget Office did not. Was there any estimate of the windfall to the drug companies involved? Absolutely not, none.

Now, let us talk about secrecy. When this Congress adopted the government sunshine amendments to the House rules, something which my Republican colleagues made great hay about, it was promised that television cameras would be allowed in the markups of all bills so that the public would be allowed to watch how our bills are written, and to hear what is said by citizens, by government, by business, by special interests. Was anything of that kind happening here? Absolutely not. It was done by a task force.

Now, I find, after careful reading of the rules and after some 40 years and more service in this place, no mention in the Rules of the House of Representatives with regard to task forces or behavior of task forces or requirements for openness or other good behavior.

Why was this bill written in a task force? Why was it written in secrecy? Why was it written outside the scrutiny of the public? Has the bill ever been reviewed by the administration? The answer to all of the above is no. Has the bill ever been reviewed by health experts, by Food and Drug, by the Attorneys General of the States or of the United States? Has the bill ever been reviewed by any of the drug-opposing agencies like DEA or FDA, or the National Institutes of Health, or the parts of NIH which address the questions of drug abuse and drug addiction? The answer again is no.

Were any members of the public permitted to comment on this legislation to say whether it was good or bad or

whether it should be changed, have more or less money? The answer is no. Are any government analysts in on the drafting of the bill? The answer to this question is no. Does this bill require waivers of the House rules? If so, what rules does it require? Does the bill require waivers of the Budget Act? We do not know. It is not said in here, and the Rules of the House do not apply to this because it was never reported by a committee, it was reported by task force, whatever that happens to be.

Mr. Chairman, I think the question we really ought to ask is, why do we not use the regular order? Why do we not follow the Rules of the House? Is there any information or evidence in the hands of the authors and the sponsors of this legislation that this body would not have considered this bill fairly, speedily and expeditiously? The answer to that question is, there is none.

Why is this bill being brought to the floor in such an extraordinary fashion without hearings, without markup? Is there any frustration with the leadership of the committees? Is there any CBO estimate as to the cost or budget impact? Are there any inflationary impact statements required by the Rules of the House? The answer is, there is none. Is there any regulatory impact statement? The answer is, there is none. Are there any requirements which are imposed on reported bills complied with here, as in the case of reports on unfunded mandates, as required so capably by my good friend who is the author of this bill who seems in some curious fashion to be anxious to evade the requirements of an imposition which he has put into the rules.

There is no evidence whatsoever that there has been any evasion of the responsibilities of the committee's right by good Republican Members like the gentleman from Virginia (Mr. BLILEY), my friend; it is just that this, my dear friends, is an election year. This is a wonderful opportunity to rise and say, we are doing something about drugs, and what are we doing? We are doing something which first of all evades the rules, second of all evades the ordinary practices of the House, and third, which evades any requirement that we have proper consideration of this legislation, and which puts on the floor proposals which are already being implemented by the Government of the United States and for which Members of this body have already voted money for the implementation thereof.

Mr. Chairman, I think this is the most curious process. It is perhaps excusable by the fact that my Republican colleagues do not want to point out the fact that these things are already being done. And I can understand why they would not, because if they are going to pass a piece of legislation which is essentially a bill to celebrate an oncoming election by passing a piece of legislation that does not mean anything,

one does not want to have any committee scrutiny which shows that the bill does not do anything. That is the problem that we have here.

The rules of this House have served this body well. The Rules of the House work. They say that they will consider legislation well. They say we will know when there are windfalls for special interests, like as in this legislation which provide for a windfall for God knows who for the Lord only knows how much and for any product which they put on the market which is protected by exclusivity.

This is a most remarkable exercise. It is one which I would assume my Republican colleagues would practice only in an election year, because that is the only time that this kind of slovenly chicanery, sloppy legislation and irresponsibility needs to be practiced, unless my colleagues on the other side also choose to do so in odd-numbered years.

□ 1700

Having said this, reject the rule. Let the committees look at the bill. Give the committees opportunities to consider the things in this legislation in the light of the expertise of the committees. The committees are run by Republicans. There is no mention of task forces in the rules of the House.

Bring the people into the process. Let us let sunshine work. Let us find out what the legislation does. Let us not go home and kid the people and say we passed a great piece of legislation without admitting that almost all of it is now being implemented by law and this whole exercise is related to the fact that the election is 7 weeks off.

Follow the rules of the House of Representatives. They have been crafted by wiser men than any who sit here, and they work and they see to it that the public is well served in the light of day by careful consideration of the views of all the people and an understanding of what the legislation would do.

Reject the rule, send it back to committee, let us have a proper look at it, and we will bring you a piece of legislation of which my colleagues could be proud instead of having to sneak home and lie to our people about how something was done which in fact was not done.

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

Of course, the gentleman's verbal assault that we have just listened to for the last 7 minutes if anything indicates it is an election year. It is his words. Put all that aside.

Obviously, we are not disobeying the rules of the House. If we were disobeying the rules of the House or if we were not following the rules of the House, the Speaker would rule us out of order. It is within the rules of the House of exactly what we are doing, and we are dealing with the drug problem.

I know that the gentleman is concerned; that he claims this was done in

secrecy. This was not done in secrecy. This is not a defense secret. This is done in the public. We see it. We see everybody in the streets, the problem.

The gentleman has every right to vote against this bill. The gentleman has every right to get the Members on his side of the aisle who, by the way, did not pass this kind of legislation, who did not do something about this, in my opinion, when they controlled both Houses and the Presidency.

Instead, when we do, we get a few Members over there that take a verbal assault on what I think is a well-intended bill with lots of substance in it.

Let us talk. The gentleman there spent 2 or 3 minutes on something about the provisions in the bill dealing with market incentives to pharmaceutical manufacturers. If the gentleman would read the manager's amendment and if the gentleman would vote the first amendment up, all his concerns spent in the first 3½ minutes of that verbal assault will be taken care of like that. That amendment handles it.

It was a legitimate point that the gentleman brought up, but the staff needed to tell him, sir, this is covered in the first amendment if we vote for the first amendment, which I think will pass by a strong majority. It is taken care of. That is why we have that manager's amendment. We want to cleanse this bill to get it out there. But we do not want to delay the bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois (Mr. HASTERT) who has put a remarkable amount of time into this. We appreciate it very much. The gentleman understands this issue. He understands the significance of it. I think it is important we hear from him for a few minutes.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

Mr. Speaker, certainly what we have before us this evening is the other half of a very important piece. If we are going to look at the totality of drug abuse in this country, we certainly have to look at the supply side where drugs come from, how they come across our borders, but we also have to look at the other issue, and that is the issue of demand, and how do we stop demand in our schools, in our neighborhoods, on our highways, in our prisons. How do we get at that?

The gentleman who is the former chairman of the Committee on Commerce went at great length, and I think he has great concern, but we are trying to solve the problem. As the gentleman would know, this covers across the jurisdictions of six committees.

Have there ever been hearings? Yes. I will tell my colleagues, in the Committee on Government Reform and Oversight, we have had multiple hearings on this issue.

This bill does entail areas and titles that deal with the National Youth

Anti-Drug Media Campaign Act. Yes, it is time that we probably ought to authorize something that we have appropriated for. That is the rule, and that is the law, and that probably ought to be done.

We talk about a Drug-Free Workplace Act. That is certainly one of the components that we want to have in this country. We talk about Drug-Free Teenage Drivers Act. We talk about the Drug-Free Prisons and Jails Act, Drug-Free Schools Quality Assurance Act. We talk about Drug-Free National Clearinghouse Act, a Drug-Free Parents Empowerment Act, and go on to Antiaddiction Medication Development Act, and also a Commission on Role of Medication Education in Reducing Substance Abuse.

We all talk about Congressional leadership and community coalitions, and we talk about reduction and rejection of drug legalization that is rampant in this country and certainly moving further and further by some interest groups into our cities and the reorganization of the Federal demand reduction efforts.

Yes, this bill certainly does have a wide jurisdiction. It covers a lot of issues. It covers cross-jurisdictional areas. We have been very pleased to have the chairmen of those committees have input, have their staffs have input, and to work through and make sure the resources are there to get this job done.

But I have to tell my colleagues, the gentleman from Michigan does bring up the exclusivity of drugs. We have taken that out. It is not in the bill. It is not in the manager's amendment and exonerated from there.

I think that the process certainly has worked. We have perked up some of those issues. What we need to do now is move forward and to try to put together a holistic anti-drug program so that we can really have a drug-free America.

What is a drug-free America? There is seven or eight areas that we have to look at. We have treatment. We have to deal with treatment. It is sad that those folks who already have been addicted by drugs need to be able to have the treatment.

It also reduces demand. We need to do the community prevention that the gentleman from Ohio (Mr. PORTMAN) has worked on for years and has been a leader in this Congress in doing prevention and community prevention and school prevention. Years of work.

We also have looked at the whole area of law enforcement. Yes, we need to have better communication between our law enforcement agencies, people working together and communicating together.

We have to do a better job on our borders, and we talked about that in a bill earlier today. We have to do work on areas where these drugs come from.

One of the things that neither this bill or the other bill does but we have to deal with, and it will be coming on

the floor of the House because it did go through multiple committees and we hope to have that bill on the floor before it is too late to move it, but it is money laundering.

We would not have people growing coca plants or heroin through poppy plants, we would not have them manufacturing it, we would not have them remanufacturing in Colombia and Mexico, we would not have them moving across the border, we would not have them distributing it, all those things cost a lot of money, if they did not get \$50 billion or \$60 billion off our street corners every year and half; that profit ending up in the pockets of drug lords outside this country.

What would we have to do? The next step, and it is not in these two bills, is money laundering; and we have people working on that as well. But we have to look at the holistic approach.

If we are going to stop drugs and we are going to be serious, instead of blathering about what is not in the bill, if we are going to be serious about stopping drugs in this country, we need to take a holistic approach, we need to do the demand side, which the gentleman from Ohio (Mr. PORTMAN) has done a great job at, but we have to do the supply side as well.

So I commend the Committee on Rules for bringing forth this rule. I commend the gentleman from Ohio (Mr. PORTMAN) and other Members of the task force for putting in hours and days for trying to put a quality piece of legislation together. I certainly hope that we can pass this rule and pass legislation.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a gentleman who has spent a lot of time on this. He is very knowledgeable on this subject, and I think a lot of merit goes to him for the substance he has put together on this bill.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Colorado for yielding to me.

Mr. Speaker, I wish that our colleague, the gentleman from Michigan had stayed around to hear a response to his many concerns on the legislation. But since my friend, the gentleman from Massachusetts is here, maybe he will pass along some specific answers to his questions.

This may give him some comfort, or it may not, because the question is: Are we serious about this drug effort or not? If we are, I think we have got to try to be, not just bipartisan, but non-partisan, and move forward and do the right thing.

There are six committees of jurisdiction that we talk to on this issue. It would have been impossible, frankly, to go through those six committees and come up with this legislation in this legislative year. We thought it was an important issue, one that needed to come to the floor. We did consult with them extensively.

In fact, the provisions in this bill which are cosponsored by my friend, the gentleman from Wisconsin (Mr. BARRETT), Democrat, and myself are the result of a year-long consultation period, including with the Office of National Drug Control Policy, the drug czar's office.

There are other Democrats who are original cosponsors of the legislation. Committees waived their jurisdiction because, frankly, we solved their problems.

The gentleman from Michigan (Mr. DINGELL) focused on the anti-addiction medication provision, which he found to be inappropriate.

I will say two things about it. Number one, it is not in the legislation because his committee objected to it and instead there is a report, so we took the responsible course there along the lines that he would recommend. I will also say, though, that the National Academy of Sciences and the National Institute on Drug Abuse have both recommended the provision we had in the bill, and I hope that his committee will get busy on that kind of legislation because we do need to give companies more incentives to provide for anti-addiction medication.

With regard to unfunded mandates, the point that he made, I will say that there are no unfunded mandates in this legislation and we have, indeed, checked with the Congressional Budget Office on that. Because the gentleman from Michigan (Mr. DINGELL) said that we had not, I thought it was important to set the record straight on that.

I found it very curious that the gentleman from Michigan (Mr. DINGELL) went on and on about how we need to stick to the Rules of the House and yet complained that in this legislation we are authorizing appropriations. That is what we are supposed to do, and that is why the drug-free media campaign, which is a \$195 million expenditure, is being authorized for 4 years so that there is a sustained effort and a commitment by this House to move forward on that very important initiative.

I think that is the right thing to do. It also happens to be within the Rules of the House, and I would think that instead of criticizing us for that and complaining that we are not following the rules, my friend, the gentleman from Michigan, and others on that side of the aisle would be pleased that we are indeed following the rules.

The drug-free workplace language is one example that has gone through this House already. We put it in this legislation because, frankly, we want it to pass not just the House but also the Senate and be enacted into law by signature from the President. We think this is a better place for it. This is a vehicle that probably will go somewhere. So I think that is the responsible thing to do.

I would just end by saying that we brought this legislation up under an open rule and I commend the Committee on Rules and the gentleman from

Colorado (Mr. MCINNIS) for doing that so that Members would have an opportunity on the floor if they wanted to bring up any germane amendments to the legislation, and we will see some today, but I would also say that this issue must be addressed.

I do think that this is going to be a nonpartisan exercise in the end, and I think that is the way, again, we must address this issue for the sake of our kids and future generations.

Again, I want to commend the Committee on Rules for bringing this to the floor with an open rule to allow opportunity for amendment and comment.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me just point out that the problems that the gentleman from Michigan (Mr. DINGELL) pointed out, I think, were misrepresented by the Republicans on the other side.

Basically, what the gentleman from Michigan (Mr. DINGELL) was saying, and I agree, is that there is not very much in this bill that is not already the law, and that it is being brought up at this time to try to give the impression during an election year that somehow the Republican majority is doing something significant with regard to this issue with regard to drug addiction.

Secondly, he pointed out that we do have included in this bill a special interest provision which thankfully he caught and now the Republican side is saying that they are going to take out in a subsequent amendment.

Let me say the problem with that is the mischief that we see when a bill like this does not go before the committee, does not see the light of day, does not have the opportunity for public debate and for input from the public. That is when we get these kinds of special interest provisions that thankfully were caught.

What else might be in this bill because it did not go through the regular process? That is the point that he made.

Let me just reiterate again the problem with this special interest provision if it is not taken out and if somehow this body does not approve to take it out, basically what it allows is an extension of this exclusivity for 6 months and what that means is that those who might want to produce these antiaddiction drugs in a generic sense, as a generic drug, would not have the opportunity to do so because of the extension of the exclusivity.

What that means is that these drugs become more expensive, and the big issue before this House with regard to health care in general and certainly with regard to drugs is their affordability. People cannot afford a lot of drugs. They do not have access to them if they cannot afford it.

One of the points we are making is if there was that extension of exclusivity

it would not allow generics and others to come in and produce a drug in a way that is less expensive and more available to the public. So this was a special interest provision that was put in there that was anti-consumer, anti-public interest, and I am glad that it is now being taken out.

What other mischief is in there that we have not had an opportunity to look at because of the fact that this did not go through the committee of jurisdiction and did not have an opportunity for hearing? That is the problem. We are not against the bill per se but we are against the way that the Republicans went about this.

□ 1715

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

Mr. Speaker, the gentleman from New Jersey (Mr. PALLONE) surprises me. If the gentleman thinks there is mischief in the bill, he should vote "no." The gentleman says on the one hand there is mischief in the bill, and then says that he is not going to vote against this bill. If what the gentleman is saying is true, he ought to vote against it. He has an obligation to vote against it.

Mr. Speaker, the reason the gentleman is not going to vote against it is because there is not mischief in the bill. The gentleman knows that this bill is a good bill that helps us fight this problem on the streets, and that is the drugs.

Now, as far as the process, and we go back again, the gentleman from Michigan (Mr. DINGELL) earlier, and now the gentleman from New Jersey, are suggesting some type of secret process. Hey, this is our fight. It is a Democrat fight. It is a Republican fight. We are all together on this. Our common enemy here are the illegal drugs on the street.

This is not a battle in secret. The secrets are held by the drug cartels. We are going after them and we want the help of our colleagues on the other side of the aisle, and I hope they support us today and help us in that battle.

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

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

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

Mr. Speaker, in conclusion, the gentleman from Massachusetts (Mr. MOAKLEY), made a point earlier after my introduction that he was going to vote for the bill, and that is correct. I did not want to imply that he was not.

I understand from sitting in the Committee on Rules and listening to the gentleman from Massachusetts last night, there is no question about his commitment to fight these drugs and to do whatever will effectively fight them, and I want to make sure that is of record.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4550.

□ 1717

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4550) 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, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Illinois (Mr. HASTERT), or his designee, and a Member opposed each will control 30 minutes.

Mr. HASTERT. Mr. Chairman, I designate the gentleman from Ohio (Mr. PORTMAN) to control my time.

Mr. BARRETT of Wisconsin. Mr. Chairman, though I am not opposed to the bill, I ask unanimous consent to control the 30 minutes of general debate time.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. PORTMAN) is recognized for 30 minutes.

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

Mr. Chairman, I thank the gentleman from Illinois (Mr. HASTERT) for allowing me, as his designee, to manage the legislation. The gentleman from Wisconsin (Mr. BARRETT), who is going to control the time on the other side, is my original cosponsor on this legislation, and I want to thank him, particularly after we just saw a little display of something less than nonpartisanship. I guess we would call it partisanship.

Mr. Chairman, I thank the gentleman from Wisconsin for being willing to step up to the plate to address the concerns that we have all heard expressed this afternoon and this evening on the rising problem of illegal drugs in this country and for his willingness, frankly, to show leadership on this issue over the years and to cosponsor this important legislation.

Mr. Chairman, the rising tide of teenage drug use in this country is indeed a national tragedy, and I do not think there is anything this Congress could

be doing this week that is more important. The facts speak for themselves, and we have heard a lot about them today. From the period of 1979 to 1991, we had a 72 percent reduction of teenage drug use in this country. Since that time, teenage drug use has more than doubled.

Actually, it is worse than that in the sense that it is among younger and younger kids. We have a lot of data on that. The number of fourth through sixth graders, kids in elementary school, experimenting with marijuana has increased 71 percent just since 1993.

Today, teenagers say they can obtain drugs within a day. LSD, marijuana, crack cocaine, methamphetamines and other drugs are more available now than ever.

This translates into more addiction, more ruined lives, more lost dreams. And, of course it also leads to more violent crime, more school dropouts, more health problems, and many other quantifiable costs to our society.

But this is not about statistics and numbers. It is about people. It is about people's lives. I am sure each Member in this Chamber knows constituents, maybe a friend, maybe a family member who has fallen into the trap of addiction and suffered the consequences.

Mr. Chairman, shortly after I was elected 5 years ago, a 16-year-old in my district died of a combination of smoking marijuana and huffing gasoline. His name was Jeff Gardner. Jeff's mom came to see me in Washington and she had a very simple question for me: "What are you going to do in my community to help me and other families so that they do not have to go through the pain that I am experiencing?" I told her about the billions we were spending on criminal sanctions, on interdiction efforts that are so important to keep drugs out of the country. She asked me again, "What are you doing in my school? In my neighborhood?"

Mr. Chairman, I have got to say, I was not satisfied with the answer that I could give her. I got involved in this issue both at home through community coalitions and here through legislation in large part because I could not give her the response she deserved.

The real tragedy is that based on sound research, we know what drives increases in drug use. It is not only the availability, but it is the attitude kids have about the dangers of drug use and the extent to which they believe that society, that society has accepted drug use.

Wherever our kids turn for entertainment, TV, movies, music, they find drug use glamorized. And whenever they seek role models, professional athletes, Hollywood stars, musicians, they all too come away with the perception, not accurate, but the perception that drug use is accepted and there is no real consequences.

Even here in Washington, young people have not been hearing a clear, consistent moral message that drugs are

dangerous and that they are wrong. I am not trying to suggest that the White House, this Congress, or any national figure can be held responsible for the drug habits of our children. But it is clear that we have not had the kind of sustained national moral leadership on this issue that was critical to the substantial reduction in teenage drug use back in the 1980s.

We have also lost ground on the home front. Surveys show that many parents of the baby boom generation, my generation, approach this issue and approach their kids with great ambivalence. With all of these mixed messages, it should be no surprise to us that teenage drug use is on the rise.

But there is a solution. In fact there are multiple solutions. The gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Illinois (Mr. HASTERT), who spoke just a moment ago, have done a great job today in articulating the need to do more with regard to what is referred to as the "supply side," such as enhanced interdiction, tightening border patrols, and eradicating drugs in source countries.

The bill that we are discussing now, the Drug Demand Reduction Act of 1998, recognizes that restricting supply is important, but it also recognizes that the supply efforts alone can never solve our problems here at home.

Why? Well, first, of course, methamphetamines and other drugs can be produced in someone's basement. Marijuana can be grown in the backyard. But second and more importantly in my view is that as long as the demand is there, drugs, even those from outside our borders, will find their way onto our streets and into our neighborhoods.

While the supply efforts are a very important part of the balanced approach, we as a Congress must do whatever we can to stop the growing demand for drugs. This bill does that. It takes steps toward that by expanding and increasing prevention, education, and treatment.

Mr. Chairman, I believe this is an area where the United States Congress can and must help and play an important role. I think we have three important roles:

First, as we did last year with the Drug-Free Communities Act that we are building on today, we can empower parents, teachers, local law enforcement, local communities, to address the drug problem and give them some of the tools that they need to do so at the grassroots.

Second, Congress can ensure that the existing Federal anti-drug prevention and treatment programs work more effectively by reducing red tape and duplication, targeting funds to programs that really work, finding the best practices around the country and funding those practices.

Finally, I think Congress has a very important role to play in sending that clear and consistent message that drug use is dangerous and wrong. Again, it

has worked before. From 1979 to 1991, we saw a 72 percent reduction. We need to look back at that. Why did that happen? We had a clear and consistent national message at that time. The "Just Say No" campaign was not just a slogan; it was a national movement and it included at the grassroots engaging parents, engaging teachers, coaches, law enforcement. That resulted in a substantial reduction of drugs because we changed attitude.

The act before us today is intended to reengage those parents, teenagers, teachers, and employers, law enforcement, health care professionals, and others to make existing Federal programs more effective and more accountable and to send that clear and unequivocal message again on the dangers of drug use.

Among other features, the legislation will: Reinvigorate the parent movement that worked so well in the 1980s through targeted grants, training at work, and access to information that parents need.

It will implement new initiatives to keep drugs out of schools and workplaces.

It will give States incentives to require kids to be drug-free in order to get their driver's licenses. Nothing is more important to a 16-year-old.

It will give parents and other role models one-stop shopping, one national clearinghouse where they can go to get information. One 1-800 number where any parent can call, any drug counselor can call, find out the answer to their question, and be connected with a local anti-drug organization or find substance abuse counselors in that person's area.

As the next step, we require the President's drug czar, the Office of National Drug Control Policy, to recommend to Congress specific ways to eliminate duplication, to further streamline the Federal anti-drug bureaucracy which is currently spread, incidentally, over 54 different agencies and departments.

Finally, at a time when 80 percent of the inmates in our jails and prisons are there because of substance abuse, and 50 percent of State parole and probation violators are under the influence of drugs, alcohol or both when they committed their new offense, this bill will put us on track toward eliminating the drug problem that festers in our jails and prisons. For the sake of our neighborhoods, and for the peace of mind of our constituents, we have to get at the revolving door of substance abuse in our criminal justice system.

Mr. Chairman, the provisions of this bill, as I said earlier, were developed over the past year with the help of the President's drug czar, General Barry McCaffrey. They were also developed in conjunction with the Speaker's Task Force on a Drug-Free America, chaired by the gentleman from Illinois (Mr. HASTERT). Members on both sides of the aisle had input from the relevant committees, and some people had good ideas who were not on the committees.

Very importantly, we got a lot of input from outside groups, those groups that work in the trenches day in and day out on this issue. That would include CADCA, the Community Anti-Drug Coalitions of America; PRIDE, the Parents's Resource Institute for Drug Education; the Institute for a Drug-Free Workplace; CASA, Joe Califano's Center on Addiction and Substance Abuse; the Drug-Free America Foundation; the Partnership for a Drug-Free America; the National Council on Crime Prevention. These and other groups gave critical input to the legislation and we all owe them a tremendous debt of gratitude.

Mr. Chairman, the Drug Demand Reduction Act is not the end of the road in our effort to reduce the demand for drugs in this country. It is not a cure-all, but it is an important next step building on the Drug-Free Communities Act that this Congress passed, again on a nonpartisan basis last year, to ensure that our national drug control policy continues to focus on what we know works: Effective treatment, effective education, and effective prevention. Doing so at the local level, but doing so with a strong and unequivocal message from the national level.

Mr. Chairman, if we keep the pressure on, if as a country we can maintain our vigilance, I am convinced that we can reverse the troubling trends of teenage drug abuse in this country. We can do so and in doing so we will save lives, we will restore dreams, and we will strengthen our communities for the next century.

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to express my support for this anti-drug legislation. I would like to thank the gentleman from Ohio (Mr. PORTMAN) for his diligent work on an issue that is critical to the future of our Nation.

Each year drug abuse kills 14,000 Americans and costs taxpayers nearly \$70 billion. But beyond these statistics, drug abuse has caused immeasurable pain for millions of Americans of all ages, races, and income levels.

This bill will focus the attention of Americans on this tremendous problem. Whether it is children when they are watching TV, parents when they go to work, or prison inmates when they are a captive audience.

The drug-free prison and jails portion of this bill takes a significant step to reducing crime in our Nation's streets.

□ 1730

The National Center on Addiction and Substance Abuse at Columbia University has reported that approximately 80 percent of the 1.7 million inmates in American prisons and jails were either high on drugs when arrested, stole property to buy drugs, or had a history of drug and alcohol abuse.

Because we know that even inmates who receive severe penalties for their crimes will eventually be released into our communities, we owe it to the people who live in those communities to ensure that these inmates are treated for their addictions when we have the opportunity. A Bureau of Prisons report released earlier this year indicates that Federal inmates who received drug treatment are 73 percent less likely to be arrested in the first 6 months after their release than inmates who did not receive treatment. This bill will create a demonstration program to create and evaluate model programs to test and treat inmate addictions. It is my hope that these programs will then be replicated throughout the Nation. I have sponsored separate legislation with the gentleman from Michigan (Mr. CONYERS) to provide funding to do just that.

Mr. Chairman, I am very pleased this bill includes a component to authorize the National Youth Anti-Drug Media Campaign. We know that young people who reach age 21 without using illegal drugs are unlikely to ever do so. The Media Campaign uses realistic hard-hitting messages to convince young people that drugs are the wrong way to go, and to encourage parents to talk to their children about this critical issue.

I joined the Nation's drug czar, General Barry McCaffrey, in pushing for the creation of this program last year. And since then, the campaign has been running in 12 pilot cities, including the City of Milwaukee in my Congressional District. We are already starting to see the campaign's impact in these cities. And just last month the campaign went nationwide. By the end of the year the Anti-Drug Media Campaign will be running at full force, with at least four advertising exposures reaching targeted audiences every week of the year.

It is important this Congress shows its lasting commitment to keeping kids off drugs by authorizing this program. This bill will support the program through the year 2002.

Through the inclusion of the Drug-Free Workplaces Act in this legislation, the bill will also provide drug-free working environments. This bill will create a demonstration program to make grants to nonprofit organizations that have expertise in this area. These organizations will then work with small businesses to develop comprehensive drug-free workplace programs. Because a majority of adults who use drugs are employed, and small businesses employ a majority of our Nation's work force, the workplace will be a critical battleground in our efforts against drugs.

It is important to note that this bill will require that employees have access to treatment options. We must ensure that drug-free workplace programs allow and actively encourage American workers who have addiction problems to seek treatment. Drug-free workplaces should be focused not on

punitive measures, but on helping employees overcome drug addictions.

Mr. Chairman, this bill will not end all drug abuse in America. It is not a Mark McGwire bill or a Sammy Sosa bill. One swing and a home run will not win this game. But this legislation will take steps to de-glamorize drugs in the eyes of young people, to give parents the tools to keep themselves and their children drug free, and to keep drug-addicted prisoners from continuing the cycle of drugs, crime and violence.

While I support efforts to interdict drugs and to strengthen our borders, the real drug war is not being fought only in Colombia, it is not being fought only in Mexico, it is also being fought in the hearts and minds of children in the school yards and the parents at home. We will not drive down drug abuse unless we commit ourselves to a comprehensive approach of prevention, education, treatment and interdiction. We owe it to our constituents to take this comprehensive approach to drug use. I urge my colleagues to pass this bill.

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

Mr. PORTMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT), the chairman of the Speaker's Task Force on a Drug-Free America, and a real leader on this issue both on the supply and the demand side.

Mr. HASTERT. Mr. Chairman, I want to thank the gentleman from Ohio for yielding me this time. I want to take a minute, I will not take long, and talk about the substance of the bill because I think the quality of this bill stands on its own.

I just want to thank the gentleman from Wisconsin, who is cosponsor. He sits with me on a subcommittee of the Committee on Government Reform and Oversight, and we have had hours and hours and hours of hearings on this.

I also want to acknowledge the gentleman from Maryland (Mr. ELIJAH CUMMINGS), who is not here; that gentleman certainly has a passion about what are the problems in his area; the gentleman from Ohio (Mr. ROB PORTMAN), who has done a wonderful job, and the other members, such as the gentleman from Indiana (Mr. MARK SOUDER), and others on our committee who have worked at this not just days and months, but literally years to get something done.

I think we are finally coming to fruition. There are two pieces to this issue, certainly the supply side, but the most important for our communities, so moms and dads and teachers and preachers can get together and get the job done, and that is demand.

I salute all these gentlemen and look forward to voting on this bill.

Mr. PORTMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, a leader on this issue for many years. We heard

from him earlier today on the supply side.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 4450, the Drug Demand Reduction Act, and I want to commend the gentleman from Ohio (Mr. PORTMAN) for his extensive work in preparing this measure, authoring it, and offering it today for our consideration.

The threat posed by illegal drugs is one of the most critical national security threats confronting our Nation, and this is not mere rhetoric but the cold truth. The vast majority of illegal drugs in this Nation comes from overseas, and the sooner we recognize that drugs are as much a foreign as domestic problem, the more effective our response will be.

There are many who say we, as a Nation, spend too much on combating drugs. I argue that those critics ignore the true cost of drug use on our society. In addition to the cost of supply and demand reduction, drug use costs billions each year in health care costs, lost productivity. Drug use also has intangible costs in terms of broken families and destroyed lives, many of them young lives.

As chairman of our House Committee on International Relations, I have long been dedicated to fighting the scourge of illegal drugs. Regrettably, currently this is a battle which we as a Nation have been losing. Too many of our young people are following the seductive message advocating drug use only to find out too late that message leads to a future devoid of hope. Yes, drugs are not recreational and drugs are deadly.

During the 1980s we made remarkable progress in reducing illegal drug use, eliminating the perception that drugs and drug abuse were socially acceptable. Between 1979 and 1992, there was a 50 percent drop in "past month" drug users from over 25 million to just over 12 million. Our focus during that period was twofold and followed a dual-track of reducing both supply and demand.

Regrettably, the current administration abandoned that approach and focused on reducing demand. The result has been a sharp increase in the supply of drugs, the highest purity levels ever encountered, and a resurgence of teenage drug use. From 1992 to 1996, teenage marijuana use doubled. More distressing is the data showing a significant rise in heroin use among our teenage population.

In essence, this administration's policy of focusing on demand reduction is being overwhelmed by the current state of the drug market. And with many of our cities literally awash in heroin, the drug dealers are using supply to create demand.

In order to effectively combat the problem of illegal drug use, we are going to have to employ a balanced approach of reducing supply and reducing

demand and doing it simultaneously. It also requires efforts from all levels of government and society.

H.R. 4450 addresses the demand side of the drug equation by establishing several very important programs designed to reduce drug usage by children and adolescents. It does this through promoting anti-drug, anti-addiction medications, renewing a national anti-drug message using key public figures, and providing parents with additional resources to combat drug usage in their communities through organizations created for that purpose.

The third component is the most important part of this bill. Everyone knows the vital role parents play in instilling a sense of morals and values in their children. Government cannot solve the drug problem by itself. We need to return to the formula which worked in the 1980s, aggressive interdiction efforts at our borders and abroad, and a visible national "zero-tolerance" message here at home.

Accordingly, Mr. Chairman, I urge my colleagues to support this worthy legislation. For too long we have had a disjointed approach to combating illegal drug use. If we as a Nation are willing to reduce the use of tobacco, certainly we can do the same for the use of illegal drugs.

This bill provides significant assistance in reducing demand by targeting an Anti-Media Campaign, by a Drug-Free Workplace program, by a Drug-Free Teenage Drivers Act, by a Drug-Free Prisons and Drug-Free Jails Act, by a Drug-Free Schools Quality Assurance Act, by a Drug-Free Information Clearinghouse Act, and by a Drug-Free Parent Empowerment program. Excellent ideas and excellent programs. Certainly by working on all of these, along with supply reduction, we can win this war against drugs.

Mr. PORTMAN. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. SOUDER), a good friend and expert on this issue who handles the drug-free schools part of this for the Speaker's Task Force on a Drug-Free America so well.

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Ohio for his leadership, as well as the Speaker, who by putting this at the top of his agenda and our Republican agenda, has forced us and enabled us to work in multiple different ways.

I also want to pay tribute to former Congressman and chairman of the Committee on National Security, Mr. Bill Zeliff, who when the Republicans took over Congress, began these hearings 4 years ago, of which we have had over 30 in that subcommittee and have worked to follow up many years of effort of the gentleman from New York (Mr. GILMAN), when he was with the Narcotics Select Committee. This is not something that just popped up in an election year. Many of us have been working for years and years.

I want to illustrate, too, it is not just in this bill. Earlier we had the impres-

sion that, well, this is a few last-minute things thrown together. But, in fact, I have been working over in the higher education bill where we have a major breakthrough in student loans, where we are going to hold students accountable. If they are found guilty of using drugs, they can lose their loan for 1 year. They can get back by testing free during two drug tests. But then if they have a second drug offense, they lose it for 2 years. The third time and they are out. This is a major breakthrough.

We also have in that bill awards, where we have worked with the gentleman from Massachusetts (Mr. JOE KENNEDY), to establish some awards for colleges that have drug and alcohol abuse programs that are national models.

We have had several bills in the Committee on Education and the Workforce where we have included anti-drug education as one of the things that we need to do with parents. As the Speaker said, this needs to be a full court press everywhere, and we are trying to do that in prevention and treatment efforts.

In juvenile justice, as we heard in yesterday's debate, where we had accountability and prevention programs, the appropriations subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), included additional money for drug courts, a very creative effort to work with these different youth.

The gentleman from Ohio (Mr. PORTMAN) had one of the most creative initiatives, which we just this past week have had the first grants for community-wide drug efforts, and we worked that through different committees.

There was a reference earlier today, that we had not had hearings. There is a section in this bill, drug-free workplace, which is one of the largest sections. I know the subcommittee I chair is a small committee, it is called empowerment, it is dealing with people who do not have much power and how we can address these things. It is part of the Committee on Small Business that tends to get run over by some of the bigger committees, but the fact is we had a hearing, and we passed it through. The committee came in front of the House, but it is deadlocked in the Senate. And the only way to move that bill is to put it inside this bill. But just because we are not the Energy and Commerce Committee does not mean we did not have hearings.

We also have a provision in here for the Safe and Drug-Free Schools Act, an award that deals with schools. Now, that authorization is not up. We have the money in the Labor-HHS. I have one perfecting amendment later in this that we have worked with the gentleman from Pennsylvania (Mr. GOODLING), but it is an interim step. Clearly, we are in the process of revising and need to work with the major reauthorization.

The point here is that we are working for a comprehensive effort. I commend the gentleman's leadership. This bill also deals with the media, which is an important thing, which we have heard from the impact of Hollywood and the impact of the music industry, and I am proud to be associated with this. This is only part of a much larger effort but a part that if we did not put it here, it was not going to move.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), a good friend who has also been involved in the task force.

□ 1745

Mr. BLUNT. Mr. Chairman, I want to thank the gentleman from Ohio for his leadership in this critically important bill. Earlier today we addressed the other side of this problem, the supply side of this problem. The truth is if we were able to do everything we wanted to do in sealing our international borders, we would still have a drug problem. The truth is that the methamphetamine problem, the other domestic drug supply problem, is so great that no matter how effective a job we do on the important work we committed ourselves earlier today, we have to deal with this issue of demand. This is a great follow-up on the Drug-Free Communities Act that was passed last year. I was glad to hear our friend the gentleman from Indiana (Mr. SOUDER) mention that many of the things in this bill are things that we have given some funding to but have not fully authorized. And other things in this bill are items that have had hearings and have passed the House but have not gone further. We need to take all of those things and put them in such a powerful package that they can no longer resist becoming part of an overall effort to help parents, to help communities, to help schools in the fight against this problem.

This is a problem that Americans pay a dramatic price for every single day. This kind of approach to the demand side from a media campaign to schoolhouses, to parental involvement, is the kind of approach it takes to make that difference. This is the kind of commitment this Congress needs to make. It is the kind of commitment we need to direct the Federal Government to make, and it is the kind of commitment the country needs to understand how broad and how deep the commitment has to go. I believe this legislation does that. I am proud to be part of it and certainly proud to really recommend it to my colleagues and encourage the great efforts of the gentleman from Ohio (Mr. PORTMAN) here.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), another active member of the task force who also happens to have been the mayor of a major city in America and has seen these problems firsthand.

Ms. GRANGER. Mr. Chairman, I rise today in strong support of the Drug Demand Reduction Act of 1998. This common sense proposal has an uncommon approach to the battle against drugs. In the past we have focused our attention on stopping the supply of drugs but this legislation would reduce the demand for drugs. How does it work? It works by providing incentives to States to encourage teenagers to be drug-free before getting their driver's license. Who does it help? It helps parents by creating an 800 number that parents can call to learn about how to talk to their children about drugs. Why is it needed? Because approximately 80 percent of all crimes committed in this country are drug-related. And why will it work? Because we are empowering local communities to deal with their local drug problems in their own local way.

When I was mayor of Fort Worth we mapped out a strategy for fighting drugs that worked in Fort Worth. But it might not work in Fort Wayne or Front Royal. Each community is different and each situation is distinct. The great thing about this bill is that it gives each community enough support to carry out the war on drugs but enough flexibility to fight their own battles in their own way.

As I close, I remind my colleagues that Henry Kissinger once said of guerrilla war, "Your enemy wins if he does not lose." For too long we have been losing the war on drugs simply and only because we have not had the courage to win it. By attacking both the supply and demand side of this issue and by giving local officials the tools they need, we can win the war on drugs for our community, for our children and also for our future.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I want to commend my distinguished colleague from Ohio, a fellow Dartmouth alumnus, who has had the foresight to bring forward a bill that is as important and good as this one. I represent a rural New Hampshire district, but drugs are a problem there just as much as they are in any other district around the country.

I have a story here, just a couple of weeks ago from New Hampshire: Heroin, A Deadly Problem Statewide. We all share the same problems with drug abuse. As the father of a 7-year-old who has just entered the second grade at the Peterborough Elementary School and a son who is 4, it is shocking for me to understand now that children are first exposed to drugs and drug information when they enter the fourth grade.

As the father of two children, I am particularly interested in the provision of the bill that provides for \$10 million in each fiscal year after 1995 for community-based parent organizations to get grant money to help provide parent training for individuals. Mr. Chairman,

parents are in denial in many instances as to the problems that their children face.

As a Member of Congress in this last term, I have been able to offer at least two major conferences involving many members of communities with bringing parents in to teach them how to deal with drugs in their families and in their homes. I am hopeful that this particular provision, which is of great importance to me, will prevail, because parents just as much as children need to understand the problems of drug abuse, how to communicate with their children and how to keep their children off drugs. I strongly commend the individuals who have worked on this bill. I am proud to be a cosponsor. I rise in strong support of its passage.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time. I guess my message is, Drug dealers, while the economy is good, while there are jobs out there, you better start looking for another job, because here comes some aggressive legislation that is going to be serious about the war on drugs. These bills that we are passing today are going to be the beginning of a serious effort to get rid of a serious problem in this Nation.

I have been holding drug forums across my district in Charlotte, in Battle Creek, in Jackson, in Adrian, in Hillsdale and Branch counties. What has impressed me the most is that if communities get involved, if parents start taking action, then it happens. We cannot do it just here in Washington, D.C., and that is why the Drug-Free Communities Act, that is why this kind of legislation that starts empowering local communities and parents makes a huge difference.

Just a couple of statistics. If a youngster does not use drugs before they are 19 years old, then there is a 90 percent chance that they will never have a drug problem. If parents talk to their kids about the dangers of using drugs, then you reduce the chances of those kids ever having a drug problem by 33 percent. Parents might think they are talking to their kids but when you ask those kids, only one-third of those kids say their parents talk to them seriously about the problems of using drugs.

I met a father at one of my drug forums. He said, "My son was an athlete. He was on the starting line-up for the football team. He was getting A's. Then he got into drugs. Now, he is not in sports. He is moping around, doing bad in everything to do with school."

Drugs and alcohol are a major cause of crime, they are a major cause of a student not learning to their full potential. Parents and communities, just do it, get involved. This kind of legislation does it.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman

from Connecticut (Mrs. JOHNSON), my distinguished colleague and friend on the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this legislation, because it takes concrete, practical steps that will help us reduce the demand for drugs in our country. It will better fund the anti-drug message being televised in 12 pilot cities across the country. And it provides funds to parent groups and other community-based groups to provide parent training on how to deal with drugs not only in their homes but also in their communities. If we are going to win the battle against drugs, we must involve parents, businesses, whole communities in the antidrug effort. And we must better understand, be more honest, be dead honest about the nature of addiction and the importance of treatment. Admitting that you have an addiction problem is the first and hardest step to overcoming chemical dependency. We should ensure that those who take this tough step have access to the resources they need to meet their goal successfully. That is why I also support the amendment that the gentleman from Minnesota (Mr. RAMSTAD) plans to offer to this bill.

Since 1956, the AMA has recognized alcoholism and drug addiction as diseases. Some 26 million, or 10 percent of the population, suffer from these diseases. According to the Bureau of Labor Statistics, in 1995 roughly 80 percent of American workers' health plans covered a minimum level of treatment for addiction. More than 70 percent of those using illicit drugs and 75 percent of alcoholics are employed.

Substance abuse treatment saves health care dollars. It saves lives. It strengthens our work force. Companies that provide treatment have already achieved savings. Chevron reports saving \$10 for every \$1 spent on treatment.

Mr. Chairman, I strongly support this bill and I urge Members' support of the Ramstad amendment.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS) another member of the task force who has started a successful antidrug coalition in his own area.

The CHAIRMAN. The Chair would advise that the gentleman from Ohio (Mr. PORTMAN) has 1 minute remaining.

Mr. PORTMAN. Mr. Chairman, I would like to indulge my colleague and cosponsor and see if perhaps we could get an additional 2 minutes on this side.

Mr. BARRETT of Wisconsin. I would agree to a unanimous consent for an additional 2 minutes on each side.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Wisconsin (Mr. BARRETT) each will control 2 additional minutes.

There was no objection.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to express my support for the Drug Demand Reduction

Act of 1998. Shortly after the Speaker established his Task Force for a Drug-Free America, we drafted an aggressive legislative agenda to win the war on drugs. To reach our goal of a drug-free America by 2002, we need to fight this battle on three fronts: Stopping the supply, increasing accountability and deterring demand. H.R. 4550 helps in ending the demand for drugs in our communities. It will fight that battle in the school yard, workplace and the prisons.

Last year, I started the Heartland Anti-Drug Coalition. Our mission is to bring together the grassroots antidrug organizations in my district so we can combine our efforts and resources to educate our youth about the dangers of drugs. Just as the Heartland Coalition has been successful in creating a unified effort to keep our children drug-free, H.R. 4550 will end the demand for drugs by combining many existing efforts. Specifically H.R. 4550 establishes an aggressive antidrug media campaign and assists organizations that provide the necessary tools for parents to help keep their children drug-free. The bill also consolidates information clearing-houses to provide a single source of information on fighting drug abuse. Earlier today we passed legislation to increase our efforts to prevent the entry of illegal drugs into the U.S. Now, let us take another important step to win the war on drugs by passing H.R. 4550.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN) who has been a real fighter on our side of the aisle and I think in the entire House on this issue.

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

Mr. LEVIN. Mr. Chairman, to the gentleman from Wisconsin (Mr. BARRETT) and to the gentleman from Ohio (Mr. PORTMAN) who with others including myself have taken a leading advocacy position on this issue, I congratulate all of them. This is a fight worth fighting. This is a fight we cannot lose. This fight against drug use is in danger of spreading to parts of the Nation which have not fully seen this, though in a sense every sector has seen it. There has been a denial on the part of many people that the problem exists. Hopefully this bill will be another step to take away that denial and to realize that this is a national problem that requires national action. Most of the work is going to have to be done in our communities, but surely we can lead.

The most recent surveys indicate the depth of the problem that the use of some hard drugs is increasing. There is much misunderstanding within our country about marijuana use. There is more and more evidence that it is harmful. This bill draws on elements of the national strategy document put together by General McCaffrey. I have had the privilege of working with him on a number of drug issues, and I am proud to stand by his side. The record

has not been perfect, but it has been a record of action.

□ 1800

This bill enhances elements of programs that were started before. One is the National Youth Anti-drug Media Campaign. I had the privilege of helping to launch it in my home district with the help of K-Mart. We had a number of youths there, and it was encouraging to have them stand up and talk about the dangers of drugs and to talk about the need for us to meet head on this problem with the youth of America.

I saw the ads. I believe they are effective ones. The youth who were there thought they were effective, some more than others. But I remember them dramatically, I remember the reaction dramatically, and this bill will help us use the power of the media to give a clear message to kids and to ask them for their support.

This bill also addresses the problem of drug abuse in our prisons. We need to address that. We need to make sure that people who go into prison in so many cases with a drug problem, when they leave, if they do, that their drug problem has been addressed.

This bill also includes reference to a resolution regarding community anti-drug coalitions. The gentleman from Ohio (Mr. PORTMAN) and I have been privileged to represent two districts that have been used as models; in the case of Cincinnati, a comprehensive program that the gentleman from Ohio (Mr. PORTMAN) has helped to spark. In the case of the 12th District, it is a different model, of efforts from the grass roots up, and our office and our staff have tried to facilitate those coalitions.

And I say this without any hesitation: All of the Members of this Congress should get involved in anti-drug coalitions in their community. Our staff goes to meetings of every one of those anti-drug coalitions, and I am proud to have been associated with all of these efforts.

So, in a word, this bill is one not only worth supporting, it is worth advocating, and it is worth implementing. It is worth our personnel commitment to take a piece of legislation, take it back home and help make it work, and there is no greater responsibility.

The world has changed since my generation went to school. We did not know these problems. We have no choice but for this generation, for my grandchildren's generation, that we help America address this problem. As I said before, this is a fight worth fighting, this is a fight that we must win. Let us vote for this bill and then help to implement it.

Mr. BARRETT of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

In closing on this side, Mr. Chairman, I simply want to say that I think this is a bill that does some good things. For me, the most important part of

this legislation is allowing us to have a new program in prisons so that we can treat prisoners before they get out on the streets. It does a very good job as well in creating incentives for drug-free workplaces, and I think it is extremely important for us to authorize the media campaign that is currently going on.

For those reasons, I would again ask my colleagues to support this bill.

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

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

I would like to in closing again thank my friend from Wisconsin (Mr. BARRETT) for being willing to cosponsor the legislation, help improve the legislation and get it to the floor today. I also want to thank the gentleman from Michigan (Mr. LEVIN) for the work he has done in the Drug-free Communities Act and in implementing that legislation. As he indicated, that sometimes is the most important thing we do here is being sure that we can back home and make sure this legislation actually works.

Let us take a step back for a moment, if we could, and reflect on what we are doing here this evening. And I think Bill Bennett wrote very articulately about the problem of substance abuse, and I would like to quote from him, former drug czar Bill Bennett. He said:

Using drugs is wrong not simply because drugs create medical problems, it is wrong because drugs destroy one's moral sense. People addicted to drugs neglect their duties, they want to neglect God, family, children, friends and jobs, everything in life that is important, noble, and worthwhile, for the sake of drugs.

As a parent and as a colleague, I would urge all the Members of this House to support this nonpartisan legislation that really will make a difference in terms of taking common-sense steps to rid our society of the devastating impact of illegal drugs.

Mr. PACKARD. Mr. Chairman, I rise today in support of H.R. 4550, The Drug Demand Reduction Act. Our nation's children are our most precious resource and we must protect them from the negative effects of illegal drugs.

Mr. Speaker, the sad truth is, 50% of state parole and probation violators are under the influence of drugs, alcohol or both when they commit new offenses. This is unacceptable! The Drug Demand Reduction Act will take steps to reduce drug abuse in prisons and increase the effectiveness of drug treatment programs. H.R. 4550 is a step in the right direction. We can not waste more time or more young lives on ineffective drug programs.

The issue of drug abuse can not be stopped from Washington, D.C. alone. It is critical that we involve communities. Parents know best what their children's needs are—not bureaucrats in Washington. The Drug Demand Reduction Act will empower parents, teachers, and communities to address the increased concern of teenage substance abuse. This legislation will go right to the heart of the drug problem by reducing the demand for drugs

through prevention, education and treatment at the local level.

Drugs not only burn the minds of those who use them, but they also scorch the lives of the abuser's families and loved ones. Mr. Speaker, I rise to support H.R. 4550, and protect our nation's children and families. We must put a stop to the use of these life destroying substances.

Mr. WAXMAN. Mr. Chairman, whatever its merits, the consideration of this bill at this time constitutes a gross dereliction of the care and due diligence this House owes to the consideration of our laws.

The bill was introduced on Friday. It was referred to six committees for hearings and deliberations. But here it is, after just three working days, up for a vote by the full House.

This bill is badly in need of scrutiny by the committees of jurisdiction. Let me give you an example of a very troubling, coercive provision. The Teen Drivers incentive program is intended to promote the voluntary drug testing of applicants for drivers licenses.

But there is nothing voluntary about having to choose between taking the test or having the State inform your insurance company that you've refused to take the test. There is no question the insurance company will raise the rates on anyone—whether an adult or minor, drug user or drug-free citizen—who refuses to take a drug test.

This is fundamental question of civil liberties. There are ample and legitimate reasons why a citizen with no history of illicit drug use and who constitutes no threat to public safety, might wish to decline a drug test.

If this provision were stricken, the States would still be free to develop model programs, with or without a notification requirements. If a State desires such a requirement, so be it. But we in Congress should not dictate the approach taken by the several States in such a sensitive and vital area of civil liberties and personal privacy. We should allow the States to develop programs without dictating only one model designees in Washington as if one size fits all.

Mr. Speaker, I also want to give another example of why this bill should be sent back to the committees of jurisdiction, consistent with the regular order.

The original Title II of his bill was a multi-billion dollar boondoggle. Any company which developed a new anti-addiction drug would receive an additional 6 months of market exclusivity on any drug of its choice.

That is an unbelievable gift to the drug industry. I can understand wanting to provide modest incentives for a worthy cause. But H.R. 4550 would have sucked literally billions of dollars out of the pockets of American consumers and taxpayers. It would have given a blank check to the drug industry.

At the last minute, Title II was changed by a manager's amendment. A study was substituted—a study, I might note, that duplicates two studies which are already done. Was the provision struck because people caught it in time and threatened to expose it for the boondoggle it was? I don't know. But I do know this is the wrong way to develop legislation.

I support the War on Drugs and I support programs which end illicit drug use. But I cannot support legislation developed in this manner.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Ramstad amendment

which would prohibit group and individual health plans from imposing treatment limitations or financial requirements on the coverage of alcohol and substance abuse benefits if similar limitations or requirements are not imposed on medical and surgical benefits. I am pleased to be an original cosponsor of this legislation which creates a level playing field for the provision of alcohol and drug treatment services.

Alcohol and substance abuse are diseases just like cancer, diabetes, and heart disease, and alcohol and substance abuse can be effectively diagnosed and treated. Alcohol and drug treatment reduces health, criminal justice, and welfare costs. For example, data for the Center for Substance Abuse Treatment's (CSAT) Pregnant and Postpartum Women and Infant's programs in 1996 found that after treatment 67.4% of women were not using drugs or alcohol, 90.3% of women were not involved with the criminal justice system, 86.5% of children were living with their mothers, and employment of women increased by 820%.

Unfortunately, unlike other medical conditions, health coverage discrimination against alcohol and substance abuse treatment services is widespread. Currently, just 2% of the 16 million alcoholics and substance abusers covered by health insurance plans are actually receiving treatment, notwithstanding the purported "coverage" of chemical dependency treatment by the plans. This important legislation would provide for nondiscriminatory coverage for alcohol and substance abuse treatment services under private group and individual health plans. It would not require insurers to offer a standard benefit; it would instead establish parity coverage for those plans that offer substance abuse treatment coverage.

I urge my colleagues to support the Ramstad amendment. Let us take this important step to improve health insurance coverage for alcohol and drug treatment.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105-721 if offered by a Member designated in the report. That amendment shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of the amendment, the provisions as then perfected shall be considered as original text for the purpose of further amendment and, without objection, considered as read.

There was no objection.

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

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

AMENDMENT OFFERED BY MR. PORTMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105-721 offered by Mr. PORTMAN:

Page 10, line 9, insert "treatment," after "referral,".

Page 11, strike line 6 and all that follows through page 14, line 2, and insert the following:

Subtitle C—Drug-Free Teen Drivers

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug Free Teenage Drivers Act".

SEC. 122. MODEL PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a model program to provide for the voluntary drug testing of all teenage applicants for a driver's license and, if a State adopting the model program elects, other first time applicants for a driver's license regardless of age.

(b) MINIMUM ELEMENTS.—The model program established under this section shall provide, at a minimum—

(1) that information respecting an applicant's choice not to take a drug test under the program or the result of a drug test on the applicant will be made available to the applicant's automobile insurance company, if any, or the parent of a teenage applicant, or both, as determined by a State that adopts the program; and

(2) if an applicant tests positive in the drug test, the State will not issue a license to the applicant and will require the applicant to complete a drug treatment program approved by the State and not test positive in a drug test before reapplying for a license.

(c) ADOPTION BY STATES.—The States may adopt and implement the model program established under this section. If a State adopts the model program, the State shall in carrying out subsection (b)(2) provide the treatment described in such subsection to low-income individuals who apply for drivers' licenses.

SEC. 123. INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish an incentive grant program to assist States in improving their laws relating to controlled substances and driving.

(b) GRANT REQUIREMENTS.—To qualify for a grant under subsection (a), a State shall meet each of the following requirements:

(1) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the driver has any measurable amount of an illegal controlled substance in the driver's body. Individuals who are convicted of a violation of such law shall be referred to appropriate services, including intervention, counseling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the ability of the driver to operate the vehicle is impaired by an illegal controlled substance.

The State shall provide that in the enforcement of such law the driver shall be tested for the presence of an illegal controlled substance when there is evidence of impaired driving. Individuals who are convicted of a violation of such law shall have their driver's license suspended and shall be referred to appropriate services, including intervention, counseling, and treatment.

(3) Enact, actively enforce, and publicize a law that requires the suspension of the driver's license of an individual who is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that individuals applying for, and individuals renewing, a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) USE.—A State may use a grant under subsection (a) only to implement, enforce, and publicize laws described in subsection (b).

(d) GRANT AMOUNTS.—The amount of a grant made to a State under this section in a fiscal year shall be determined by multiplying the total amount of funds made available to carry out this section for such fiscal year by the ratio of the amount of funds made available to the State under section 402 of title 23, United States Code, for such fiscal year to the aggregate amount of funds made available to carry out such section 402 for such fiscal year to all States to which grants will be made under this section in such fiscal year.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) CONTROLLED SUBSTANCES.—The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) ILLEGAL CONTROLLED SUBSTANCE.—The term "illegal controlled substance" means a controlled substance for which an individual does not have a legal written prescription.

SEC. 124. TECHNICAL ASSISTANCE.

The Secretary of Transportation shall provide to the States technical assistance for—

(1) training law enforcement officers in the standardized field sobriety testing techniques to detect impaired drivers;

(2) expanding drug information and training by involving prosecutors in community drugged driving prevention programs; and

(3) promoting uniform sanctions for drugged driving offenses, referring drugged driving offenders to assessment and treatment programs, and involving judges in community drugged driving prevention programs.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle for fiscal years 1999 and 2000.

Page 30, strike line 19 and all that follows through page 36, line 15, and insert the following:

SEC. 203. REPORT REGARDING INCENTIVES FOR DEVELOPMENT OF ANTIADDICTION DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), in collaboration with the officials specified in subsection (b), shall conduct a study for the purpose of determining whether there is a need to establish particularized incentives for the development of drugs to treat dependence on alcohol or on any controlled substance as defined in section 102 of the Controlled Substances Act (referred to in this section as "qualifying antiaddiction drugs").

(b) COLLABORATION AMONG AGENCIES.—For purposes of subsection (a), the officials specified in this subsection are as follows:

(1) The Commissioner of Food and Drugs.

(2) The Director of the National Institute on Alcohol Abuse and Alcoholism.

(3) The Director of the National Institute on Drug Abuse.

(4) The Director of the National Institute of Mental Health.

(5) The Administrator of the Substance Abuse and Mental Health Services Administration.

(c) CERTAIN ELEMENTS OF STUDY.—If in conducting the study under subsection (a) the Secretary determines that there is a need to establish particularized incentives for the development of qualifying antiaddiction drugs, the Secretary shall determine whether the incentives should include one or both of the following:

(1) Providing for increased cooperation among the agencies referred to in subsection (b) in order to facilitate the development and approval of such drugs.

(2) Establishing under the Federal Food, Drug, and Cosmetic Act particularized financial incentives for the development of such drugs.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study.

Page 40, line 24, strike "the presence" and all that follows through line 25 and insert "the presence of six of the members appointed under subsection (c)(2).".

The CHAIRMAN. Pursuant to House Resolution 538, the gentleman from Ohio (Mr. PORTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, as we discussed earlier, the manager's amendment made in order by the rule provides for some technical and clarifying amendments and accommodates the concerns of two of the committees that have jurisdiction over aspects of this legislation. In the drug-free workplace provision, the amendment makes clear that an employee assistance program should offer access to treatment for employees.

The Committee on Transportation and Infrastructure staff provided a substitute for our drug-free teen drivers provision in the bill that clarifies the organization of the program established under the legislation and provides an explicit authorization for appropriations under that part of the legislation.

The Committee on Commerce had requested that we replace the incentive for the development of anti-addiction medication, an issue that came up earlier in our debate, and we have indeed replaced the legislation that we had with regard to anti-addiction medication with a study for the need for such incentives. The amendment, therefore, grants their request.

Finally, the amendment sets the quorum for meetings of the Commission on Medical Education that is in the legislation so that the meetings of the Commission can take place without any concern of not having a quorum present.

Those, Mr. Chairman, are the changes in this manager's amendment.

They are straightforward, they are technical and clarifying in nature, and I would hope that my colleagues would support them.

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very briefly, and I will not use the whole 5 minutes, I think that this is a good amendment, it addresses some of the concerns that have been raised, in particular the one pertaining to the anti-addiction medications, and for that reason I support it.

Also I should note that it also makes clear that treatment is an option in the drug-free workplace program.

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

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume. Again I want to thank my colleague for helping perfect this legislation, and that includes this manager's amendment.

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

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

The amendment was agreed to.

The text of H.R. 4550, as amended by the amendment printed in House Report 105-721, is as follows:

H.R. 4550

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Drug Demand Reduction Act".

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

Sec. 1. Short title; table of contents.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

Sec. 101. Short title.

Sec. 102. Requirement to conduct national media campaign.

Sec. 103. Use of funds.

Sec. 104. Reports to Congress.

Sec. 105. Authorization of appropriations.

Subtitle B—Drug-Free Workplace Act

Sec. 111. Short title.

Sec. 112. Findings; purposes.

Sec. 113. Sense of Congress.

Sec. 114. Drug-free workplace demonstration program.

Sec. 115. Small business development centers.

Sec. 116. Contract authority.

Subtitle C—Drug-Free Teen Drivers

Sec. 121. Short title.

Sec. 122. Demonstration program.

Sec. 123. Incentive grant program.

Sec. 124. Technical assistance.

Subtitle D—Drug-Free Prisons and Jails

Sec. 131. Short title.

Sec. 132. Purpose.

Sec. 133. Program authorization.

Sec. 134. Grant application.

Sec. 135. Uses of funds.

Sec. 136. Evaluation and recommendation report to Congress.

Sec. 137. Definitions.

Sec. 138. Authorization of appropriations.

Subtitle E—Drug-Free Schools Quality Assurance

Sec. 151. Short title.
Sec. 152. Amendment to Safe and Drug-Free Schools and Communities Act.

Subtitle F—Drug-Free National Clearinghouse

Sec. 161. Short title.
Sec. 162. Establishment of clearinghouse; functions.
Sec. 163. Director.
Sec. 164. Cooperation by national drug control program agencies.

Subtitle G—Drug-Free Parents Empowerment

Sec. 171. Short title.
Sec. 172. Drug-free parents empowerment.

TITLE II—PRIVATE SECTOR ANTI-DRUG PARTNERSHIPS

Subtitle A—Antiaddiction Medications

Sec. 201. Short title.
Sec. 202. Facilitation of approval for commercial distribution of antiaddiction drugs developed by National Institute of Drug Abuse.
Sec. 203. Incentives for development of qualifying antiaddiction drugs.

Subtitle B—Commission on Role of Medication Education in Reducing Substance Abuse

Sec. 211. National Commission on the Role of Medical Education in Reducing Substance Abuse.

TITLE III—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

Sec. 301. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

Sec. 311. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

Sec. 321. Report on streamlining Federal prevention and treatment efforts.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Media Campaign Act of 1998".

SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the "Director") shall conduct a national media campaign for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use the funds appropriated pursuant to the authorization in section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SEC. 103. USE OF FUNDS.

(a) AUTHORIZED USES.—The funds authorized to be appropriated in section 105 for the support of a national media campaign may be used to fund—

- (1) the purchase of media time and space;
- (2) reimbursement of out of pocket advertising production costs for agencies that provide all creative development on a pro bono basis;
- (3) the negotiated fee for the contract buying agency; and

(4) the evaluation of the effectiveness of the national media campaign.

(b) PROHIBITIONS.—None of the funds authorized to be appropriated in section 105 may be obligated or expended for the following purposes:

(1) To supplant current anti-drug community based coalitions.

(2) To supplant current pro bono public service time donated by national and local broadcasting networks.

(3) For partisan political purposes.

(4) To fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on the Judiciary of the Senate.

(c) MATCHING REQUIREMENT.—Funds appropriated pursuant to the authorization in section 105 shall be matched by an equal amount of non-Federal funds for the campaign, or be matched with in-kind contributions to the campaign of the same value.

SEC. 104. REPORTS TO CONGRESS.

The Director shall—

(1) submit to Congress on a quarterly basis a report on the activities for which funds appropriated pursuant to the authorization in section 105 have been obligated during the preceding quarter, and on the specific parameters of the national media campaign; and

(2) not later than one year after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Office of National Drug Control Policy to carry out this subtitle \$195,000,000 for each of fiscal years 1999 through 2002.

Subtitle B—Drug-Free Workplace Act

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Workplace Act of 1998".

SEC. 112. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) 74 percent of adults who use illegal drugs are employed;

(2) small business concerns employ over 50 percent of the Nation's workforce;

(3) in over 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use drugs increase costs for businesses and risk the health and safety of all employees because—

(A) absenteeism is 66 percent higher among drug users than nondrug users;

(B) health benefit utilization is 300 percent higher among drug users than nondrug users;

(C) 47 percent of workplace accidents are drug-related;

(D) disciplinary actions are 90 percent higher among drug users than nondrug users; and

(E) employee turnover is significantly higher among drug users than nondrug users.

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

(1) educate small business concerns about the advantages of a drug-free workplace;

(2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and

(3) assist working parents in keeping their children drug-free.

SEC. 113. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) businesses should adopt drug-free workplace programs; and

(2) States should consider financial incentives, such as reductions in workers' compensation premiums, to encourage businesses to adopt drug-free workplace programs.

SEC. 114. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

The Small Business Act (15 U.S.C. 636 et seq.) is amended by—

(1) redesignating sections (30) and (31) as sections (31) and (32), respectively; and

(2) inserting the following new section:

"SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administration may make grants to eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to start a drug-free workplace program.

"(b) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive a grant under subsection (a) if it meets the following criteria:

"(1) It is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from tax under section 5(a) of such Act, a program of such organization, or provides services to such organization.

"(2) Its primary purpose is to develop comprehensive drug-free workplace programs or to supply drug-free workplace services.

"(3) It has at least 2 years of experience in drug-free workplace programs.

"(4) It has a drug-free workplace policy in effect.

"(c) REQUIREMENTS FOR PROGRAM.—Any drug-free workplace program established as a result of this section shall include—

"(1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;

"(2) training for at least 60 minutes for employees and supervisors;

"(3) additional training for supervisors and employees who are parents;

"(4) employee drug testing; and

"(5) employee access to an employee assistance program, including assessment, referral, treatment, and problem resolution.

"(d) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, \$10,000,000 for fiscal year 1999 and such sums may remain available until expended.

SEC. 115. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (R) by striking "and";

(2) in subparagraph (S) by striking the period and inserting "; and"; and

(3) by inserting after subparagraph (S) the following new subparagraph:

"(T) providing information and assistance to small business concerns with respect to developing drug-free workplace programs."

SEC. 116. CONTRACT AUTHORITY.

The Small Business Administrator may contract with and compensate government and private agencies or persons for services related to carrying out the provisions of this subtitle.

Subtitle C—Drug-Free Teen Drivers

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug Free Teenage Drivers Act".

SEC. 122. MODEL PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a model program to provide for the voluntary

drug testing of all teenage applicants for a driver's license and, if a State adopting the model program elects, other first time applicants for a driver's license regardless of age.

(b) **MINIMUM ELEMENTS.**—The model program established under this section shall provide, at a minimum—

(1) that information respecting an applicant's choice not to take a drug test under the program or the result of a drug test on the applicant will be made available to the applicant's automobile insurance company, if any, or the parent of a teenage applicant, or both, as determined by a State that adopts the program; and

(2) if an applicant tests positive in the drug test, the State will not issue a license to the applicant and will require the applicant to complete a drug treatment program approved by the State and not test positive in a drug test before reapplying for a license.

(c) **ADOPTION BY STATES.**—The States may adopt and implement the model program established under this section. If a State adopts the model program, the State shall in carrying out subsection (b)(2) provide the treatment described in such subsection to low-income individuals who apply for drivers' licenses.

SEC. 123. INCENTIVE GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Transportation shall establish an incentive grant program to assist States in improving their laws relating to controlled substances and driving.

(b) **GRANT REQUIREMENTS.**—To qualify for a grant under subsection (a), a State shall meet each of the following requirements:

(1) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the driver has any measurable amount of an illegal controlled substance in the driver's body. Individuals who are convicted of a violation of such law shall be referred to appropriate services, including intervention, counseling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the ability of the driver to operate the vehicle is impaired by an illegal controlled substance. The State shall provide that in the enforcement of such law the driver shall be tested for the presence of an illegal controlled substance when there is evidence of impaired driving. Individuals who are convicted of a violation of such law shall have their driver's license suspended and shall be referred to appropriate services, including intervention, counseling, and treatment.

(3) Enact, actively enforce, and publicize a law that requires the suspension of the driver's license of an individual who is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that individuals applying for, and individuals renewing, a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) **USE.**—A State may only use a grant under subsection (a) only to implement, enforce, and publicize laws described in subsection (b).

(d) **GRANT AMOUNTS.**—The amount of a grant made to a State under this section in a fiscal year shall be determined by multiplying the total amount of funds made available to carry out this section for such fiscal year by the ratio of the amount of funds made available to the State under section 402 of title 23, United States Code, for such fiscal year to the aggregate amount of funds made available to carry out such section 402 for such fiscal year to all States to which grants will be made under this section in such fiscal year.

(e) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CONTROLLED SUBSTANCES.**—The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) **ILLEGAL CONTROLLED SUBSTANCE.**—The term "illegal controlled substance" means a controlled substance for which an individual does not have a legal written prescription.

SEC. 124. TECHNICAL ASSISTANCE.

The Secretary of Transportation shall provide to the States technical assistance for—

(1) training law enforcement officers in the standardized field sobriety testing techniques to detect impaired drivers;

(2) expanding drug information and training by involving prosecutors in community drugged driving prevention programs; and

(3) promoting uniform sanctions for drugged driving offenses, referring drugged driving offenders to assessment and treatment programs, and involving judges in community drugged prevention programs.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle for fiscal years 1999 and 2000.

Subtitle D—Drug-Free Prisons and Jails

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Prisons and Jails Act of 1998".

SEC. 132. PURPOSE.

The purpose of this subtitle is to provide model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by States and local units of government through a comprehensive evaluation.

SEC. 133. PROGRAM AUTHORIZATION.

(a) **ESTABLISHMENT.**—The Director of the Bureau of Justice Assistance shall establish a model substance abuse treatment program for substance-involved offenders by—

(1) providing financial assistance to grant recipients selected in accordance with section 134(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

(b) **GRANT AWARDS.**—The Director may award not more than 5 grants to units of local government and not more than 5 grants to States.

(c) **ADMINISTRATIVE COSTS.**—Not more than 5 percent of a grant award made pursuant to this subtitle may be used for administrative costs.

SEC. 134. GRANT APPLICATION.

(a) **CONTENTS.**—An application submitted by a unit of local government or a State for a grant award under this subtitle shall include the following:

(1) **STRATEGY.**—A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government or the State, as the case may be, developed in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) **CERTIFICATION.**—Certification that—

(A) Federal funds made available under this subtitle will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) **REVIEW AND APPROVAL.**—Subject to section 133(b), the Director shall approve applications and make grant awards to units of local governments and States that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 135.

SEC. 135. USES OF FUNDS.

A unit of local government or State that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following—

(1) tailored treatment programs to meet the special needs of different types of substance-involved offenders;

(2) random and frequent drug testing, including a system of sanctions;

(3) training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities;

(4) clinical assessment of incoming substance-involved offenders;

(5) availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities;

(6) education and vocational training; and

(7) a substance-free correctional facility policy.

SEC. 136. EVALUATION AND RECOMMENDATION REPORT TO CONGRESS.

(a) **EVALUATION.**—

(1) **IN GENERAL.**—The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) **EVALUATION CRITERIA.**—The Director, in consultation with the Directors of the appropriate National Institutes of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include—

(A) reducing substance abuse among participants;

(B) reducing recidivism among participants;

(C) cost effectiveness of providing services to participants; and

(D) a data collection system that will produce data comparable to that used by the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration and the Bureau of Justice Statistics of the Office of Justice Programs.

(b) **REPORT.**—The Director shall submit to the appropriate committees of Congress, at the same time as the President's budget for fiscal year 2001 is submitted, a report that—

(1) describes the activities funded by grant awards under this subtitle;

(2) includes the evaluation submitted pursuant to subsection (a); and

(3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SEC. 137. DEFINITIONS.

For purposes of this subtitle:

(1) **SUBSTANCE-INVOLVED OFFENDER.**—The term "substance-involved offender" means an individual under the supervision of a State or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who—

(A) violated or has been arrested for violating a drug or alcohol law;

(B) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(C) stole property to buy illegal drugs; or

(D) has a history of substance abuse and addiction.

(2) **DIRECTOR.**—The term "Director" means the Director of the Bureau of Justice Assistance;

(3) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior and any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

(4) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate Congressional Committee” means the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 138. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (Public Law 103-322) (42 U.S.C. 14211)—

(1) for fiscal year 1999, \$30,000,000; and

(2) for fiscal year 2000, \$20,000,000.

(b) RESERVATION.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 136.

Subtitle E—Drug-Free Schools Quality Assurance

SEC. 151. SHORT TITLE.

This subtitle may be cited as the “Drug-Free Schools Quality Assurance Act”.

SEC. 152. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Subpart 3 of title IV of the Elementary and Secondary Education Act of 1965 is amended by adding at the end the following:

“SEC. 4134. QUALITY RATING.

“(a) IN GENERAL.—The Secretary shall develop a rating system, or allow State educational agencies, to determine if a public school has a drug program that meets the qualification described in subsection (b).

“(b) CRITERIA.—The criteria to determine if a school has a quality drug program shall include, at a minimum, the following:

“(1) NEEDS ASSESSMENT.—A thorough needs assessment before implementation of a drug program.

“(2) RESEARCH.—Implementation of a research-based program.

“(3) PARENT AND COMMUNITY INVOLVEMENT.—Involvement of parents and community members in program design and review of existing community drug programs before implementation of a school program.

“(c) REQUEST FOR QUALITY RATING.—A school that wishes to receive a quality rating shall submit a request and documentation of compliance with this section to the Secretary.

“(d) PUBLIC NOTIFICATION.—Not less than once each year, the Secretary shall report in the Federal Register the names of schools that have received a quality rating as described in this section. The Secretary shall also ensure that a list of programs that received a quality rating is readily available to any individual who requests it from the Department of Education.”.

Subtitle F—Drug-Free National Clearinghouse

SEC. 161. SHORT TITLE.

This subtitle may be cited as the “Drug-Free National Clearinghouse Act of 1998”.

SEC. 162. ESTABLISHMENT OF CLEARINGHOUSE; FUNCTIONS.

(a) ESTABLISHMENT.—(1) There shall be established in the Office of National Drug Control Policy an office to be known as Drug-Free National Clearinghouse (in this subtitle referred to as the “Clearinghouse”).

(2) The Clearinghouse shall be established pursuant to paragraph (1) not later than 90 days after the date of the enactment of this Act.

(b) FUNCTIONS.—The functions of the Clearinghouse shall be—

(1) to consolidate and assume the drug prevention and drug treatment information clearinghouse roles currently performed by National Drug Control Program agencies (as that term is defined in section 1010(6) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1507(6))); and

(2) to ensure that drug prevention and drug treatment information is effectively disseminated by such agencies to individuals, State and local governments, and nongovernmental entities involved in demand reduction (as that term is defined in section 1010(4) of such Act (21 U.S.C. 1507(4))).

SEC. 163. DIRECTOR.

(a) APPOINTMENT.—There shall be at the head of the Clearinghouse a director, who shall be appointed by the Director of the Office of National Drug Control Policy in consultation with the Director of the National Institute on Drug Abuse.

(b) DUTIES.—The director of the Clearinghouse shall—

(1) encourage consultation between any National Drug Control Program agency that conducts or sponsors research on drug prevention or drug treatment, and any National Drug Control Program agency that disseminates such information;

(2) encourage, as appropriate, National Drug Control Program agencies to develop and implement drug prevention and drug treatment information dissemination plans that specifically target individuals, State and local governments, and nongovernmental entities involved in demand reduction;

(3) coordinate the dissemination of drug prevention and drug treatment information by such agencies to individuals, State and local governments, and nongovernmental entities involved in demand reduction.

SEC. 164. COOPERATION BY NATIONAL DRUG CONTROL PROGRAM AGENCIES.

Each National Drug Control Program agency shall cooperate with the director of the Clearinghouse in carrying out the provisions of this subtitle.

Subtitle G—Drug-Free Parents Empowerment

SEC. 171. SHORT TITLE.

This subtitle may be cited as the “Drug-Free Parents Empowerment Act”.

SEC. 172. DRUG-FREE PARENTS EMPOWERMENT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall make grants to support the efforts of parent organizations to develop and promote efforts to reduce illegal drug use among children in their communities.

(b) REQUIREMENTS.—A parent organization may receive a grant under subsection (a) only if the following conditions are met:

(1) The organization is a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The organization is governed primarily by parents of children who reside in the community involved.

(3) The organization has not less than five years experience in training, informing, and involving parents in substance-abuse prevention activities within such community.

(4) The application submitted pursuant to subsection (c) by the organization includes a strategy for increasing the involvement of parents in prevention activities, including parent training, that are carried out in such

community and that complement the work of other parts of the community regarding such activities.

(5) The application contains an agreement by the organization that the organization will not expend more than 10 percent of the grant for administrative expenses involved in carrying out the purpose for which the grant is made.

(6) Such application has been approved pursuant to a process of peer review established by the Secretary.

(c) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(d) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) for a fiscal year may not be made in an amount exceeding \$20,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$10,000,000 for each of the fiscal years 1999 through 2001.

TITLE II—PRIVATE SECTOR ANTI-DRUG PARTNERSHIPS

Subtitle A—Antiaddiction Medications

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Antiaddiction Medication Development Act”.

SEC. 202. FACILITATION OF APPROVAL FOR COMMERCIAL DISTRIBUTION OF ANTIADDICTION DRUGS DEVELOPED BY NATIONAL INSTITUTE OF DRUG ABUSE.

(a) IN GENERAL.—The Commissioner of Food and Drugs and the Attorney General of the United States shall, respectively, promptly provide to the Director of the National Institute on Drug Abuse a response to any request described in subsection (b) that is submitted to the Commissioner or the Attorney General by the Director regarding a drug—

(1) that is being developed by the Director as a maintenance or detoxification treatment for addiction to one or more narcotic substances;

(2) for which clinical trials are being or have been conducted to determine the safety and effectiveness of the drug; and

(3) for which the Director seeks or has approved a private entity to submit for the drug an application under section 505(b) of the Federal Food, Drug, and Cosmetic Act; and

(4) that likely will be added to one of the schedules of controlled substances pursuant to section 201 of the Controlled Substances Act.

(b) DESCRIPTION OF REQUEST.—For purposes of subsection (a), a request by the Director is a request that, with respect to a drug described in subsection (a), the Commissioner and the Attorney General exercise their discretion under the Federal Food, Drug, and Cosmetic Act, and the Controlled Substances Act, to accomplish one or more of the following (as applicable under the request):

(1) To carry out promptly section 201(b) of the Controlled Substances Act with respect to the drug (relating to the decision regarding on which of the schedules of controlled substances a drug is to be included).

(2) To advise the Director, and the sponsor of the application under section 505(b) of the Federal Food, Drug, and Cosmetic Act, on the actions that can be taken by the Director and the sponsor to facilitate the approval of the application.

(3) To designate the drug as a fast track product for purposes of section 506 of such Act.

(4) To provide the drug to physicians who request the drug for treatment purposes under section 561 of such Act (relating to the provision of investigational new drugs to patients who are not participating in clinical trials).

(5) To advise the Director and the sponsor of the application on the actions that can be taken to facilitate the designation of the drug under section 526 of such Act as being a drug for a rare disease or condition (commonly referred to as an orphan drug).

(c) PROCEDURES REGARDING SUBMISSION OF REQUEST; RESPONSE TO REQUEST.—

(1) REQUEST.—In making a request described in subsection (b), the Director shall—

(A) provide such information as the Commissioner or the Attorney General (as applicable) determines is necessary with respect to the request; and

(B) if the request is described in any of paragraphs (3) through (5) of such subsection, state the reasons underlying the determination of the Director that the drug involved may qualify for the status described in the paragraph involved.

(2) RESPONSE.—In providing a response to a request described in subsection (b), the Commissioner and the Attorney General shall state the reasons underlying the response, including as applicable, the reasons underlying any determination by the Secretary that providing a status described in any of paragraphs (3) through (5) of such subsection for the drug involved would be inconsistent with applicable law.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Commissioner" means the Commissioner of Food and Drugs.

(2) The term "Director" means the Director of the National Institute on Drug Abuse.

(3) The term "Attorney General" means the Attorney General of the United States.

SEC. 203. REPORT REGARDING INCENTIVES FOR DEVELOPMENT OF ANTIADDICTION DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), in collaboration with the officials specified in subsection (b), shall conduct a study for the purpose of determining whether there is a need to establish particularized incentives for the development of drugs to treat dependence on alcohol or on any controlled substance as defined in section 102 of the Controlled Substances Act (referred to in this section as "qualifying antiaddiction drugs").

(b) COLLABORATION AMONG AGENCIES.—For purposes of subsection (a), the officials specified in this subsection are as follows:

(1) The Commissioner of Food and Drugs.

(2) The Director of the National Institute on Alcohol Abuse and Alcoholism.

(3) The Director of the National Institute on Drug Abuse.

(4) The Director of the National Institute of Mental Health.

(5) The Administrator of the Substance Abuse and Mental Health Services Administration.

(c) CERTAIN ELEMENTS OF STUDY.—If in conducting the study under subsection (a) the Secretary determines that there is a need to establish particularized incentives for the development of qualifying antiaddiction drugs, the Secretary shall determine whether the incentives should include one or both of the following:

(1) Providing for increased cooperation among the agencies referred to in subsection (b) in order to facilitate the development and approval of such drugs.

(2) Establishing under the Federal Food, Drug, and Cosmetic Act particularized financial incentives for the development of such drugs.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study.

Subtitle B—Commission on Role of Medical Education in Reducing Substance Abuse

SEC. 211. NATIONAL COMMISSION ON THE ROLE OF MEDICAL EDUCATION IN REDUCING SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish an advisory commission to be known as the National Commission on the Role of Medical Education in Reducing Substance Abuse.

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a study for the purpose of determining the manner in which programs of initial and continuing medical education can be modified to improve the efforts of health professionals in preventing, diagnosing, and treating cases of substance abuse.

(2) DATE CERTAIN FOR COMPLETION.—Not later than one year after the date of the enactment of this Act, the Commission shall complete the study required in paragraph (1).

(3) REPORT.—Upon completing the study required in paragraph (1), the Commission shall prepare a report describing the findings made as a result of the study. The report shall be submitted to the President, to the appropriate departments and Federal agencies, and to the appropriate committees of the Congress. The Commission may include in the report any recommendations of the Commission regarding administrative or legislative actions. The Secretary shall disseminate the report to the public health officers of the States with the request that the States disseminate the report to public and private programs within the State that provide education in the health professions.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 10 voting members appointed in accordance with paragraph (2) and the non-voting, ex officio members designated under paragraph (3).

(2) APPOINTMENT OF NON-FEDERAL INDIVIDUALS.—Subject to paragraph (3), the voting members of the Commission under paragraph (1) shall be appointed by the Secretary, and shall be appointed from among individuals who on the day before being appointed were not officers or employees of the Federal Government. Of such members—

(A) one shall be a representative of the American College of Physicians;

(B) one shall be a representative of the American Medical Association;

(C) one shall be a representative of the Association of Professors of Medicine;

(D) one shall be a representative of the American Academy of Pediatrics;

(E) one shall be a representative of the Association of American Medical Colleges;

(F) one shall be a representative of the Association for Substance Abuse Medicine;

(G) one shall be a representative of the American Society of Addiction Medicine;

(H) one shall be a representative of the American Academy of Family Physicians;

(I) one shall be a representative of the American Academy of Neurology; and

(J) one shall be a representative of the American College of Preventive Medicine.

(3) EX OFFICIO MEMBERS.—Each of the following officials (or the designees of the officials) shall serve as the ex officio members of the Commission under paragraph (1):

(A) The Director of the National Institutes of Health.

(B) The Director of National Drug Control Policy.

(C) The Director of the Center on Substance Abuse Prevention.

(D) The Director of the Center on Substance Abuse Treatment.

(E) The Surgeon General of the Public Health Service.

(d) CHAIR.—The Commission shall, from among the members appointed under subsection (c)(2), designate an individual to serve as the chair of the Commission.

(e) TERMS.—The term of a member of the Commission appointed under subsection (c)(2) is for the duration of the Commission.

(f) VACANCIES.—

(1) AUTHORITY OF COMMISSION.—A vacancy in the membership of the Commission does not affect the power of the remaining members to carry out the duties under subsection (b).

(2) APPOINTMENT OF SUCCESSORS.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(3) INCOMPLETE TERM.—If a member of the Commission does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(g) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chair or a majority of the members. The Commission shall meet no fewer than four times.

(2) QUORUM.—A quorum for meetings of the Commission is constituted by the presence of six of the members appointed under subsection (c)(2).

(h) COMPENSATION; REIMBURSEMENT OF EXPENSES.—

(1) APPOINTED MEMBERS.—Members of the Commission appointed under subsection (c)(2) shall receive compensation for each day (including traveltime) engaged in carrying out the duties of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS-15.

(2) EX OFFICIO MEMBERS.—Members of the Commission who are designated under subsection (a)(4) may not receive compensation for service on the Commission in addition to the compensation otherwise received for duties carried out as Federal officers or employees.

(3) REIMBURSEMENT.—Members of the Commission may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(i) STAFF AND CONSULTANTS.—

(1) STAFF.—

(A) IN GENERAL.—The Commission may appoint and determine the compensation of such staff as may be necessary to carry out the duties of the Commission, including an executive director. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

(B) LIMITATION.—Staff members appointed under paragraph (1) may not be compensated in excess of the maximum rate of basic pay payable for GS-15, except that the executive director may not be compensated in an amount exceeding the maximum rate of basic pay payable under the General Schedule for positions above GS-15.

(2) CONSULTANTS.—The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission may determine to be appropriate in carrying out the duties under subsection (b). The Commission may not procure services under this subsection at any rate in excess of the daily equivalent of the maximum annual rate of basic pay payable under the General Schedule for positions above GS-15. Consultants under this subsection may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred for activities carried out on behalf of the Commission pursuant to subsection (b).

(j) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall, on a reimbursable basis, provide for the Commission such quarters and administrative support as may be necessary for the Commission to carry out the duties under subsection (b).

(k) DURATION OF COMMISSION.—The Commission terminates 45 days after the date on which the report under subsection (b)(3) is submitted under such subsection.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Commission" means the National Commission on the Role of Medical Education in Reducing Substance Abuse.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$1,000,000 for fiscal year 1999, to remain available until the termination of the Commission under subsection (k).

TITLE III—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

SEC. 301. SENSE OF CONGRESS.

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

(1) Illegal drug use is dangerous to the physical well-being of the Nation's youth.

(2) Illegal drug use can destroy the lives of the Nation's youth by diminishing their sense of morality and with it everything in life that is important and worthwhile.

(3) According to recently released national surveys, drug use among the Nation's youth remains at alarmingly high levels.

(4) National leadership is critical to conveying to the Nation's youth the message that drug use is dangerous and wrong.

(5) National leadership can help mobilize every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

(6) As of September 1, 1998, 76 Members of the House of Representatives were establishing community-based anti-drug coalitions in their congressional districts or were actively supporting such coalitions that already existed.

(7) The individual Members of the House of Representatives can best help their constituents prevent drug use among the Nation's youth by establishing community-based anti-drug coalitions in their congressional districts or by actively supporting such coalitions that already exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the individual Members of the House of Representatives, including the Delegates and the Resident Commissioner, should establish community-based anti-drug coalitions in their congressional districts or should actively support such coalitions that already exist.

Subtitle B—Rejection of Legalization of Drugs

SEC. 311. SENSE OF CONGRESS.

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

(1) Illegal drug use is harmful and wrong.

(2) Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense.

(3) The greatest threat presented by such use is to the youth of the United States, who are illegally using drugs in increasingly greater numbers.

(4) The people of the United States are more concerned about illegal drug use and crimes associated with such use than with any other current social problem.

(5) Efforts to legalize or otherwise legitimize drug use present a message to the youth of the United States that drug use is acceptable.

(6) Article VI, clause 2 of the Constitution of the United States states that "[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding."

(7) The courts of the United States have repeatedly found that any State law that conflicts with a Federal law or treaty is preempted by such law or treaty.

(8) The Controlled Substances Act (title II of Public Law 91-513; 21 U.S.C. 801 et seq.) strictly regulates the use and possession of drugs.

(9) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Treaty similarly regulates the use and possession of drugs.

(10) Any attempt to authorize under State law an activity prohibited under such Treaty or the Controlled Substances Act would conflict with that Treaty or Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several States, and the citizens of such States, should reject the legalization of drugs through legislation, ballot proposition, constitutional amendment, or any other means; and

(2) every State should make efforts to be a drug-free State.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

SEC. 321. REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the Federal Government to reduce the demand for illegal drugs in the United States are frustrated by the fragmentation of those efforts across multiple departments and agencies; and

(2) improvement of those efforts can best be achieved through consolidation and coordination.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committee a report evaluating options for increasing the efficacy of drug prevention and treatment programs and activities by the Federal Government. Such option shall include the merits of a consolidation of programs into a single agency, transferring programs from one agency to another, and improving coordinating mechanisms and authorities.

(2) RECOMMENDATION AND EXPLANATORY STATEMENT.—The study submitted under paragraph (1) shall identify options the Director deems have merit, and an explanation which options should be implemented.

(3) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated to the Director of National Drug Control Policy \$1,000,000 for contracting, policy research, and related costs.

(c) APPROPRIATE COMMITTEE DEFINED.—In this section, the term "appropriate committees" means the Committee on Appropriations, the Committee on Commerce, and the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations, and Committee on Labor and Human Resources of the Senate.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word, and I rise in support of the bill.

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

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ROS-LEHTINEN:

Page 26, line 16, strike "\$20,000" and insert "\$50,000".

Ms. ROS-LEHTINEN. Mr. Chairman, as an educator and as a parent of two daughters, I know firsthand that children learn most from their parents. Educating parents to teach children about the dangers of drugs has always been and continues to be the single most effective way of preventing children from using drugs.

Nancy Reagan, as a mother and as a First Lady, became an active and vocal crusader to empower the parent. By 1991, with the help of involved parents leading the war against drugs, Mr. Chairman, drug use dropped by 50 percent. Since then, drug use has once again increased despite the many funds we continue to pour into fighting this battle.

One of the problems is that we have failed to understand and take seriously the role of the parent as the leader in the drug war, and we have failed to identify the parent as the person in power.

I thank my colleague, the gentleman from Ohio (Mr. PORTMAN), for taking the initiative in introducing legislation that will authorize funds and encourage States to get parents involved in our battle against drugs. The gentleman from Ohio (Mr. PORTMAN) is regarded by the Congress as the leader in getting grass roots involvement in the drug battle. We all appreciate our colleague's effort and leadership. His bill merits an increase in limitation funds for grants awarded, and that is what my amendment would do. It would increase the competitive grant limitation amount from 20,000 to \$50,000 to establish and improve programs that seek to educate and prepare parents to teach their children about the hazard

of drugs. In the past, the lack of funding and proper training has inhibited the parental empowerment movement. Parents are our first line of defense in this national drug war, and so I ask my colleagues to support this amendment to bring us one step closer to victory.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want my colleagues to know that this side accepts the amendment.

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

Briefly, Mr. Chairman, I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her help on this legislation. She is a champion for the parent movement around the country, and I think this is an improvement to the legislation. My colleague agrees, we support the amendment, and we urge our colleagues to do the same thing.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Wisconsin:

Page 10, line 7, insert after "employee drug testing" the following: "by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, or the College of American Pathologists, and each positive test result shall be reviewed by a Licensed Medical Review Officer".

Mr. BARRETT of Wisconsin. Mr. Chairman, this amendment simply makes the language in this bill identical to the language in a bill passed earlier this year, the Drug-free Workplace Act of 1998. That bill passed the House on June 23 by a 402-to-9 vote. It makes it clear that in those drug-free workplace grants that companies obtain or that nonprofits obtain, that the employee drug testing has to be done by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, the College of American Pathologists, and each positive test result shall be reviewed by a licensed medical review officer. Those are quality concerns.

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

I would just say, Mr. Chairman, that I very much support this amendment. I think it again improves the legislation. It clarifies the intent of the legislation. It also is consistent, as the gentleman from Wisconsin (Mr. BARRETT) says, with the changes which were made in the previous authorization which did pass the House with an overwhelming bipartisan margin.

So we would certainly accept that amendment, and I appreciate the gentleman's help in improving it.

□ 1815

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOUDER

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

The Clerk read as follows:

Beginning on page 21, strike lines 7 and all that follows through page 22, line 9, and insert the following:

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency shall—

"(1) establish a standard of quality for drug prevention programs implemented in public schools in the States in accordance with subsection (b); and

"(2) identify and designate, upon application by a school, any public school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of alcohol, tobacco, and drugs by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug or alcohol related offenses;

"(3) the effectiveness of the program as proven by research;

"(4) the involvement of parents and community members in the design of the drug prevention program; and

"(5) the extent of review of existing community drug prevention programs before implementation of a public school program.

"(c) REQUEST FOR QUALITY PROGRAM DESIGNATION.—A school that wishes to receive a quality program designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program designation in accordance with this section."

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

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

There was no objection.

Mr. BARRETT of Wisconsin. Mr. Chairman, I withdraw my point of order.

Mr. SOUDER. Mr. Chairman, I rise today to offer a perfecting amendment to this bill.

Let me be perfectly clear. I support the bill as it is currently drafted, and I

am one of 14 original cosponsors. I believe, however, that the bill could be perfected with the minor adjustment my amendment offers.

As the bill stands now, the subtitle that amends Safe and Drug Free Schools would allow the Secretary of Education to develop a rating system to determine whether a public school has a quality drug program. My perfecting amendment would change this provision to require that States, rather than the bureaucrats inside Washington, establish their own standard of quality for drug prevention programs within their borders.

My rationale in offering this change is simple. It would ensure that authority over education programs be maintained where it should be: at the State level.

It is important to keep in mind that while this amendment would require States to establish their own standards, my amendment would still require modest criteria to be considered by States in their determination of quality. At a minimum, the criteria required would be the following:

The rate of illegal use of alcohol, tobacco or drugs by the students enrolled in the school; the rate of suspensions or expulsions of students enrolled in the school for drug or alcohol-related offenses; the effectiveness of the program as proven by research; the involvement of parents and community members in the design of the drug prevention program; and the extent of review of existing community prevention programs before the implementation of a public school program.

While not being overly prescriptive for States, I believe these criteria will encourage schools to rely on necessary tools that will help them craft effective programs, such as: parental and community input into their drug prevention programs; an accurate assessment of the scope and the frequency of the problem in their school districts; and reliance on reliable research.

Additionally, my amendment continues the bill's current emphasis on the importance of publicly disclosing and highlighting effective programs. The amendment would require State authorities to open up for public inspection at least once per year the names of all schools that have been designated as having formulated quality drug programs.

As we all work in our home districts and our home States, we see that one of the things we need to encourage is the development and widespread dissemination of those programs that have been effective at tackling the problems.

In requiring public notification, I believe we close that loop of what we are trying to accomplish. Public notification is a vital part of the process.

Additionally, open information will facilitate the dissemination of the message to students that the use of illicit drugs and illegal alcohol and tobacco use will not be tolerated, either in schools or outside of them.

I believe my perfecting amendment, which I worked on with the gentleman from Pennsylvania (Mr. GOODLING) of the Committee on Education and the Workforce, and much of this was developed at his suggestion and his leadership, is in the process of formulating a highly effective piece of legislation. The students of America deserve nothing less.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from Indiana would engage me perhaps on a couple of questions, I would request of the gentleman to tell me a little bit more about what his intent is, what his problem is with the current law.

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

Mr. BARRETT of Wisconsin. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the discussion we had as part of this process in not going through the full Committee on Education and the Workforce, I talked with the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, as did the gentleman from Ohio (Mr. PORTMAN), and we tried to work this out yesterday and did not get to the Committee on Rules in time, because there is a strong feeling that this decision should be at the State level and we should encourage each State to develop the standards with these guidelines. It is a pattern that we have done in the Committee on Education and the Workforce, is to set national guidelines of what we expect, but leave the final decision-making to the States rather than the Department of Education.

Mr. BARRETT of Wisconsin. Mr. Chairman, reclaiming my time, could the gentleman inform me as to his problem with the current system?

Mr. SOUDER. Mr. Chairman, if the gentleman will continue to yield, we do not have a current system. This is just an amendment to the new bill that we have in.

In that bill, in our first draft we had the Department of Education doing it, and we felt, consistent with everything else we have been doing, it would be better to encourage the States to do it. It is not just saying hey, come up with a word. It is saying, here are the criteria. The criteria did not change. We merely moved the agency where the public dissemination will occur and where the awards will be given to the governors as opposed to the Secretary of Education.

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

Mr. BARRETT of Wisconsin. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, let me just try to further clarify.

I think under the legislation it is fair to say that the Secretary had the discretion either to do it at the Federal level or the State level. This change would say that indeed, it should be done at the State level, which I think

is consistent generally speaking with the legislation in the sense that we are trying to focus on State and local communities. It also happens to be something important to the chairman, and he gained a waiver. This is something that was raised with me.

This is a good provision. The quality assurance is going to enable parents to know whether these schools are using drug-free school money appropriately and forces them to have a needs assessment and forces them to bring parents in and have research-based programming. The question is just whether that will be a requirement at the State level or something at the Federal level.

Our legislation frankly left it open originally, and this would say it should be done at the State level.

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

Mr. BARRETT of Wisconsin. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, just briefly, I think it is also consistent with how we do the Safe and Drug Free Schools Act and this brings it all together. It is not that the other was bad, that is why I was an original cosponsor of this. It just clarifies it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

Add at the end of the bill the following title:

TITLE IV—MISCELLANEOUS PROVISIONS
SEC. 401. DRUG TESTING AS CONDITION OF FEDERAL EMPLOYMENT.

Each individual appointed to an employment position with the Federal Government after the date of the enactment of this Act is appointed with the employment condition that the individual is subject to random, unannounced testing for the illegal use of any controlled substance (as defined in section 102 of the Controlled Substances Act).

Mr. TAYLOR of Mississippi. Mr. Chairman, earlier today we voted to increase the effort on the war on drugs by about \$2 billion. We have in different States, including my home State of Mississippi, some of the toughest laws on Earth with regard to drug dealers, a law that with others I helped pass in Mississippi, which says that if one sells 2 ounces of cocaine, 2 ounces of heroin, 100 pills or 10 pounds of marijuana over the course of a year, if one is caught and convicted, one will spend the rest of one's life in prison.

I have flown counterdrug missions with the Colombian National Police, the helicopters that go out and fly cover for the crop dusters. We have SEALs and special forces on the ground in Central America right now training their people in counternarcotics operations. We have a riverine school in Iquitos, Peru, using our Marines and our SEALs to train them in drug inter-

diction. We have had submarines off the coast, P-3s, E-3s, AWACS, just about everything in the American inventory involved in the war against drugs, and it is not working.

The reason it is not working is that we have this incredible double standard in America where we say, it is bad to sell drugs, but somehow it is all right to use them. It is not all right to use them.

I happened to enlist in the Coast Guard about the time that our armed forces hit rock bottom as far as drug usage. It was fairly common every night for our barracks to smell like the Marrakesh Express. Incidentally, almost every barracks around the world where there were American troops back then smelled like the Marrakesh Express, it was so common for marijuana and other illegal narcotics to be used.

By 1973 or so the military got serious about it and they implemented drug testing. First, it was a fairly lenient program that says, if we catch you, we are going to put you through treatment, we are going to give you a second chance, maybe even a third chance. That over the years has gotten tighter now to where if they catch someone using drugs, they are immediately removed from the force.

Guess what? The closest thing we have in America to a drug-free society is the American military, because they know that justice is sure and it is swift and if they are caught using drugs, they are going to be removed from the military.

Mr. Chairman, I do not think anyone who works for our Nation should be using drugs, illegal drugs, taking their Federal paycheck, paid for by the taxpayers of this country, and buying illegal drugs. I think this is a first step towards sending the message that we are not going to tolerate drug use in America.

For this reason I offer this amendment. I think it is just a first step. It would allow the supervisors to, if they have reason to believe one of their employees is using drugs, to demand a drug test. It does not call for them to be fired. But I would hope that the executive branch of the government would follow this up with hard and fast rules calling for treatment, calling for some way of getting people off drugs, and eventually tighten up those rules to where people who are caught using drugs, after adequate warning, are removed from the Federal payroll.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment, although well intentioned, is clearly unconstitutional. The courts have consistently held that when addressing the privacy considerations of Federal employees, that they have to be measured in a context that provides for a reasonable search. And in making the determination as to whether the search is reasonable, they look at the security

risks. That is why when the gentleman from Mississippi talked about the military, there clearly is a security risk dealing with military personnel.

Just last year there was a case, *Stigile v. Clinton*, decided by the United States Court of Appeals for the District of Columbia, decided April 15, 1997, and in that case, the Court held that employees of the White House who worked with the President and the Vice President on security could be subject to random drug searches. But it also went on to talk about the need for a nexus.

Clearly, there is no nexus provided by simply being a Federal employee and having the drug test. There has to be a nexus, there has to be a test as to whether it is reasonable. Simply working for the Federal Government, being an employee for the Federal Government in and of itself does not provide that nexus.

So this provision is clearly unconstitutional. It violates individuals' Fourth Amendment right to privacy, and it would be a huge mistake for this House to adopt this amendment. It not only would be unconstitutional, but I am sure it would doom this bill, and I ask my colleagues to strongly defeat this measure.

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

Mr. Chairman, I simply want to point out that I do not think this is a good idea for various constitutional reasons and other reasons. Also, we have to think about the cost, the fact that there would be a high error ratio; the fact that there would be retesting that would be necessary. It is the kind of issue we have discussed before and have stricken, and I think that it should be stricken again.

Because of the camaraderie, conviviality, nonpartisan situation in this Congress that I hope for, I yield to the gentleman who is the sponsor of this amendment, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentlewoman from Maryland, particularly for giving her thoughts on this measure.

□ 1830

In response to what has been said earlier, we are getting ready to have drug testing of teenage drivers just to get a driver's license. We are encouraging private sector employers through this bill, which is the main thrust of this bill, because are encouraging private sector employers to test their employees for drugs.

Ladies and gentlemen, we are the largest employer in America. Why on Earth would we tell all the other smaller employers that we think this is a great idea for them if we do not think it is a great idea for us?

There is a real war being fought on drugs. I visited a Colombian Lansero, that is their word for Ranger, battalion in February on a Thursday. They went

out the following Tuesday. There was 125 of them. By the following Thursday, only 18 of them were still alive or not captured. It is a real war.

You read in the paper of American crop dust pilots in training accidents over Colombia. Who is kidding who? They were shot down because there is a bounty on people who fly the crop dusters to eradicate the heroin in the coca fields, \$5,000 a plane. If you are a Colombian peasant, \$5,000 looks like a heck of a lot of money, and it is certainly worth taking a few potshots at an American pilot for.

It is a real war. I do not think it is fair to ask some Americans to put their lives on the line when we are not even going to ask other Americans who worked for this Nation to just be subject to a test to let us know that they are on our side, not on their side, on our side, that they are living within the law.

That is what the congressional inquiry into the President is all about: Is the highest elected official living by the law? Yes? No? I think every single Federal employee, Congressman, every one of us ought to live by the law and be subject to testing to make sure that we are living by the law.

That is why I offered this amendment. It is not enough to send troops all over Latin America, because when you solve the problem in Peru, it goes to Colombia. When you fix it in Colombia, it is going to go to Belize.

A lot of the heroin has come out of southeast Asia. We have tried to go over there and tell them our will. They did not like the idea. I do not think anyone is a proponent of sending more Americans over to Southeast Asia right now.

The problem is in America. It is not in Colombia. It is not in Peru. It is not in Belize. It is not in Thailand. It is here in America. I think the way we start solving the problem in America is by telling our employees, the people that work for America, do not use illegal drugs. It is real simple.

All the death sentences and drug kingpin laws are not going to do anything because there is so much money to be made; because if you go after this kingpin, he is just going to be replaced by another.

The way you solve the problem is one at a time when you start telling Americans we are not going to tolerate drug use. The bill says to the private sector we are going to encourage you, we are going to give you grants, we are going to do all these great things for you if you will ask your employees to quit using drugs.

Doggone it, if it is a good idea for them, it is a good idea for us. The bill is clearly constitutional. We have drug testing for any number of reasons in this country. I think everyone who works in our government in some way contributes to our national security.

The amendment has been ruled in order by the Parliamentarian, and I will be asking for a vote on it.

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

Mr. Chairman, I would like to ask the sponsor of the amendment a question, and I will yield to him in a moment once I get the question asked.

I read the amendment. During the gentleman's discussion, he said that the way this thing would work is that if a supervisor had some kind of cause to believe, I think he said, and he can correct me if I am wrong, to believe that someone might be using drugs, that that might be the reason for a drug test, so that might be the cause; is that correct?

Mr. Chairman, I yield to the gentleman from Mississippi (Mr. TAYLOR) to answer that question.

Mr. TAYLOR of Mississippi. Mr. Chairman, right now, we have no means of asking someone who shows up at work apparently stoned out of their mind, there is absolutely nothing right now their supervisor can do. I would like to give him the opportunity to say, I think you ought to take a drug test.

Let me make this perfectly clear. In order to make it constitutional, since the gentleman did have a question, this is for new hires as a subject of a condition of employment. When someone walks in, from the passage of this bill forward, they know that if they accept a job with the Federal Government, as a condition of employment they are subject to drug testing. That is clearly constitutional, because it is done every day in the private sector as a condition of employment.

Mr. CUMMINGS. Mr. Chairman, I reclaim my time for another question. I guess the gentleman is still not answering my question. What I am going to ask is exactly the practicality of how this works.

In the gentleman's amendment, it talks about random unannounced testing. I am just asking, is there something; but in the gentleman's statement of explanation of the amendment, he talked about having some kind of cause to believe that this person, and he just did it again, as having some cause to believe that this person is using drugs.

I guess my question is, when the gentleman talks about random and unannounced, as I read this amendment, that means that we do not even have to have any kind of cause. I mean, is it one or the other, or is it both? Is the gentleman following me?

First of all, I believe that the gentleman's intentions are good, and I know the gentleman is concerned, because I know we have talked about this subject before. I guess I am trying to look at the practicality and trying to make sure that when the Members vote on the amendment, they understand what they are voting for.

It is one thing if the gentleman is saying that having some kind of a reasonable belief that this person is using drugs, that is one thing; to say that it

is just random and unannounced for anybody at any time, that is a whole other thing.

So I am asking the gentleman for clarification so that all of us will know what we are voting on, what the gentleman's intent of the amendment is.

Mr. Chairman, I will yield to the gentleman to answer.

Mr. TAYLOR of Mississippi. Mr. Chairman, it can be done at any time as a condition of employment, just as my daughter, the college athlete, is subject to a random drug test and it is on a regular basis a condition of an athlete at the college.

Mr. CUMMINGS. Mr. Chairman, I reclaim my time. So the gentleman is telling me, contrary to what he said a little bit earlier, there does not have to be any kind of cause. There does not have to be any kind of reason for believing or suspecting that that person may be using drugs. Is that correct?

Mr. Chairman, I yield to the gentleman from Mississippi to answer.

Mr. TAYLOR of Mississippi. Mr. Chairman, this is a democracy. We are a work in progress. If during the course of the debate of this bill, if during the conference the gentleman thinks it needs to be perfected, I would welcome that. But we have to start somewhere.

Mr. CUMMINGS. Mr. Chairman, reclaiming my time, the reason why I ask those questions is because, when the gentleman talked about having a reasonable belief that the person may be using drugs, I think that is a very, very tough determination to make.

I mean, it is one thing when somebody comes in stoned; it is another thing if somebody perhaps wants, and I have seen this in my State where there has been random drug testing and testing for cause, the kind of cause that the gentleman talked about a little bit earlier and what happened. There has been some abuse of that where a supervisor may have wanted to get rid of an employee or whatever, that kind of thing.

The other thing that I am concerned about is, once they discover the person is on drugs, having some kind of way so the person does not lose their job, I know that is the gentleman's intent, so that the person can get some type of treatment as opposed to that person losing their job.

We have seen that come up, like I said, in many instances in our Workman's Compensation laws in Maryland.

Mr. Chairman, I yield to the chairman of the subcommittee, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to make it clear that this bill does not require drug testing for other employees. What it does have is it has a voluntary program, a demonstration program. In that program, companies who take advantage of it as one of the components must have a drug testing provision, but it does not necessarily apply to all employees. It does not necessarily apply to new employees. It can be simply enacted for

repeat offenders for an individual who has a drug problem. So let me make it very clear that this bill does not require drug testing for anyone who is in an employment situation.

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

Mr. Chairman, this amendment came as a surprise to us today. I just listened to the debate carefully and I have to say a couple of things. One is, I am very sympathetic in general to the idea that has been raised by the gentleman from Mississippi (Mr. TAYLOR), which is to have drug testing at the Federal Government level.

We already have drug testing, as I think my colleagues know, for safety-sensitive positions in the Federal Government. There are some concerns that have been raised today, including the fiscal impact. We would have not only a bureaucracy to administer this but we would have, I think necessarily, an employee assistance program. I certainly would think that that would be required. We would have to have some treatment options, which is in the legislation for the small business aspect of this. We would also have to have the costs of the test borne by the taxpayer.

I know CBO has not yet done an estimate of this legislation, but I would like to see what those costs are. I think that would be appropriate for the Congress to review before we acted on it.

The constitutional issues have been raised. I think there is some gray area here, but probably there would be a constitutional issue based on the case law that we have seen, looking at the issue of drug testing here in this Chamber. So I think that is a real issue, certainly. I am not saying that that is a reason not to do it. It would then become a test case, but it is certainly not clear at all.

In the legislation, we have the ability for small businesses to get technical assistance to put in place drug testing, but the legislation only requires that it be some kind of testing, including pre-employment drug testing, including employment drug testing for cause; in other words, after there has been an accident where there is some suspicion of use that there be drug testing. It would not require the small companies that took advantage of the program have unannounced or random drug testing. So this does go further than the legislation before us in that respect.

I guess what I would say to my friend, the gentleman from Mississippi (Mr. TAYLOR), who I am sympathetic with on this issue, I would like to work with him on it. Maybe there is something we can put together through a more thoughtful process where we look at some of these issues, get the costs, figure out whether there is a way to narrow it so it is more targeted. Yet, I think to add it to this legislation at this time is not something that I personally would be able to support.

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

Mr. Chairman, I too want to say that I am very much in sympathy with this and, generally speaking, since the time I was a staff member in the other House and worked with Senator COATS in drafting the first drug testing in schools, allowable use of it for safe and drug-free schools, it is working in the drug testing clause in the higher ed bill that we are moving through right now and through my subcommittee we moved the workplace bill.

Among the things we heard in the hearings, however, is that unless the chief executives were being tested along with their employees, there was sort of a double standard. This obviously raises another question in the bill offered by the gentleman from Texas (Mr. BARTON) about drug testing Members of Congress. What I have learned as I have had myself drug tested, that in putting these things in, we cannot even use our staff allowances to do the drug testing.

It is not clear in this bill, and I understand why the gentleman from Mississippi (Mr. TAYLOR) does not have it, that we do not have it for the heads of the agencies rather than just the people coming in.

In addition to the concerns that the gentleman from Ohio (Mr. PORTMAN) read, I have to sort through what I am going to do on the bill, but I am concerned that we might wind up in a situation where we actually set back drug testing, when I ultimately agree with the gentleman's point that what we want to do is advance how we effectively do this.

When we drug test, it is the best prevention program. It is the way to have people be clean. Because the larger companies in this country are, in fact, doing drug testing, abusers have moved to the smaller companies. If we are not careful, they are going to move into Federal employment.

Like the gentleman has mentioned in his statement, that is one of the reasons the military has become clean. I am very empathetic to the gentleman's point, but I wish we could work together in trying to figure out how to do this in the most effective way. I remain uncertain how I am going to vote, but I am very sympathetic with the goals, and I want to make sure we can do it in the most effective way and make sure we actually have drug testing programs that work.

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

Mr. Chairman, first I want to thank the gentleman from Ohio (Mr. PORTMAN) for his excellent work on the base bill. He has done a tremendous job.

I am rising specifically to support the amendment of the gentleman from Mississippi (Mr. TAYLOR). The gentleman from New York (Mr. SOLOMON) and I have been working in this Congress to implement the House rule that

says all Members of Congress and the congressional staff shall be drug tested. We have a House rule that is ready to come to the floor. We have to honor the Speaker's request that there be a Republican conference on the proposed implementation of the House rule before we bring it to the floor, and I am still hopeful that we can hold that conference and bring that rule, House rule, to the floor in the next 3 weeks.

In the meantime, the amendment of the gentleman from Mississippi (Mr. TAYLOR) that would require as a condition of employment all Federal employees to be drug tested is a giant step in the right direction.

I have a drug testing plan in my office for myself and my congressional staff. I have had it since 1989. I have extensively worked with the business community, the social welfare community, on making sure that any drug testing plans, first that they are accurate, and second that they are confidential, and that they are implemented in a fair fashion.

□ 1845

As has been pointed out, drug testing does work. It identifies the people that have the problem. It also in most plans gives an opportunity to go into drug counseling rehabilitation. And if we were to pass the Taylor amendment, which I will enthusiastically support, it would help combat the drug problem that faces our country.

So, again, I want to commend the gentleman from Ohio (Mr. PORTMAN) for bringing the base bill to the floor, and I thank the gentleman from Mississippi (Mr. TAYLOR) for taking the advantage of putting the amendment on, and I hope that we adopt this by unanimous consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

Mr. BARRETT of Nebraska. 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 CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. RAMSTAD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RAMSTAD:
At the end of title I, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle H—Addiction Reduction Through Treatment

SEC. 181. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Addiction Reduction Act of 1998".

SEC. 182. FINDINGS.

Congress finds the following:

(1) Substance abuse, if left untreated, is a medical emergency.

(2) Parity should apply to benefits for treatment sought voluntarily, including treatment for substance abuse.

(3) Nothing in this subtitle should be construed as prohibiting application of the concept of parity to substance abuse treatment provided by faith-based treatment providers.

SEC. 183. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS UNDER THE PUBLIC HEALTH SERVICE ACT.—(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) EXEMPTIONS.—

"(1) SMALL EMPLOYER EXEMPTION.—

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

"(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

"(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan

(or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) DEFINITIONS.—For purposes of this section—

"(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

"(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

"(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

"(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services but only insofar as such treatment services are abstinence-based.

"(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

"(A) Inpatient treatment, including detoxification.

"(B) Non-hospital residential treatment.

"(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

"(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

"(f) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002."

(2) Section 2723(c) of such Act (42 U.S.C. 300gg-23(c)), as amended by section 604(b)(2) of Public Law 104-204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice

requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan."

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) The amendments made by subsection (b) apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2000.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

Mr. HASTERT. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. RAMSTAD. Mr. Chairman, I rise to offer a critical missing component to the bill before us today. In an attempt to overcome germaneness hurdles, I have modified this amendment so it will not amend ERISA. However, I am aware that other parliamentary concerns have now been raised and I may be forced to withdraw my amendment.

Mr. Chairman, let me say this. While the goals of this anti-drug package before us today are certainly laudable, we will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans out there tonight suffering the ravages of drug and alcohol addiction. Twenty-six million American addicts already today.

Since 1956, as we all know, the American Medical Association has said addiction is a disease. We all pay lip service to it, but only 2 percent, only 2 percent of the 16 million Americans covered by health insurance plans which purport to cover chemical dependency treatment are able to get effective treatment. Ninety-eight percent of those covered by insurance plans cannot get effective treatment.

Mr. Chairman, that is because treatment for addiction is discriminated against, unlike treatment for any other diseases. Barriers to chemical dependency treatment that the insurance

companies erect include discriminatory caps, artificially high deductibles and copayments, as well as other restrictions on treatments such as limited treatment stays that are not imposed on other diseases.

In fact, the average treatment stay allowed by health insurance plans is from 2 to 7 days. Every treatment professional in America, and every one of the 1.7 million Americans who are recovering from addiction, knows that no one can get effective treatment in less than one week. It is a fraud on the American people.

Truly, to reduce illegal drug use in America we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. That is what this amendment does. It just says we should not discriminate against alcohol and drug addiction treatment any more than we would discriminate against treatment for diabetes or kidney failure, renal failure, heart disease, or any other disease.

We have all the empirical data in the world and all the actuarial studies to prove that parity for chemical dependency treatment will actually save money. For every dollar that we invest, it will save \$7 down the road. Health care costs for untreated alcoholics and addicts are 100 percent higher, as all the studies show, than for the cost of those who have been treated.

Mr. Chairman, we can build all the fences on our borders that money can buy. We can hire all the border guards that we can find. But simply dealing with the supply side of this problem and paying lip service to the demand side will not solve the problem of addiction.

Mr. Chairman, we are going to continue to be back here year after year with drug bills and we are not going to make a dent in the problem.

Mr. Chairman, as a recovering alcoholic myself, I know firsthand the value of treatment. As someone who stays close to other recovering people and addicts, alcoholics and addicts, I am alarmed by the dwindling access to treatment in America. Sixty percent of the adolescent treatment beds over the last 10 years are gone. Fifty percent of the treatment beds for adults over the last 10 years are gone because we continue to allow this discrimination, these barriers against treatment.

That is why we have, and I say "thank you" to them, my 93 colleagues, cosponsors from across the ideological spectrum here who have cosponsored this bill. Twenty called my office in the last 2 days to speak on this important amendment to provide access to treatment.

We must, Mr. Chairman, at some time listen to the experts, the experts about our Nation's number one public health and public safety problem. Addiction in America must be addressed before we will ever make significant progress in the illegal drug and alcohol abuse problem.

Mr. Chairman, we need to listen to the 93 colleagues who are cosponsors of my treatment parity legislation. We need to listen to General Barry McCaffrey, who said this is the single most important element in addressing the illegal drug problem. The single most important element is substance abuse treatment parity.

We need to listen to President and Mrs. Ford, who came to Washington to plead with us to pass drug and alcoholism treatment parity. We need to listen to the 17,000 treatment professionals who comprise the National Association of Alcohol and Drug Abuse Counselors, treatment professionals in the trenches and the field every day dealing with sick people who need help.

We need to listen to the physicians of the American Society of Addiction Medicine who support treatment parity, physicians like Navy Captain Ronald E. Smith and Captain Joseph A. Pursch, who support treatment parity.

Mr. Chairman, this is a life-or-death issue for 26 million Americans. This is not another political issue, and it should not be that. It clearly should be included in this package. I am deeply saddened that as we consider the bill designed to reduce demand for drugs in this country, I cannot offer this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in support of Representative RAMSTAD's amendment which prohibits health insurance plans from providing lower levels of benefits for substance abuse treatment services than for medical and surgical benefits.

Illegal drug use is taking an enormous toll on our society—both financially and emotionally. Over 26 million Americans suffer from alcoholism and drug addiction and illegal drug use and alcohol abuse reduces workplace productivity, devastates families and contributes to a high crime rate. We must address this serious problem.

Today, we are considering a number of bills intended to end the scourge of drugs. A great deal of effort is focused on eliminating the flow of drugs into this country. But ending the flow of drugs is not enough. If we are truly committed to a drug-free society, we must also stop the demand for drugs. This means educating people, especially our children, on drug prevention. It also means treating those who are already suffering from drug and alcohol addiction. As a nurse, I know substance abuse addiction is a complicated disease. But I also know that treatment programs work. For every dollar invested in treatment, there are significant savings in health care costs. The statistics are clear—addicts who undergo treatment are less likely to require emergency room visits or hospitalization. They are also less likely to suffer the long-term medical complications that accompany drug and alcohol abuse. And treatment not only reduces health care costs, it reduces crime and increases workplace productivity.

Comprehensive substance abuse treatment just makes sense. But treatment is only effective if it is affordable and accessible. That is why I support Representative RAMSTAD's amendment. By extending parity in health care plans for substance abuse treatment to the private sector, Representative RAMSTAD's

amendment reinforces the overall goal of H.R. 4450. It ensures that all people who are suffering from the ravages of alcoholism or drug abuse have access to effective medical treatment.

As a nurse, I know that substance abuse treatment works. If we are truly serious about winning the war on drugs in this country, we must ensure that all addicts have access to effective treatment. That is why I urge all of my colleagues to support this important amendment.

Mr. SOUDER. Mr. Chairman, I rise in support of this amendment, which I believe will take an important first step toward ensuring that Americans have more meaningful and effective access to substance abuse treatment through their private insurance plans.

I am a cosponsor of the gentleman from Minnesota's bill because I believe that substance abuse treatment is an essential component of our overall drug strategy. As I said in this morning's debate on the drug interdiction bill, I have traveled to several of the major drug source countries and had the opportunity to have extensive discussions with the leaders of those countries whose citizens are fighting and dying to keep drugs out of the United States. And a major theme that keeps coming up in these discussions is the concern of those leaders that America also has to do its part to stop the demand for drugs that is creating the international drug trade.

Effective treatment is one of our most critical tools to help people who have become addicted to drugs stop the cycle of abuse. I recently visited the Northeastern Center in Kendallville, Indiana in my district. The patients told me without exception how the treatment had made a powerful difference in their lives and enabled them through fellowship and therapy to understand their addictions and learn how to resist the temptations to go back to drug abuse that come back hour after hour, day after day. For them, the struggle to stay away from substance abuse was constant, and that only the help they had received in treatment programs gave them the tools to stay away from drugs.

Many of the people who enter treatment have had their lives so destroyed by drugs that they are almost literally at the end of the line. Many patients face jail or losing their jobs if they could not successfully complete the program. Others have had their families and family life completely destroyed by their drug abuse. Some work in positions of critical public safety, like airplane pilots.

I believe that this amendment is an important first step toward improving the availability of substance abuse treatment. I want to make clear that neither this amendment or the gentleman's bill on which it is based would force any company or insurer to provide coverage or benefits for substance abuse treatment. Instead, it only says that those health plans that do include substance abuse benefits cannot place discriminatory caps, limits, or other conditions on treatment that they do not place on the other benefits in their insurance package. And the amendment before us today would not even go that far, because for parliamentary reasons it would only apply to between 20% and 35% of the insured population—those who are not covered by federal regulation under ERISA.

This amendment is necessary because many patients who seek treatment cannot re-

ceive a full and effective treatment program because of policy limits even though their insurance covers drug treatment and would not put the same limits on a hospital stay. Because of this, the dedicated patients who are devoted to treatment will go as far as selling their cars and other assets in order to be able to afford it. The less dedicated patients will give up on the treatment altogether and continue to abuse drugs.

This amendment will be an important first step—a demonstration of the benefits of facilitating access to substance abuse treatment. Some have raised legitimate issues for discussion on the question of whether we yet have effective means to make sure that we fully track the effectiveness of drug treatment outcomes, as well as questions about the most effective methods of treatment and problems with recidivism. All of these are important matters that we should continue to review and discuss as we go forward. But there can be little doubt that helping at least a few people have better access to ways of saving them from drug abuse is far better than doing it for none.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 4, after line 13, insert the following subsection:

(c) ACTIVITIES REGARDING ALCOHOL ABUSE.—The national media campaign under subsection (a) shall include media activities for the purpose of reducing and preventing alcohol abuse among young people in the United States.

Page 4, line 6, strike "drug abuse" and insert "drug and alcohol abuse".

Page 5, line 4, insert "and anti-alcohol" after "anti-drug".

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

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

There was no objection.

Mr. PORTMAN. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a very simple amendment to offer. This measure would require the Office of National Drug Control Policy to include alcohol abuse in its \$195 million media campaign against drugs.

Mr. Chairman, the fight against substance abuse is a never-ending battle and in waging this campaign, we must not cede ground on any front to end the scourge that costs America so many lives and wastes so much human and economic potential. The fact is that

while waging a \$10 billion annual war on drugs, we risk losing sight of the biggest drug threat to our health and safety and that is alcohol. In this war, we simply must include alcohol in the campaign by the Office of National Drug Control Policy to raise the awareness of drug abuse.

Mr. Chairman, this amendment would require the agency to target alcohol abuse in its \$195 million ad campaign. Every day it seems that there is another reminder in the headlines of our newspapers, or on the evening news, reporting on the dangers of alcohol abuse. Alcohol is the number one killer of individuals in this country under the age of 24. It is the number one killer. It kills more people than all other illegal drugs combined. We spend \$10 billion fighting a war on drugs, and yet the number one drug of choice by young Americans is alcohol.

We say, oh, no, alcohol is somehow different because it is legal. But the truth of the matter is there are over 21 million Americans that claim that they are addicted to alcohol. Of those, there are about 4.5 million children that are addicted to alcohol.

Alcohol is the number one drug of choice of young people in America. It is also, in a bizarre world that we live in today, the one drug that we allow to be advertised in an unfettered manner on our television sets telling my sons, telling everybody's kids across America, that if they want to get a pretty girl or a good looking guy, if they want to be the first on the mountain, if they want to win a bicycle race, if they want to play touch football what should they do? Go out and have a drink.

Mr. Chairman, a lot of kids listen to those ads and they go out and have a drink and as a result we have so many kids that are finally addicted to alcohol.

If we are going to go ahead and anoint a campaign to get rid of drugs, then let us not take some arbitrary differentiation that says this is a legal drug and this is an illegal drug, so we are not going to go after the legal drug, despite the amount of carnage that is left on our streets, the amount of young people that are killed in driving accidents, the amount of people across our country that are arbitrarily killed as a result of people that drink and drive or use heavy equipment and drink.

What I am trying to suggest is that it is very, very important that America as a Nation comes to grips with the not-talked-about abuse of drugs that is centered around alcohol abuse. I believe very, very strongly that not only is this a position that I hold, but it is a position that I just have got off the phone with General McCaffrey, that he holds as well.

I understand that there are a lot of forces at work in this Capitol that have the ability of limiting the amount of legislation or the kind of legislation that gets passed. The alcohol companies have more clout in this city than

just about any other lobby. Particularly, when we recognize the fact that they not only have power themselves, but they have the power of convincing the television stations, the radio stations, the newspapers and everybody else to join up with them. So, we cannot get to a point where we can include alcohol abuse in a national advertising campaign on drugs, because if we do that it could threaten the whole bill.

Mr. Chairman, that kind of logic is the kind of bizarre logic that gets the whole country to think that everybody in Washington has got their head screwed on wrong. But nevertheless, that is what we are up against. So, I have been asked to not follow through and call for a vote on this amendment because it will threaten the entire package. I think it is hogwash. I do not think it is the truth. But I recognize that if we call for this vote and we end up in a situation where everybody does what always happens around here, which is that we lose to the alcohol lobby, then in fact we will take a step backwards.

So, with that I yield to the gentleman from Ohio (Mr. PORTMAN) if he has something nice to say about my amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Does the gentleman from Ohio (Mr. PORTMAN) wish to insist on his point of order?

Mr. PORTMAN. Mr. Chairman, I reserve my point of order.

The CHAIRMAN. The gentleman may proceed.

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

Briefly, I want to thank the gentleman from Massachusetts (Mr. KENNEDY) for what he has done, not just today but over the years, to focus on the alcoholism issue. He has been particularly involved in college campus alcoholism and he has taken this issue around the country and he is to be commended for that.

Mr. Chairman, in this legislation we do address alcohol. I was looking through the various provisions. The Drug-Free Parent Empowerment Act would include alcohol in the sense that it is for illegal substances, which of course would include alcohol for minors. In the Drug-Free Communities Act this Congress passed last year it was not just illegal drugs, it was illegal substances which would include alcoholism.

Many of the groups and organizations that will benefit from this legislation are involved also in teenage alcohol abuse. All of the various things we do here to try to make the Federal prevention effort work better, including a national clearinghouse, would be involved in alcoholism for our young people.

So, it is very much addressed in this legislation. The question is whether under subtitle (a) the anti-drug media campaign should be broadened to include alcohol. The gentleman is right,

there are a lot of forces at work. They are not the alcohol forces, pro or con. It is the people at the Office of National Drug Control Policy, the President's capable Drug Czar, Barry McCaffrey; it is the appropriators here in this Congress; it is those of us on the authorization side who are trying to make this anti-drug media campaign work.

It is very simple. We want this to focus primarily on drugs so that it makes a difference. That is what the \$195 million has been appropriated for and all we did in this bill was finally authorize that appropriation and make it last for 4 years. Earlier today there was some discussion about whether that was necessary. I think it is absolutely necessary for this Congress to go on record supporting the campaign and being sure that it is indeed sustained over time, because if it is not it will not make a difference.

Mr. Chairman, I commend the gentleman for what he is doing and I would tell him that alcoholism is addressed in various ways here, I think even indirectly in the media campaign that General McCaffrey is heading up, but because the language in this legislation has been carefully crafted with General McCaffrey, with the appropriators, we would not be able to accept an amendment to change it at this time.

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

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

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Mr. KENNEDY of Massachusetts. I would just like to point out that I did, on the gentleman's advice, go and talk with General McCaffrey, and he, I think, would be the first to recognize the fact that the gentleman has personally been involved in attempts to try to broaden and expand and recognize the whole issue of alcohol abuse in the country.

However, I should point out that we are spending, on the lowest estimate I have ever read, \$10 billion fighting a war on drugs. More like \$40 or \$50 billion, if we count all the other dollars that go into the war on drugs. None of those dollars are spent dealing with alcohol abuse. And, in fact, what we do in this country is we expand and promote alcohol use on our airwaves.

So my point is that while, yes, it is important to fight illegal drugs, and I do not mean to in any way diminish the fight against illegal drugs, but if we are sitting there and there is one drug that is killing more people than all of the other illegal drugs combined, then to have an advertising campaign that just focuses on illegal drugs is a little bizarre when so many more people are addicted to alcohol and so many more people are ultimately killed as a result of alcohol abuse, and there is nothing coming across our airwaves telling kids in America that they should not drink. That is what the real problem is, I believe.

But I very much appreciate and understand the limitations that my friend, the gentleman from Ohio (Mr. PORTMAN), has outlined. I would just say that General McCaffrey indicated he very much wants to include alcohol in this campaign, but recognizes, I think, some of the limitations that I was referring to as a reason why he could not support this at this time.

Mr. PORTMAN. Reclaiming my time, Mr. Chairman, I would ask the gentleman, will he continue to press for the amendment?

Mr. KENNEDY of Massachusetts. I have indicated that I am willing to withdraw it, but if someone else wants to speak about the amendment, I would be happy to have them speak on it.

Mr. PORTMAN. Mr. Chairman, how much time do I have?

The Chairman pro tempore (Mr. GIBBONS). The gentleman from Ohio (Mr. PORTMAN) has approximately 30 seconds remaining.

Mr. PORTMAN. Mr. Chairman, I would just say that if the gentleman has already withdrawn the amendment, I will withdraw my point of order, and I appreciate the dialogue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I did not withdraw my amendment as yet, but I only did not because I thought the gentlewoman from Texas wanted to speak on it.

The CHAIRMAN pro tempore. First, the Chair will ascertain if the gentleman from Ohio (Mr. PORTMAN) is going to reserve his point of order.

Mr. PORTMAN. I suppose I must, Mr. Chairman, until the gentleman withdraws his amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I first of all rise to support the Drug Demand Reduction Act of 1998, but I wanted to come to the floor and join my colleague, the gentleman from Massachusetts (Mr. KENNEDY), and also the words of the gentleman from Minnesota (Mr. RAMSTAD) on this very important issue dealing with alcohol.

As I look at the Drug Demand Reduction Act, I cannot disagree both with my good friend the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Ohio (Mr. PORTMAN) that we have an obligation to again get back on the record with America dealing with a media effort to say no. Obviously, as we move from the Reagan era, I believe that we looked at other issues which this bill still does not address, and I want to mention those as I rise in support of the gentleman's amendment on alcohol.

First of all, I think a key element is treatment, and although this bill works very well with telling people what not to do, it is difficult not to match this with treatment. It also is difficult when I see the very large numbers. On that premise, the fact that this is a "say no" bill, I think the reasonableness of the Kennedy amendment makes so much sense.

Though we do not have hard liquor on our airwaves, we do have them on

our billboards. And in my community in particular, in the 18th Congressional District in Houston, an inner city district, we have them on our radio programs. We have them hosting various good neighbor events. And let me say to all the good friends in the alcohol industry that I do not condemn them as public servants, but their message is everywhere.

If we are going to talk about eliminating the devastation of driving while intoxicated, whether an individual is intoxicated through drugs or through alcohol, I think it is important to match those enormous dollars with the recognition that alcohol is killing people in America. And to do that, it is likewise important to have an alcohol-free workplace. It is important to get teenagers not to drive while taking alcohol.

This subtitle C is a very important incentive to get teens to take a drug test and to determine that they are drug free. At the same time, I think it is key that we have the opportunity to do that with alcohol. Drug-free schools, drug-free prisons, this whole idea of anti-addiction medication is a unique provision that deals with the question of trying to get medicines not to be addictive, such as some of the over-the-counter medicines that appeal to those who take drugs, but they appeal also to those who take alcohol.

I would only say to the authors of this bill, it will be hard to say no to the bill, but I raise the question of concern of this very serious issue with the treatment question. I wish General McCaffrey would have come and we could have embraced an encompassing bill that talks about prevention and treatment. One of the reasons, of course, is that part of this whole aspect of drugs in inner-city communities. And this is not an inner city bill, I recognize this is a bill for America and I am supporting it, but there are unique concerns in our urban centers, and one of them happens to be HIV that happens to be transmitted by dirty needles. I wish General McCaffrey had been able to see the light on the dirty needles issue and that the Drug Demand Reduction Act could have included a viable policy that has been excluded.

And lastly, as I close, let me say it is important we not ignore, not ignore the devastation of alcohol and that we come again around the circle, whether it is General McCaffrey, or maybe we need a drug czar on alcohol. I am sorry to hear we might have had our friends in the alcohol lobby that disagree with us, because responsible drinking is important, but we cannot do it without the backdrop of explaining to people the devastation of drinking. Kids can go get 12 cans of beer, a six pack, let me not exaggerate, and be just as high as if they were using drugs.

So I would thank the gentleman from Massachusetts. I thank the proponents of this bill. I hope, Mr. Chairman, that we will come around to making this a

complete bill in the years to come, but I do support the legislation.

Mr. Chairman, I rise to speak on behalf of this bill, which authorizes funds to be used to reduce the demand of drugs throughout the country through the use of innovative programs.

This bill represents a strong attempt to tackle the drug problem at its most important stage, the beginning. It includes a \$195 million anti-drug media campaign, to further encourage our young children and teens to stay away from drugs.

H.R. 4550 also seeks to protect our children by instituting a voluntary drug testing program, to be used in conjunction with the issuance of driver's licenses to teenagers. This is an important element to this piece of legislation, simply because it places an extra, precautionary step in the process of giving a car, which we all know can be extremely dangerous in the hands of an intoxicated person, to a teenager.

Furthermore, this bill authorizes funds to be used by schools and non-profit parent groups for the purposes of reducing the use of drugs amongst children and teens. This measure is extremely important because it puts further power in the hands of the people that directly supervise our children—parents, and school authorities who stand in loco parentis.

Children are not the only beneficiaries of this bill. H.R. 4550 also includes a \$10 million commitment to prevent the use of drugs in the workplace, and especially in small businesses. This is important because it gives small business owners incentive to enact some of the same programs and policies being used effectively by larger businesses and government entities around the country.

I also strongly support this bill because it shows a newfound commitment to drug treatment. Treatment and recovery programs are crucial to fighting the war on drugs. Not only does it help stem the recidivism that plagues our criminal justice system, and therefore, save the taxpayers their hard earned money, it also stays true to the concept that we do not leave our wounded on the battlefield of this terrible war.

I firmly believe that to have a strong, comprehensive, and national drug policy, we must fully engage in efforts to prevent children and adults from wanting to take drugs in the first place. We must also extend our hands to help our fellow citizens whose momentarily lapse of strength has led them to drugs, and who want to recover to be participants in our society once again. I believe that this bill does all of those things, and urge you all to vote in favor of this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. LATHAM

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LATHAM:
Page 49, after line 19, insert the following:

TITLE IV—DRUG DEALER LIABILITY

SEC. 401. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1998".

SEC. 402. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring an or maintain an action under this section unless all of the following conditions are met:

"(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

"(2) The individual has not used an illegal controlled substance within the 90 days before filing the action.

"(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action."

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability."

Mr. BARRETT of Wisconsin. Mr. Chairman, I reserve a point of order.

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

The gentleman from Iowa (Mr. LATHAM) is recognized.

Mr. LATHAM. Mr. Chairman, as a member of the Speaker's Task Force For a Drug-Free America, I commend my good friend, the gentleman from Ohio (Mr. PORTMAN), for providing a platform to address the national tragedy of drug trafficking and abuse. Unfortunately, this is a growing trend across the Nation. For years, the Midwest States thought themselves immune from the drug problems on America's coasts and in the big cities. However, that is no longer the case.

In fact, nowhere is the drug problem growing faster than in America's heartland. As the Speaker noted earlier today, my home State of Iowa is experiencing an unprecedented influx of methamphetamine from Mexico and regional clandestine laboratories.

Meth is as addictive as crack cocaine and the stimulation, or high, is sustained much longer. Violent crime, destruction of families, and the greater likelihood for damage to the fetus of a meth-abusing mother make this an epidemic that has much more severe monetary costs as well, creating additional problems and challenges for law enforcement and human service providers in the Midwest.

Drug-addicted babies are clearly the most innocent and vulnerable of those affected by illegal drug use and are often the most physically and mentally

damaged due to the existence of the illegal drug market in a community. For many of the addicts, babies and adults alike, the only hope is extensive medical and psychological treatment, physical therapy, and special education.

All of these potential remedies are very expensive. These babies, through their legal guardians and through court-appointed guardians, should be able to recover damages from those in the community who have entered and participated in the marketing of the types of illegal drugs that have caused their injuries.

The amendment I am offering today, based on my bill H.R. 4204, The Drug Dealer Liability Act, is modeled after similar legislation recently enacted in the States of California, Arkansas, Illinois, Michigan, Utah, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma. The amendment is intended to provide a civil remedy for damages to persons in a community injured as a result of illegal drug use. These persons include parents, employers, insurers, health care and drug treatment providers, as well as drug-addicted babies. This amendment would enable them to recover damages from those persons in the illegal drug market who profited from their pain or loss.

It is my hope that the prospect of substantial monetary loss made possible by The Drug Dealer Liability Act would also act as a deterrent to entering the narcotics market. In addition, this amendment would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold the drugs to the user in the past. While this legislation is not intended to be a silver bullet, it is another tool to combat and deter drug abuse and trafficking.

Today, in 39 States, it is not clear under established law that families who lose a child to drugs or a drug baby needing treatment and special education can compel dealers to pay for the injuries they cause. This is true even though in most States a producer of a product that injures a consumer can be liable for the injuries resulting from the use of that product. The Drug Dealer Liability Act fills the gap to make drug dealers liable, under civil law, for the injuries to the families of drug users.

The first lawsuit brought under a drug dealer liability law resulted in a judgment of \$1 million in favor of a Michigan drug baby, and more than \$7 million to the City of Detroit's expenses for providing drug treatment for the city's prison inmates.

In addition, this bill could fill a possible gap in asset forfeitures by law enforcement resulting from the decision handed down by the U.S. Supreme Court in June that may, under some circumstances, rule total forfeiture of a defendant's assets as an excessive fine under the eighth amendment's excessive fines clause.

Let us pass this amendment and give the victims of the illegal drug market an opportunity to hold the dealers of this poison accountable under criminal and civil law.

Again, I urge my colleagues to support the Latham amendment.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. BARRETT) insist on his point of order?

Mr. BARRETT of Wisconsin. Yes, I do, Mr. Chairman. It is not germane to this bill, and I cite clause 7 of rule XVI. The subject matter of civil liability is not broached by the underlying bill and, consequently, this amendment is not germane to the bill.

The CHAIRMAN pro tempore. Does the gentleman from Iowa (Mr. LATHAM) wish to be heard on the point of order?

Mr. LATHAM. Well, I will concede the point of order, Mr. Chairman. But, quite honestly, when we look at the entire situation we have, we have to find some way of holding people accountable for their actions.

I think this is an opportunity that we will be missing by this point of order to hold people who are destroying children, babies, people all over this country, with no consequences as far as their civil liability. They are able to profit. Unfortunately, I understand the point of order, but I think it really is very unfortunate that it be insisted upon.

The CHAIRMAN pro tempore. The gentleman concedes the point of order? Does any other Member wish to be heard on the point of order? Hearing none, the point of order is conceded and sustained.

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

Mr. Chairman, I was hoping to rise before the point of order was ruled upon to support the amendment offered by my colleague on the Drug Task Force, the gentleman from Iowa (Mr. LATHAM).

Under current Federal law, individuals who are injured by the Federal drug trade have only one remedy and that is criminal prosecution. The problem with this is that while the drug dealer goes to jail, the victim or victims have no personal civil remedy. The Latham amendment would have changed that. The gentleman's amendment introduced the concept of civil liability to the Federal drug code.

□ 1915

The amendment is modeled after civil liability laws in 11 States. In those States not only do the dealers face jail time, they open themselves up to civil judgments every time they sell drugs. Parents of drug users, drug babies, employers, health insurers and local governments in those 11 States now have legal standing to recover the negative costs associated with drug use. Under this law, as the gentleman from Iowa stated, the city of Detroit recently was awarded \$7 million in damages for drug treatment expenses in its jails.

Mr. Chairman, earlier today we passed the Western Hemisphere Drug Elimination Act. I was a cosponsor of that bill because I believe we need to dedicate more resources to the interdiction of drugs before they get to the United States. But I also believe that Congress needs to focus more attention on reducing the demand for drugs stateside. One way to address the drug demand is to ensure that drug dealers are punished more severely, both criminally and personally. The Latham amendment does that. It says to the drug dealer that you will be held both criminally and civilly liable for the drugs you deal.

This amendment is not about abdicating the responsibility of the drug user. Under this amendment, a drug user could pursue a civil remedy, a civil suit against the drug dealer only if the user cooperates with authorities, has not used drugs within the 90 days prior to the filing of the lawsuit and remained drug-free during the duration of the lawsuit.

Mr. Chairman, the Latham amendment reduces the incentive for individuals to become involved in the drug trade. It was a good amendment. It is a good amendment. I would hope that it will receive further attention and widespread support.

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

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I, too, want to commend the gentleman from Iowa (Mr. LATHAM) for his efforts on the task force and also for his amendment today which I think would provide an additional reason for people not to get involved with drugs and it would be a powerful remedy for victims of drug abuse. I understand that the point of order has been sustained, but I wanted to add to what the gentleman from Washington (Mr. NETHERCUTT) said about the importance of this legislation. Perhaps we can work on it in the future.

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

Mr. Chairman, yesterday the majority decided to subvert the legislative process and turn a much supported and noncontroversial bill, the reauthorization of the National Center for Missing and Exploited Children, into a controversial bill grounded in bad juvenile crime policy. Today we find ourselves about to pass another allegedly noncontroversial bill, the Drug Demand Reduction Act, but without the opportunity for public review or comments so we cannot be sure whether it is controversial or not.

Yesterday when we passed the bill that increased the number of juveniles to be treated as adults, we ignored the fact that the adult time that the juveniles will get for their adult crime will for the affected juveniles be actually less time as an adult rather than more time as an adult.

We need to subject these ideas to public scrutiny and comment rather

than basing our decision solely on soundbites. Needless to say, this bill has been introduced very recently. It was referred to the Committee on the Judiciary, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on Small Business, the Committee on Education and the Workforce and the Committee on Transportation and Infrastructure, but none of those committees have had hearings. There has been no opportunity for our people to subject the bill to scrutiny. No input from criminologists or medical doctors or sociologists or victims or budget analysts. No opportunity to prioritize this spending as opposed to other ideas that people may have.

Because there might be some good ideas, I am going to vote for the bill, but it is no way to legislate.

AMENDMENT OFFERED BY MR. PORTMAN

Mr. PORTMAN. Mr. Chairman, I offer an amendment on behalf of the gentlewoman from New Jersey (Mrs. ROUKEMA).

The Clerk read as follows:

Amendment offered by Mr. PORTMAN:

Page 39, after line 8, insert the following the following subparagraphs:

(K) one shall be a representative of the American Psychiatric Association;

(L) one shall be a representative of the American Academy of Child and Adolescent Psychiatry; and

(M) one shall be a representative of the American Academy of Addiction Psychiatry.

Page 38, line 3, strike "10 voting members" and insert "13 voting members".

Page 39, line 6, strike "and" after the semicolon.

In section 211(g)(2), strike "the presence of" and all that follows and insert "the presence of 7 members."

Mr. PORTMAN. Mr. Chairman, this is a very simple amendment to add to the Commission on Medical Education three psychiatric group representatives whose opinions and views will be very important to the commission. This commission is established under our legislation which in essence helps bring together the representatives from all the leading medical groups to help study and report on methods to enhance prevention, diagnosis and treatment of substance abuse by medical professionals through initial and continuing medical education.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. BARRETT of Wisconsin. Mr. Chairman, we have reviewed this amendment and it is acceptable to our side.

Mr. PORTMAN. I thank the gentleman. I appreciate his working with us on this. I think this is a very important aspect of the legislation to help medical professionals diagnose and treat addiction, and I think it is appropriate and important that we add the perspective of the psychiatric groups. I thank the gentlewoman from New Jersey (Mrs. ROUKEMA) for bringing this to our attention.

Mrs. ROUKEMA. Mr. Chairman, I am most pleased that Representative PORTMAN offered my amendment since a television interview preceded my being on the floor, my amendment would add three important groups to the Commission created in this bill that is charged with studying the role of medical education in reducing substance abuse.

The National Commission is responsible for making recommendations on how medical education can be improved to better respond to the needs of patients with substance use disorders.

My amendment would add the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry and the American Academy of Addiction Psychiatry to this Commission.

The American Psychiatric Association is the national medical specialty society representing more than 40,000 psychiatric physicians. Through education, training, and clinical experience psychiatrists are among those on the front lines of the diagnosis and treatment of substance use disorders.

The second organization, the American Academy of Child and Adolescent Psychiatry, is the national organization representing more than 6,000 physicians with at least 5 years of additional training beyond medical school in both general and child and adolescent psychiatry.

And the third organization, the American Academy of Addiction Psychiatry, is the national organization representing more than 1,000 board certified psychiatrists who have specialized in addiction psychiatry.

All three of these organization make vital contributions to the diagnosis and treatment of substance use disorders across the general population, as well as in particular at risk populations such as children and adolescents.

As a result, this Commission would be well-served to have the benefit of input from these three commendable organizations.

The CHAIRMAN pro tempore (Mr. GIBBONS). The question is on the amendment offered by the gentleman from Ohio (Mr. PORTMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 281, not voting 30, as follows:

[Roll No. 443]

AYES—123

Aderholt
Bachus
Ballenger
Bartlett
Barton
Bilbray

Bilirakis
Bishop
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot

Chambliss
Chenoweth
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cunningham
Deal
Dickey
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Gallegly
Gibbons
Gilman
Goode
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hayworth
Hefley
Herger

Hilleary
Hostettler
Hunter
Inglis
Istook
Jenkins
Jones
LaHood
Largent
Latham
LoBiondo
Maloney (CT)
McCollum
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Nussle
Packard
Pappas
Parker
Paxon
Pease
Pickering
Quinn
Radanovich
Riley
Rohrabacher
Roukema

Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weller
White

NOES—281

Abercrombie
Ackerman
Allen
Andrews
Archer
Armedy
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Christensen
Clement
Collins
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart

Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Goodlatte
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski

Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan

Moran (KS)	Redmond	Spratt
Moran (VA)	Regula	Stabenow
Morella	Reyes	Stark
Murtha	Rivers	Strickland
Nadler	Rodriguez	Stupak
Neal	Roemer	Sununu
Ney	Rogan	Tanner
Northup	Rogers	Tauscher
Norwood	Ros-Lehtinen	Thomas
Oberstar	Rothman	Thompson
Obey	Roybal-Allard	Thornberry
Olver	Royce	Thurman
Ortiz	Rush	Tierney
Owens	Sabo	Torres
Oxley	Sanchez	Velazquez
Pallone	Sanders	Vento
Pascarell	Sandlin	Viscosky
Pastor	Sawyer	Watt (NC)
Paul	Saxton	Watts (OK)
Payne	Scott	Waxman
Pelosi	Sensenbrenner	Weldon (PA)
Peterson (MN)	Serrano	Weygand
Petri	Sherman	Whitfield
Pickett	Shuster	Wicker
Pitts	Sisisky	Wilson
Pombo	Skaggs	Wise
Pomeroy	Skeen	Wolf
Porter	Skelton	Woolsey
Portman	Slaughter	Wynn
Price (NC)	Smith (NJ)	Young (AK)
Rahall	Smith (OR)	Young (FL)
Ramstad	Smith, Adam	
Rangel	Snyder	

NOT VOTING—30

Bateman	Gejdenson	Poshard
Blunt	Gonzalez	Pryce (OH)
Boswell	Goss	Riggs
Brady (TX)	Harman	Schumer
Clay	Hefner	Stokes
Clayton	Horn	Tauzin
Clyburn	John	Towns
Danner	Lantos	Waters
Dicks	Meeks (NY)	Wexler
Fazio	Peterson (PA)	Yates

□ 1943

Messrs. LINDER, LEWIS of California, BERRY, DIAZ-BALART and WATTS of Oklahoma changed their vote from "aye" to "no."

Messrs. PARKER, DICKEY, ADERHOLT, GILMAN, GALLEGLY, JONES, BARTLETT of Maryland and INGLIS of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1945

Mr. SOLOMON. Mr. Speaker, I move to strike the last word.

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

Mr. SOLOMON. Mr. Chairman, illegal drug use is the single most serious problem facing the United States and I am proud to support this bill which will reduce the demand for illegal drugs in this country.

Strong interdiction and law enforcement programs alone cannot win the war on drugs. We must possess an effective effort to reduce the demand for illegal drugs and I commend Mr. Portman for moving this very important bill.

This bill enhances the ability to test employees for illegal drugs.

This bill also improves the effectiveness of drug awareness programs in schools and ensures that the money we spend to make children aware of the dangers of illegal drug use is used wisely.

Illegal drug use is the common denominator in the problems facing America. Illegal drugs are the reason why our health care costs are so high—with emergency room visits from drug overdoses and the victims of drive-by shootings.

Thousands of babies are born each year addicted to illegal drugs and illegal drug use contributes to the rapid spread of AIDS.

Illegal drug use is also behind most of the violence in this country. Over 50% of all men arrested for homicide test positive for illicit drugs at the time of arrest and illegal drugs are a factor in half of all family violence, most of it directed against women and children.

Illegal drugs are also the single most serious problem facing America's educational system. It has always bewildered me how President Clinton can claim to be the education President when drug use by school age children has doubled since he was elected president.

There is an obvious connection between the increase in illegal drug use which has occurred since President Clinton first took office and the educational problems facing our nation.

Illegal drug use has doubled since this President took office and according to the most recent reports drug use is still on the rise among eighth graders.

A person who uses illegal drugs is five times more likely to drop out of school than a non drug user. Scientific studies show that illegal drugs—including marijuana—rob students of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning.

A recent study of 11th graders in our major cities showed that over half of the heavy drug users dropped out—twice the rate of those who are drug-free.

During the Reagan/Bush years drug use dropped, from 24 million in 1979 to 11 million in 1992. These hard fought gains were wasted by President Clinton.

There is not a parent in America who sends their children off to school without worrying that they will become exposed to illegal drugs. And it is not just teenagers anymore. Parents now need to be very concerned about 7th and 8th grade children getting involved with illegal drugs.

Today in America one third of all high school kids smoke marijuana.

Today, more than half of all high school seniors have admitted to using illegal drugs. Since President Clinton was first elected the trends of casual drug use for high schools students have reversed and increased for virtually every illegal drug, including heroin, crack, cocaine, LSD and marijuana. This rise in teenage drug use also correlates closely with rising violence in our schools.

A recent study has also shown that students with the lowest grades were four times more likely to use marijuana in the past month than those with the highest grade point average.

Since 1992, marijuana use has jumped 150% among 12 and 13 year old students and 200% among high school students. Nearly 1.5 million more middle school and high school students use illegal drugs than when President Clinton was first elected.

I repeat, you cannot claim to be a President who cares about the education of our youth and not care about the illegal drug problem in this country. And President Clinton has demonstrated by his words—or lack of words—and by his deeds that he is not serious about winning the war on drugs. And our school systems have the casualties to prove it!

I commend Congressman PORTMAN for his find work on this demand reduction legislation and ask my colleagues to support the bill.

The CHAIRMAN pro tempore (Mr. GIBBONS). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DICKEY) having assumed the chair, Mr. GIBBONS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4550) 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, pursuant to House Resolution 538, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair would put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. PORTMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 9, not voting 29, as follows:

[Roll No. 444]

AYES—396

Abercrombie	Brady (PA)	Cummings
Ackerman	Brown (CA)	Cunningham
Aderholt	Brown (FL)	Davis (FL)
Allen	Brown (OH)	Davis (IL)
Andrews	Bryant	Davis (VA)
Archer	Bunning	Deal
Armey	Burr	DeFazio
Bachus	Burton	DeGette
Baessler	Callahan	Delahunt
Baker	Calvert	DeLauro
Baldacci	Camp	DeLay
Ballenger	Campbell	Deutsch
Barcia	Canady	Diaz-Balart
Barr	Cannon	Dickey
Barrett (NE)	Capps	Dixon
Barrett (WI)	Cardin	Doggett
Bartlett	Carson	Dooley
Barton	Castle	Doolittle
Bass	Chabot	Doyle
Becerra	Chambliss	Dreier
Bentsen	Chenoweth	Duncan
Berman	Christensen	Dunn
Berry	Clayton	Edwards
Bilbray	Clement	Ehlers
Bilirakis	Coble	Ehrlich
Bishop	Coburn	Emerson
Blagojevich	Collins	Engel
Bliley	Combest	English
Blumenauer	Condit	Ensign
Boehlert	Cook	Eshoo
Boehner	Cooksey	Etheridge
Bonilla	Costello	Evans
Bonior	Cox	Everett
Bono	Coyne	Ewing
Borski	Cramer	Farr
Boswell	Crane	Fattah
Boucher	Crapo	Fawell
Boyd	Cubin	Filner

Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin

Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
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McCollum
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McDade
McDermott
McGovern
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McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
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McDonald
Miller (CA)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers

Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shinkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—9

Conyers
Dingell
Frank (MA)
Nadler
Obey
Paul
Scott
Skaggs
Waxman

NOT VOTING—29

Bateman
Bereuter
Blunt
Brady (TX)
Buyer
Clay
Clyburn
Danner
Dicks
Fazio
Gejdenson
Gonzalez
Goss
Harman
Hefner
Horn
John
Lantos
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Stokes
Tauzin
Towns
Waters
Wexler
Yates

□ 2006

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUNT. Mr. Speaker, on rollcall No. 444, I was inadvertently detained. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4550, DRUG DEMAND REDUCTION ACT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4550, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4550.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLILEY, OXLEY, TAUZIN, COX of California,

WHITE, DINGELL, STUPAK, and Ms. ESHOO.

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, because of the visit from Energy Secretary Bill Richardson in my district, I missed roll call votes 426 to 430. Had I been present, I would have voted yes on roll call 426; yes on roll call 427; yes on roll call 428; yes on roll call 429; and yes on roll call 430.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION, FY 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1998.

ELECTION OF MEMBER TO COMMITTEE ON SCIENCE

Mr. PALLONE. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 540) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 540

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives: Committee on Science, Mr. Sherman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

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

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

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

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

ENFORCING SECTION 907 OF THE FREEDOM SUPPORT ACT OF 1992

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

Mr. ROGAN. Mr. Speaker, the United States has a two-centuries old tradition as the standard bearer of freedom, democracy and the promotion of human rights abroad. When the liberty of men and the expression of their ideals have been threatened, our Nation has waged political, economic and military battles against the oppression. We in Congress must be mindful of this obligation and continue to enforce the Freedom Support Act of 1992.

For 9 years, the government of Azerbaijan has enforced a cruel and inhuman blockade of Armenia and Nagorno Karabagh. This embargo is still in effect today. As a result of the economic choke-hold, a bipartisan group of legislators included a provision to the Freedom Support Act known as section 907. This clause prohibits U.S. aid to Azerbaijan until its government takes steps to lift the blockade.

Mr. Speaker, tomorrow the House will consider the Foreign Operations Appropriations bill. This measure includes language that will repeal section 907, thereby lifting U.S. sanctions against those who chose to block the free market expression and expansion of other nations. I urge my colleagues to reconsider striking this important provision.

We in Congress have an obligation to the Constitution and to our own conscience. We must do our duty to promote the cause of democracy, while sending the message that human rights violations and actions that compromise the expansion of democracy simply will not be tolerated.

□ 2015

PRINCIPLED LEADERSHIP IN AMERICA

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the

House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I want to take a few minutes tonight to offer my perspective on the importance of principled leadership in America today.

It is always helpful to reflect on lessons learned from the rich history of our country. We have thrived as Americans because of the principles upon which our Nation was founded: truth and justice, freedom and responsibility. These principles are sacred. They are inspired and they represent eternal significance.

Truth has always been the cornerstone of a civilized Nation. Justice and the rule of law are essential for those who want to live together in peace. And freedom, of course, depends upon personal responsibility. If we really think about it, this is what America is all about and we are nothing without it.

If we do not stand for truth, then by our silence we condone lies. If we do not stand for justice, then by our silence we condone injustice.

The struggle to preserve these American ideals has taken place on battlefields around the world and it is a struggle that takes place each and every day in America in our homes, in our workplaces, and in our courts.

Parents do their best to teach their children to be honest and trustworthy. Moral behavior is important to parents across America. This does not mean that we are perfect. It does mean we want our children to grow up with a sense of how important the truth is and how damaging immoral behavior can be, how damaging it can be to our children and to others.

Truth and justice are also very important in the American workplace. Relationships between men and women in the workplace have become more and more complicated. Sexual relations between supervisors and employees, which in times past might have remained secret, today have become more public. Why? Because there are times when these relationships impact justice and fairness in the workplace.

If a workplace sexual relationship results in a promotion or a demotion, or involves using peers or subordinates to facilitate, conceal, or lie about a relationship, it is no longer a private matter. It involves basic justice and fairness in the workplace. Which leads me to one of the key battlefields for truth and justice in America: That is the courts.

Lying under oath is a serious crime, so serious that it is a felony under Federal law. Since Bill Clinton became President in 1993, 323 Americans have been sentenced to prison in United States District Court for committing perjury. These 323 Americans have been sentenced to an average of 2½ years in Federal prison.

Why is lying treated so severely under Federal law? Because justice is

at stake. We want our citizens to respect the law and not trivialize it. Honesty is so important, it simply cannot be brushed aside. Without honesty and trust, the whole system begins to break down.

Mr. Speaker, in the past several weeks I have heard over and over again from some people that we should simply forgive bad behavior and get on with the business of the country. The truth is, when some people say we should forgive bad behavior, they are really asking us to tolerate bad behavior. There is a world of difference between the two. Forgive? Yes. Tolerate? No.

There are those who are hoping that the things we are going through today will make us stronger. But to claim that somehow this is good for America is just plain wrong. Can we learn from this situation? Yes. But the cause of the damage cannot be relied upon to lead us through the healing process.

The time has come for President Clinton to resign. If he is unwilling to do so, there is a constitutional process to address the matter at hand. I have every confidence that my colleagues and I can and will work to ensure that respect for truth and justice will ultimately prevail.

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

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

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 2 OF HOUSE RESOLUTION 477

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act of 1974, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the 302(a) allocation for the House Committee on Appropriations, pursuant to section 2 of House Resolution 477, of \$3,713,000,000 in additional new budget authority and \$21,000,000 in outlays for fiscal year 1999.

As reported by the House Committee on Appropriations, H.R. 4569, a bill making appropriations for Foreign Operations, Export Financing, and Related Programs Appropriations Bill for Fiscal Year 1999, provides \$3,361,000,000 in budget authority and \$0 in outlays for the international Monetary Fund and \$352,000,000 in budget authority and \$21,000,000 in outlays for arrearages for international organizations.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment.

Questions may be directed to Art Sauer or Jim Bates at x6-7270.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

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

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address an important topic, that is that we want to make sure that we eliminate breast cancer in our lifetime.

Mr. Speaker, studies predict that one in nine women will develop breast cancer in the course of their lifetime. Breast cancer is the second leading cause of cancer deaths among American women. Last year, approximately 44,000 women died from it.

Mr. Speaker, the best hope women have to detect breast cancer and ultimately survive is a screening mammography, an X-ray procedure that can detect small tumors and breast abnormalities up to 2 years before they can be detected by other means. Congress wisely enacted the 1992 law to promote the use of mammograms.

Over 90 percent of the cases of breast cancer in these early stages can be cured. The original bill required that mammography facilities use only radiological technologies and equipment designed for mammography; use only qualified physicians able to interpret mammogram results; establish quality assurance and control programs to assure the reliability, clarity, and accurate interpretation of mammograms; to undergo inspections by qualified inspectors on an annual basis; and be subject to accreditation by a Health and Human Services-approved organization.

Mr. Speaker, the Centers for Disease Control and Prevention, CDC, reports that among women aged 50 and older, the proportion receiving mammograms in the past year has increased from 26 percent to 57 percent. Among women aged 40 to 49, the increase over the past 2 years was from 59 percent in 1990 to 66 percent in 1995.

So I commend the House this week for approving legislation that I support, which is the Mammography Quality Standards Reauthorization Act, which establishes national uniform standards for mammography and adds the following key provisions this year:

It clarifies the responsibility of the mammography facility to retain mammogram records for at least 5 years, or at least 10 years if the facility performs no subsequent mammograms, in order for women to obtain their original mammogram; it establishes that both State and local government agencies have inspection authority; and, it ensures that patients and referring physicians will be advised of any mammogram facility deficiencies; and, requires that direct patient notification be written in layman's terms.

Mr. Speaker, in conclusion, we can cure breast cancer in our lifetime, but we must encourage our grandmothers, our mothers, our wives, our sisters and daughters to get annual mammograms

and continue our work to double the NIH budget, the National Institutes of Health, so we can have the research, the education, and the testing so that we can cure breast cancer in our lifetime.

PRESERVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to discuss the need to strengthen Social Security for the long term. I just wanted to say that I think a lot of people are not aware of how successful the Social Security program has been.

Of course it was created by Franklin Roosevelt quite a long time ago in the wake of the Great Depression, but it has been our most successful domestic program in the Nation's history.

Just to give some examples, Social Security has kept millions of retired seniors from living in poverty by providing a guaranteed cash benefit with a lifetime protection against inflation. For about two-thirds of beneficiaries, Social Security provides about half of their annual income; and, for 30 percent of beneficiaries, Social Security provides 90 percent of their annual income.

Social Security is the only source of income for one in every six older Americans. And in large part, Social Security relieves today's workers of the economic burden of supporting their aging parents.

In addition, the comprehensive benefits provided by Social Security saves millions of families from financial disaster in the event a worker's death or disability. Finally, 39 percent of all Social Security benefits are paid to workers who become disabled, survivors of deceased workers, and spouses and children of retired and disabled workers. So this, again, is our most successful program in the Nation's history.

That is why I think that it is so important that all Americans be aware of what the Republican leadership wants to do with the projected Federal surplus. They are supposed to vote on this in the House Committee on Ways and Means as early as tomorrow. I think that young people and seniors alike should be concerned with the Republicans' intention to use budget surpluses for tax cuts, instead of saving that money until we have developed a way to protect Social Security for the long term.

What we are hearing from the Republican Leaders that is going to be voted on in committee tomorrow is a tax cut plan that would cost \$80 billion. That sum is so large that it could not be financed without dipping into the budget surplus, which incidentally we do not even have. We have not seen it yet.

We talk about, and the media talks about a budget surplus, but we do not

really know exactly what it consists of or whether it is real. The CBO, the Congressional Budget Office, in fact estimates that were it not for a surplus in the Social Security trust fund, the total Federal budget for this year would indeed be in a deficit.

So what we really know is that without the application of the trust fund, the money from the Social Security trust fund, in fact, there would be no surplus at all. That is why we need to guard against what the Republicans are proposing to do tomorrow. I will explain it a little more, and I have the gentleman from Texas (Mr. GREEN), who is going to join me as well.

Mr. Speaker, as many people are aware, and I hear this a lot at town hall meetings and the senior forums that I have in my own district, particularly during the August recess, the Federal Government uses the surplus in the Social Security trust fund to fund other government programs. In effect, the government borrows from Social Security. So if there is excess money or surplus in the Social Security trust fund, it is essentially lent to the Federal Government and the Federal Government uses it for other purposes.

Now, it seems only logical then that when the Federal budget realizes a true surplus, in other words when the general revenues are in surplus, that that surplus be used to pay back what has been borrowed from Social Security. That is what Democrats have been saying ever since we realized that the Federal Government may have a surplus sooner than was expected.

Let me say again in a few more words that when we passed the Balanced Budget Act last year, we did not anticipate that there was going to be a surplus for some time. But because the economy has been good this year on an annual basis, we understand that there may in fact be a surplus. But that is only in general revenues. That has nothing to do with the Social Security money that people pay, wage earners pay in their taxes on a regular basis when they earn a certain income.

So even though there may be a slight surplus in general revenues at the end of this year, we have borrowed so much money from the Social Security trust in the past, and we will continue to do so this year, that that little surplus in general revenue does not make up for the money that we have borrowed from the Social Security trust fund.

So what we are saying is that if we add that money borrowed from Social Security, in effect we have no surplus since we have to pay that money back. Whatever money is generated annually through general revenues should be applied ultimately to pay back what is owed to Social Security.

Back in January, the President said in his State of the Union address that he believed that Congress should not touch whatever surplus and revenues are generated this year until lawmakers come up with a plan to shore

up Social Security for the long-term. We know that 20 years from now, there is not going to be enough money in the Social Security trust to pay the beneficiaries at that time because a lot more younger people, the baby boom generation, will be retiring at that point and we will need more money in the Social Security trust fund. In addition to that money, that has to be paid back. The President believes, as I do, that protecting Social Security should be a bipartisan goal and he recently made a radio address stating that Republicans and Democrats alike must maintain fiscal discipline, setting aside the surplus until we save Social Security.

Let us talk a little bit about this bill. A number of my colleagues and I, going back to February after the President's State of the Union address, a number of our Democratic colleagues back then in February introduced H.R. 3027. This establishes a fund called the "Save Social Security First" reserve fund to hold all Federal budget surpluses.

□ 2030

It literally says the funds shall be used to save budget surpluses pending Social Security reform.

This is a very simple bill that was introduced by a lot of the Ways and Means members back in February. And if the Republican leadership would just bring this bill up on the floor tomorrow, which they could do, then we could easily pass it, it could be signed into law, and we would know for sure that any action that was taken in terms of taxes or spending would, in effect, require first that the surplus go into Social Security.

Obviously, the Republicans are not bringing up that bill and, instead, what we are hearing is that they are going to bring up this tax cut that is going to cost the surplus \$80 billion. And that, of course, will really have an impact on the Social Security Trust Fund because it will mean that we have \$80 billion less that we can apply towards Social Security.

I would like at this time, there is a lot more that I could say on this, but I will at this time yield to my colleague, the gentleman from Texas (Mr. Green), who has expressed concern about this issue before on the floor, and who is here with me tonight, so we can try to get a little more light on this subject to the American people and our colleagues.

Mr. GREEN. Mr. Speaker, I want to thank my colleagues from New Jersey for requesting this time tonight. I know it is 8:30 on the East Coast, but it is 7:30 in Texas and our folks are just getting up from the dinner table, so we can let them know what is happening in Congress. I heard some of my colleagues in earlier 5-minute special orders, and I agree that truth and righteousness should have the first place in our society and our halls of Congress and our government. But what I am

concerned about is all the smoke and the fire on what is happening with the President's problems may be masking what may be happening over the next week or 2 here with this tax cut bill that comes up.

I am glad the gentleman pointed out that there really is no budget surplus; that until we pass legislation to remove the receipts of Social Security from the unified Federal budget, that we will not have a surplus because Social Security receipts, those that are paid in by employees and employers, are part of the general revenue, supposedly, of the Federal Government, even though it cannot be used for our other programs. So it is masking the deficit.

Sure, we have a balanced budget using funny numbers. Or we have a surplus this year, at the end of this month, using funny numbers, but the American people ought to deserve the truth. We talk about truth from the President, let us tell them the truth here.

In fact, I remember when our Republican colleagues were not in the majority that there was a bill that they were talking about that would remove the Social Security Trust Fund from the budget. I agree with that. In fact, why do they not bring that bill up tomorrow? They could do it without committee meetings or committee hearings. They have done that so often this year with bills anyway. We can bring a bill up that removes the Social Security receipts from the Federal budget and we will have actual honest budgeting.

That would be a great bill, and I would hope that we would have a majority on each side to pass it, and the Senate, and send it on to the President. Maybe that is the honesty we need to have on ourselves and to say let us be honest with the American people about the real Federal budget deficit, or the Federal debt.

We talk about a surplus this year. The economy is good. More people are paying taxes, welfare rolls are down, and that is great, but it is masking the Federal deficit for this year because of Social Security receipts. It is not honest budgeting and we ought to fix it. I am saying that as a minority member because I cannot bring up a bill on the floor of the House, but my Republican colleagues can, and so they ought to do that.

I have town hall meetings, like everybody else does, and I have heard even my Republican colleagues and leadership about how they want to safeguard Social Security first and to pay down the debt. I agree with that. Why do we not do that? Why do we not give a tax cut? They say, well, we are going to give two-thirds to Social Security. That is not the case. That is smoke and mirrors, because that money, until we actually have an honest Federal budget, that money is Social Security. That money is Social Security receipts that is being paid for by employees and employers so they will

have a retirement income. Maybe not enough to buy them a Cadillac but maybe enough to buy them a used Chevy when they retire.

Social Security was established 60 years ago after our Great Depression to combat poverty and, most importantly, to protect the elderly. Today, two-thirds of our elderly rely on Social Security to keep them out of poverty when they retire. It is estimated that 44 million workers and their families across the country receive Social Security benefits. Knowing the vital role it plays in our lives and many Americans, how can we even consider risking its future?

We have this surplus, the first one on an annual basis since 1969, although, again, it is masked. In 1969, we did not include Social Security receipts into the Federal budget. Sometime in the seventies, Congress did that to mask the Federal deficit. And now, because we have that, that is the first step we ought to make instead of giving tax cuts, even with smoke and mirrors by saying two-thirds is going to the Social Security, because it is not. Every penny we take out is taking away from the Social Security Trust Fund.

In 1993, we recognized that the financial solvency of Social Security would be a major challenge. And that is when we were in the majority, by the way. We also recognized that in order to protect its financial security we had to balance the budget. Fortunately, today, we are closer to that balanced budget and are, hopefully, heading in the right direction. But to say that we have a surplus and so let us go shopping is really outrageous.

And that is, I think, the truth and honesty that we are worried about in our country. We need to have truth and honesty on the floor of this House and when we are talking to our constituents and the American people about what is being done with their tax dollars and these budget gimmicks that we are living with today.

According to my Republican colleagues, we have a surplus. Does that mean we can then provide tax cuts while at the same time continuing to borrow from Social Security, which is what we are doing? I am not a mathematician, but I know that if we borrow money, it is because we do not have that money left over to pay our bills. So we are continuing to borrow from Social Security.

In my district, the average income is a little over \$20,000 a year. Few of them will benefit from the proposed tax cuts, but many of them would be devastated if they lost their retirement income in Social Security. Let us not kid these people. Let us not say that we are safeguarding Social Security with two-thirds of this imaginary surplus, because every penny of that is Social Security money masked and it is hidden. Again, I think we need to have some truth in taxation, truth in tax cutting, and we have a responsibility to save Social Security first.

We have a responsibility to continue our efforts for a balanced budget. We have no right to risk the retirement future not only of my father, who is 83 years old, but also of the generation who are 50, and 40 today, or the generation of individuals who are 30 and 40 who are paying into Social Security not only for their parents and their grandparents but also for their income so they will not be destitute when they retire. This means putting 100 percent of this surplus into the Social Security Trust Fund.

I remember my colleagues on the other side agreeing that their first priority, again, was to save Social Security. Well, now we hear, and we do not know what the bill may say until the bill comes out of the Committee on Ways and Means, but now they are saying, well, it is our first priority, that two-thirds of this will go to Social Security. It is not two-thirds of it. All of it should go to Social Security because it is Social Security receipts that they are giving back as tax cuts.

Again, what worries me is that in the year 2020 or 2029, when we say we will run out of money, we may have to reduce Social Security payments in 2020. I wonder how many people will look back at 1998 and say if the Republican Members of Congress had made some financially correct decisions, then we would not be in the shape we are today. I do not want to wait until 2020, because I may not be here, and neither will the gentleman from New Jersey, and, frankly, most Members of Congress may not be.

We need to make some reasonable decisions today and this week and before October. And again I call on my colleagues, instead of worrying about tax cuts, and I would like to have a tax cut, I would like to get my constituents a tax cut. That would be great. There are some things in that bill, I have heard, that actually is a bill that I introduced to give tax reductions for people who pay their insurance premiums when their employer may or may not provide insurance, may not provide their whole insurance premium. I would like to see that happen, but I would like to see it without jeopardizing Social Security, and that is what I worry that my colleagues on the Republican side are doing. They are willing to take the money and run and mask this deficit in smoke and mirrors, and that is what I worry about.

If we see that they are committed to putting Social Security at risk, they are playing with the lives of those individuals who have already paid into the system. Americans pay into the program and they have the right to rely on that for their retirement. Our first priority should be to strengthen Social Security and protect its solvency. We cannot do this without a real balanced budget. And I say a real one, not one that is using Social Security receipts to mask the budget deficit.

I am proud that this year, for the first time since the 1970s, we actually

will have a balanced budget. But, again, it is not a balanced budget. There is no surplus until we not consider Social Security receipts. Again, I ask where that bill is.

I saw a poll that was mentioned today in Congress Daily that said 41 percent of the people surveyed would prefer to put all surplus funds into the Social Security Trust Fund. Another 28 percent would pay off the Federal debt. So 41 and 28, and only 23 percent favored using the money for tax cuts. But, again, when we ask another question and say, okay, wait a minute, if we have a surplus and two-thirds of the surplus goes to Social Security do you support it then? That question was badly worded because they did not say it is not real surplus, it is Social Security receipts that is causing that surplus and it is not honest budgeting.

So this poll our colleagues may be relying on may get a surprise when they see "the rest of the story", as Paul Harvey says; that over 70 percent of the American people want Social Security saved first and then pay down the deficit.

We have a \$5 trillion debt that has been built up over the last 50 years, and yet we are not going to pay any part of that on the deficit. Again, we can only provide our own experiences in the real world, whether it is the gentleman's own personal life or the business that I help run. If we had a good year, we tried to pay off some of our equipment that we had borrowed on. Same thing. If we have a real surplus, let us safeguard Social Security first and then let us start paying down that \$5 trillion plus debt that exploded in the 1980s when Congress gave tax cuts and increased spending at the same time. Bad fiscal management.

Let us do not make that same mistake in 1998 and try to have our cake and icing before we actually take care of the meat and potatoes of people's security in their retirement.

With that, I thank my colleague. I see my colleague from the Midwest is here, and I know it is good tonight to be able to talk about this, but I will be glad to thank my colleague for yielding the time to me.

Mr. PALLONE. Let me first thank the gentleman from Texas for the comments that he made. I would like to yield to the gentleman from Wisconsin, but let me, if I can, comment briefly on what the gentleman from Texas said, because I think it is so important.

The gentleman stressed how we were so successful and it took so long to get to the Balanced Budget Act, which was passed last year, and I think it is, in part, because of that and because we are not creating more deficits that our economy continues to be strong. Because I believe very strongly, I do not know what economists I can cite for it, but I am sure there is a lot of commentary to suggest that as we continued to build these deficits in the last 10 or 20 years, it had a negative impact on the economy. I think that a good part

of the reason why the economy is doing well is because the Balanced Budget Act was passed and we are not creating more deficits.

But we have to go further with this because the bottom line is that we still have this money that is owed to the Social Security Trust Fund. And when that has to be paid back, and it has to be paid back with interest, the money has to come from somewhere, and I am concerned. And the gentleman talked about a good economy. We have to deal with this problem about how to pay back this money over the long term, which really has not been addressed yet.

In fact, if the economy gets worse, future generations may have to pass a tax increase to make sure they are paying the money back to the Social Security Trust Fund for the benefits to be there in 10, 20, 30 years when the need arises. What are the consequences if we do not have the money to pay back? And there may not be the will to pass a tax increase to pay for that in a few years. Then what happens to the benefits? They may not be there. They may cut back on the benefits as an alternative.

So this is really crucial in terms of where this Social Security program goes. We need to put that surplus in there to make sure that we are paying back this borrowed money, otherwise it may not be there for future generations.

I think the gentleman made the point well when he said that this is the time to think about it, when the economy is good, and not to just go head over hog in dealing with some tax relief program that puts us further into debt and does not solve the Social Security problem. So I just wanted to thank the gentleman again for that input.

I would like to yield now to the gentleman from Wisconsin (Mr. KIND).

□ 2045

Mr. KIND. Mr. Speaker, I thank my friend from New Jersey for yielding.

I want to commend both of my colleagues here tonight for staying this evening and talking about an issue that is incredibly important for the future of the country. We are at a pivotal moment as far as fiscal policy is concerned as a Nation. This time of year when it comes down to budget crunch time and the passing of the 13 appropriations bills, some crazy things happen. Although I am a new Member, I have had a chance to live through one budget cycle already and it is very discouraging to hear some of the comment, some of the talk that is happening, especially what might occur tomorrow in the Committee on Ways and Means, the tax-writing committee in this House, in regards to the tax cut and how that tax cut is going to be paid for.

When I was running for Congress and wanted to serve and represent the people in western Wisconsin, I made a

promise to them then that I was going to be a fiscal watchdog, that I was going to keep an eye on their tax dollars and try to make fiscally responsible decisions. One of the proudest moments I have had so far as a freshman in this 105th Congress was the hard work that all of us put in, a lot of Members on both sides of the aisle, in negotiating a good bipartisan balanced budget agreement that we were finally able to come to agreement on last year that set a good blueprint for the next five years on fiscal decisions and tax policy in this country. It amazes me as a new Member that no sooner is the ink dry on those type of agreements that there are proposals out there that would virtually violate all the hard work and all the effort that went into reaching that agreement. That is what is coming up right now with this tax cut proposal. I think it could be incredibly harmful for the country.

Mr. Speaker, let me just amplify a few important points that the gentleman from New Jersey and the gentleman from Texas (Mr. GREEN) were talking about earlier. First of all, and the American people get this. The people back home on the main streets in Wisconsin, they get this. There is no budget surplus, not unless we are going to continue with the fraud and the tricky accounting procedure that has been perpetrated on the American people over the past few years about robbing from the Social Security trust fund in order to finance other government operations or tax cuts within the budget. They understand that. That is why they get a kick when I am back home talking about fiscal issues, they get a kick about all this talk about budget surpluses for the next 10, 15 years or so. They all know that there is this robbery going on with the Social Security trust fund. We need to take that off-budget, we need to set that money aside to anticipate the baby boomer generation that is going to start retiring early next century and we need to stop these budget accounting games that are going on right now. They find it funny that there is all this talk about a surplus. They are very supportive of protecting that trust fund in order to bolster and shore up the Social Security system.

It is amazing that the proponents, the advocates of this \$80 billion or so tax cut that is going to work its way through the Committee on Ways and Means are admitting that what they are going to do is finance at least part of that tax cut by continuing to rob from the Social Security trust fund. That is just plain wrong. It is misguided policy. But at least they are acknowledging the fact that they are going to do that. They are up-front with the American people. I guess that is what elections are all about, surrounding issues such as this.

Another point that the gentleman from New Jersey already raised, that is, that the Social Security trust fund is there, not only to protect that and if

we can move it off-budget, that is great, but by moving it off-budget, what we would in essence be doing, starting to pay back the \$5.5 trillion national debt that has been accumulated throughout the many years of this republic. There is a golden opportunity that we face right now in order to do that, in order to get the trust fund off-budget and start going to work on paying off that \$5.5 trillion national debt. It is an amazing price tag that we pay every year on just interest payments on that national debt. It is the third largest spending program in the Federal budget of roughly \$250, \$260 billion every year going to pay the interest payments on our national credit card for this \$5.5 trillion in debt.

We face a great opportunity to do right with our senior citizens in the country, by protecting the Social Security system, but also by doing right for our children and grandchildren and future generations by starting to tackle this \$5.5 trillion national debt, rather than trying to pass some election year tax cut gimmick. Because everyone knows that in an election year, people love to hear about tax cuts. But hopefully the American people are going to see through this, I am confident they are, because they already get the budget gimmick that is going on with the trust fund already and they are going to say no. They are going to agree with the President in his State of the Union address and what he has said consistently from day one on this issue, that is, not a new nickel, not a new dime for any new programs or any new tax cuts until we first shore up the Social Security system. I think that is a very wise and prudent policy.

Finally, the third point I want to raise, and again the gentleman from New Jersey touched on this, is that there is no guarantee that we are even going to see this surplus materialize over the next five or 10 or 15 years as CBO is attempting to calculate right now. It is very hard to calculate with any accurate projection what the fiscal numbers are going to look like a couple of months from now, let alone five or 10 years. When you wake up, America, and start taking a look around us and the international financial crisis that we are facing right now, I think that this highlights the concern that many economists have in this country that things can slow down dramatically as far as economic growth and productivity in this country because of the impact of the financial crisis in Asia and in Russia and in eastern Europe and the domino effect that that might have. We are seeing some very disturbing signs now in Latin America and in South America. All this is going to have an impact on the U.S. domestic economy as well. One-third of the growth that we have experienced over the past few years in this country has been export-related. If those markets dry up because of the financial crisis in those countries, that is going to have a tremendous slowing effect. The revenue

projections are going to get thrown way off. But if we this year in an attempt to please voters in an election year try to pass this tax cut gimmick, then we are locked in on that. Everyone knows it is going to be virtually impossible to have to increase revenues at some later date to make up for a shortfall. We may have a repeat of what happened during the early 1980s. Our memory is young enough to remember what happened then when the Reagan administration came in and promised huge tax cuts that did pass in the first year of his administration, but the problem with that economic package was those tax cuts were not offset in the Federal budget. In fact, spending increased, primarily in defense-related projects. When you have a shortfall in revenues because of the tax cuts and an increase in spending, that led to the annual structural deficits that happened throughout the 1980s, early 1990s and now fortunately in this administration we have had six consecutive years of deficit reduction, we are heading in the right direction, we are starting to make the corner when it comes to true fiscal responsibility and doing right with the Social Security program, having a chance to pay back the national debt.

I read the other day that roughly 83 percent of the entire national Federal debt that we have today, the \$5.5 trillion, roughly 83 percent of that was accumulated during the 1980s and early 1990s. This is a relatively new phenomenon in our Nation's history that we are laden with this very heavy national debt, we are paying this exorbitant national interest rate every year in the Federal budget, \$250 billion every year in the budget to help finance the national debt. If we go down this road again, if we are going to be willing to take our chances with the economy with so-called surpluses and projected surpluses over the next five and 10 years, we could very easily find ourselves slipping back into those annual structural deficits again. That would be disastrous.

Two of the most credible voices when it comes to monetary and fiscal policy in this country today, Secretary Rubin of the Treasury Department and Alan Greenspan, Chairman Greenspan of the Federal Reserve, are in agreement on this issue. Both of them are on record. Chairman Greenspan and Secretary Rubin were just on Capitol Hill again today but both of them are on record as saying we need to be extremely cautious in how we deal with this so-called budget surplus. Obviously Secretary Rubin is in agreement with the President when he says no new tax cuts, no new spending coming out of the surplus until we first protect the Social Security program. Chairman Greenspan has reiterated time and time again when asked by Members of Congress in the Senate and the House what would be the best use of the surplus, and he said, "Let me tell you what you shouldn't do." This was about a month and a half

ago when he was testifying on Capitol Hill. "What you shouldn't do is start spending the so-called surplus on any new programs or any new tax cuts before that surplus materializes." That was a point he has emphasized again and again and again. In fact, he is on record as saying the best use of any surplus, if you call it a surplus, is to start paying down this \$5.5 trillion national debt, because of the economic activity that it is going to generate, the increased investment in capital, the increased production we are going to get out of the American workers by investment activity because it is going to lead, he said, to a lowering of long-term interest rates by the Federal Reserve. That ultimately is the big tax cut that everyone is going to benefit from. If we can maintain fiscal discipline, if we can continue reducing the deficit and move the trust fund off-budget, start paying back the \$5.5 trillion national debt, that is going to give confidence in our financial markets, it is going to give confidence in the Federal Reserve Board to lead them to reduce long-term interest rates even further which is going to be a boon to the economy with increased investment and productivity, but also any American that has a credit card, that has to make house payments or car payments, are going to realize savings because of reduced interest rates. That is really where we should be going with our fiscal policy in this body, not jeopardizing the future of the Social Security program and the future of our children by hoping these surpluses are going to materialize. That would be disastrous.

Finally, let me just comment on some feedback that I received from the constituents in western Wisconsin who are very fiscally conservative. That is why I have so much fun representing them, because I come from the same cloth, I come from the tradition of Senator Bill Proxmire who was a fiscal hawk in the Senate for decades before that term was in vogue, before anyone was real concerned about deficits and Federal spending. I did a survey earlier this year asking my constituents what they think would be a wise use of the so-called budget surplus. The response was overwhelming, over 4,000 people responding on this simple survey back in the district. Over 80 percent of them, of my constituents said before we spend a nickel on a new program, before we have a nickel go to a tax cut, let us first shore up Social Security and start paying down the national debt. That was a very loud, a very resounding statement that the people at least in Wisconsin were sending to this representative in this body. I would hope that Members now pushing for this tax cut wake up and finally get that message from the rest of the American people because I do not think Wisconsin is all that different from what the average working person in this country is thinking in regards to these so-called surpluses.

Mr. PALLONE. Let me say to the gentleman that what he said about

Wisconsin is certainly true in New Jersey. I had over 20 town meetings, forums during the August break. Particularly senior citizens are very much aware of the fact that we do not have a surplus because we are borrowing from Social Security and feel the same way, along the same lines that you have articulated. The other thing I wanted to say and I think is very important that you raised which really has not come up from what I have heard from the Committee on Ways and Means, certainly not from the Republicans who are pushing for this tax cut, is that we not only have to worry about the Social Security money that has to be paid back but we also have this huge national debt that was accumulated over the years. A lot of people are not aware of the fact that it is only in this one year that we are balancing the budget. We still have to pay back this debt with interest for all those years. So even for those who feel that we should not spend this surplus on a tax cut because of what is owed to Social Security, there might be just as many hopefully that think that we should not be spending it because we have to pay back the national debt. Both of those are very legitimate reasons that you have pointed out.

Mr. KIND. Just another point in regards to the Social Security program. What we are going to hear is that we are just borrowing a little bit from the Social Security trust fund, that roughly 10 percent of the \$80 billion tax cut would be financed from the Social Security trust fund. What that means is basically we are going to be collecting payroll taxes from hard-working men and women throughout the country. We are going to be taking those payroll taxes from them and redistributing it into the pockets of selected Americans through this tax cut. It just seems ridiculous to have a tax cut package that will do this. Even if we were to take the entire Social Security trust fund off-budget and not touch any of that money and could stop borrowing from it, it is still not going to solve the long-term challenge that we face with the Social Security program. So even a 10 percent drain from the trust fund is going to make it even more difficult to preserve Social Security well into the future. It is making our job all the harder when we take on the almost daunting challenges that we are going to be facing in the very near future and, that is, trying to find some long-term fixes to preserve the Social Security program. That is another reason why I think this tax cut is misguided. Even though it is just a little bit coming out of the trust fund, even a little bit is going to make it a lot more difficult for us to do right with the Social Security program, again to do right with the seniors in this country and future generations who would like to see that program still existing when they become eligible.

Mr. PALLONE. I would like to just develop a little of what you just said.

That is, the way that we pay for Social Security, which is really not a progressive tax. I mean, it is basically a tax that wage earners pay at a certain rate. If you have to rely on that as a means of raising this revenue, we know that a few years ago, I think it was in the 1970s that the FICA, which is the tax that you pay on your earnings that pays for Social Security, was actually increased in order to generate more money that would be needed because it was estimated that we need more money for future beneficiaries. If we five or 10 years from now have to raise that FICA tax again in order to correct the problem that this money has not been paid back, not only would we be raising taxes again in order to have enough money for Social Security, but again it is not a progressive way of financing the program, as you say, paid for really on the backs of working people, strictly working people. That is not really a fair way to go about it.

I think it is also true that we are hearing all these proposals now about not having the Social Security COLA, raising the age before you get benefits. The effort to try to do those kinds of things will be increased. The pressure will be increased because the money will not be there.

□ 2100

We have not figured out a way to pay this money back. This possible surplus that is being generated now is really the only thing that is on the table that has a real possibility of paying some of this money back that has been borrowed. All the other alternatives that I can think of are not very desirable.

So I appreciate your bringing that up as well.

I think that we probably talked enough about this tonight, but I know we are going to be talking about it a lot more over the next few days, and I am just hopeful that we can get not only most, if not all, the Democrats to support this idea of Social Security first and not implementing this tax cut until the Social Security Trust Fund has been paid back, but maybe get some Republicans as well.

Mr. KIND. If the gentleman would yield, let me just raise final concern on this subject is that there has been a lot of talk here in the halls of Congress lately that the \$80 billion tax cut is only the beginning, that early next year they are going to come back and take a look at it, and instead of just taking 10 percent of the Social Security Trust Fund, it is going to a hundred percent of the Social Security Trust Fund with a massive tax cut. And if we go that route and suddenly there is a slowdown in the economy and those surpluses do not materialize, we are looking at massive Federal deficits for many years to come, and that would be a tragedy.

Mr. PALLONE. Because I think that if we do not get our point across now that this is a problem and this passes, then what is to stop it, you know, if the lesson is not learned?

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

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

Mr. NEUMANN. My only fear listening to this, most of what you said I agree with wholeheartedly, as you well know, is that this becomes very partisan, and Social Security is too important to become partisan. Many of us Republicans also feel that it is inappropriate to use Social Security money for tax cuts, and I think it is important rather than get into a partisan bickering situation that we, you know, instead of me taking the next hour and coming back and bashing Democrats, this is not about Democrats and Republicans, it is about what is happening in Social Security in our country.

Many of us on our side of the aisle feel that it is inappropriate to use Social Security money. We support tax cuts, and I suspect that if we ask you if we could lower taxes by reducing wasteful government spending or by utilizing a portion of the surpluses from the general fund, not Social Security, as we are also paying down the debt, that that probably might be something that we on both sides of the aisle might find to be acceptable. Many of the Republicans do feel very strongly, as you are suggesting here tonight, that it is inappropriate to use Social Security surpluses for tax cuts, and I think you will see that unfold.

Mr. PALLONE. No, I appreciate the gentleman.

If I could just reclaim my time briefly?

I wanted to make it clear, emphatically clear, that this proposal that is before the Committee on Ways and Means is essentially coming from the Republican leadership, and I know that there are many Republicans, and I heard you speak this morning on this subject, that share the viewpoint that we have been expressing here that we should not have this tax cut until the Social Security money is paid back and until and that the really is not a surplus.

So I appreciate your comments.

I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I do not want to leave tonight leaving the impression that we are against tax cuts per se. I mean we are for responsible tax cuts that could be offset within the Federal budget. That seems to be a more fiscally responsible way of doing it.

Tax cuts are great. I am a believer in providing tax relief in this country so long as we can pay for it and find some offsets in some other areas in the budget in order to pay for it so that we have some fiscal honesty as we move forward here on up, and I appreciate my friend's remarks from Wisconsin and the position he has taken in regards to the Social Security Trust Fund as well, and it should not be a partisan issue. It really should not, and hopefully it will not be because when you take on Social Security, both parties are going to

need to lock arms together on this if we are going to have any progress and do right by the American people, and that is an extremely important point, and I appreciate my friend's comments in that regard.

Mr. PALLONE. I honestly believe, and I will say this now, that I think that the opportunity does exist over the next few days to get a number of our Republican colleagues to join us on this and to defeat this effort to try to spend the alleged surplus. But of course I have to say that it is true that the idea is coming from the Republican leadership, and that is why so many of us on the Democratic side are speaking out against it.

Mr. NEUMANN. If the gentleman would yield, I would hope that we would also lock arms to prevent additional spending in the same way we are talking about the tax cuts here because, as I understand it, we also have a proposal coming at us to do what is called emergency spending, and emergency spending means effectively we are going outside the spending caps and just starting new programs.

So I would hope that we are equally committed to controlling emergency or spending beyond the caps so that if we do have true emergencies out there, as I know exists in some areas of the ag in particular, the ag industry, I would hope that we would find other programs that are less important that we eliminate so that we can pay for or reprioritize the dollars to these other programs rather than just going and spending more money because that new spending also is Social Security money. If we just go and spend more money, that comes out of Social Security too.

So I hope we have the equal commitment here to both hold the line on spending and hold the line on using Social Security money for tax cuts.

Mr. PALLONE. I appreciate the gentleman's comments, and if I could say, and out of no disrespect, that we are going to yield back the balance of our time and you can start your hour so we can go home.

SOCIAL SECURITY AND DISBELIEF OF POLLS ON TV SAYING 60% OF THE AMERICAN PEOPLE SUPPORT THE PRESIDENT

The SPEAKER pro tempore (Mr. COOK). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I do want to continue the conversation that is started down here on the floor tonight, and I want to talk specifically about Social Security, and I want to talk about both sides' commitment to Social Security, but before I do there is something that has bothered me a lot during the last few days here as the Clinton situation is unfolding, and that is I keep seeing these polls on TV that

60 percent of the people support the President. And I frankly cannot quite figure that out because I have read the information, and I just honestly do not believe that 60 percent of the American people find what HAS happened here to be acceptable.

So in our own office we did some counting today, and we have had 1500 contacts to our office either over the phone or E-mail or letters in a short four-day period of time. This is the largest number of contacts we have ever had in our office for any issue. The calls are 82 percent to ask for the President to resign or that he should be impeached. The calls are right now 1294 suggesting that we ask for his resignation or call for his impeachment and 281 that basically say get off his back and forget about it and get on with stuff.

So wherever those polls are coming from, I would like the American people and I would like my colleagues to know what is going on in my office. In my office it is about 8 and a half to 1 against the President at this point.

And when I found these numbers this afternoon, I started asking some of my friends what exactly is the situation in your office, and I am just bringing you back factual information. Every single one I talked to had the same sorts of numbers in their office as what we have in ours.

So I frankly do not understand where the poll numbers are coming from. I know there is a lot of people that feel both ways in this issue out there in America, and I know my colleagues feel differently depending on where you are at on this particular issue. But I do think it is important that we report back some of the things that are happening in our congressional offices and what we are hearing at the grass roots level from our constituents.

So I thought it would be important that we at least start with that particular piece of information, and, going on from there, I would like to ask all my colleagues a question tonight, and I think it puts this whole Social Security discussion into perspective.

If President Clinton had testified truthfully 90 percent of the time, so 90 percent of everything he said was absolutely true, would that make his testimony under oath okay and acceptable?

And I suspect that most of my colleagues would answer that question: No. If he testified 90 percent of the time truthfully and 10 percent of the time untruthfully, that would not be acceptable.

Now what does that have to do with Social Security?

We currently have a plan out here called a 90 10 plan where 90 percent of the Social Security money coming in, over and above what we are paying back out to seniors—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). The gentleman will suspend. As the Chair reiterated on September 10, 1998, Members engaging in debate must

abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

Mr. NEUMANN. My apologies, Mr. Speaker, but back to the Social Security issue:

If we have 90 percent of the money that is coming in for Social Security over and above what we are paying back out to seniors in benefits and 90 percent of that money is set aside and 10 percent is used for tax cuts because that is the proposal out here; this proposal is not that they take 10 percent of the tax cut money out of Social Security, they are taking all of the tax cut money out of Social Security, and the question would be: Would they find that acceptable? And I suspect the answer to that question is the same as it was to the previous question.

So I kind of start there with an understanding that in my mind at least the money that is coming in from Social Security over and above the money that is going back out to seniors in benefits ought to actually be set aside for Social Security the way any business would be required to set aside their pension money. It seems to me that any business in America would be required to put real money into their pension fund so that their employees could reasonably expect to get their pension when they got to retirement, and that really is the Social Security discussion that we are having today.

If there was a business in America today that took the pension money and used it to give pay raises, those folks would be in deep trouble. So why is it that our government can think about taking the Social Security Trust Fund money, pension money if you like, and use it for something other than Social Security?

Now, I would like to go a little bit further on what some of my colleagues from the other side, because all of a sudden I am hearing an awful lot of this Democrat-Republican stuff starting here, and I think it is important we put this in perspective for any of them pointing fingers over here at that Republicans that Republicans want to use Social Security money for tax cuts. Let us just put this thing in perspective right now so we get a little better handle what this place has been like for the last 40 years.

We have not had a balanced budget for 40 years, for 30 years. Since 1969 every single nickel of the Social Security money was used for spending. It was not used for tax cuts, it was used for spending. And it is every bit as bad to take that Social Security money and use it for spending as it is to take it and squander it on something else just because we happen to find, and I personally find, tax cuts much more desirable than new spending programs.

I brought this chart with me because I think it is very important to understand what is going on in this city right now today. In 1993 we had serious problems facing our country. We had

had the promises of the 1980's that we are going to balance the budget, and those promises were broken. And in 1990 we had taxes increased, and we got to 1993, and we had this huge deficit, and America woke up and realized we had a problem, and the people in Washington decided that the right answer to their problem was to raise taxes.

I brought this chart along because it shows the growth of spending in this government in 1993. This blue column shows the growth of spending. Well, what is growth of spending? If you spend a hundred dollars one year, and you spend \$102 the next year, that is a 2 percent growth of spending. In 1993 we had the spending growth rate down to 2 percent. So in this city they raised taxes, they said we have got to get this budget balanced and even do something about Social Security, and when we raised taxes in this city, immediately what happened is Washington spending went up.

So this is not a holier than thou kind of situation where all of a sudden Republicans are bad guys for proposing tax cuts where the other side is the good guys. The facts are for a lot of years here what has been going on is that extra money that was coming in that was supposed to be set aside for Social Security was lost in the spending increases.

All right. So we got past 1993. We saw the tax increase, and of course higher taxes simply means more Washington spending as this chart shows. We went through 2 years of that, and the American people said enough of this stuff, we do not want higher taxes, we wanted less wasteful government spending. So they sent a new group of people to Washington, D.C.

And when we got out here, look what is happening to the spending growth rate. You will notice instead of being here, that spending growth rate is starting to go back down again. That is the accomplishment, and that is what has led us to this balanced budgeted and our first surpluses.

But let us make no mistake about it. Let us make no mistake whatsoever. We would not have a balanced budget, we would not have a surplus, we would not be talking about what do with this surplus, whether it goes in Social Security or tax cuts or new spending; none of that would have been going on if this had not happened and we reduced the growth of government spending.

Now when we reduced the growth of government spending, we literally were in a position where we could both balance the budget and start putting the Social Security money aside and reduce taxes.

Now a lot of my colleagues, and I hope my Republican colleagues are listening tonight because a lot of what I am hearing out here is, well, the tax cut of 1998 is no different than the tax cut of 1997. And I want to tell you that is wrong, that is fundamentally wrong on the basic premises of what it means to be a Republican.

It seems to me when I became a Republican and when I came to this city, I came here for purposes of reducing the size and scope of this government so we could reduce the tax burden on working Americans at the same time we restored Social Security and paid off the debt.

I have got with me two sheets of paper that will not show up on the screens tonight. On one piece of paper is the 1997 tax cut. I have got the number circled in red, it is a hundred billion dollars. The net tax cut 1997 was a hundred billion dollars. The other sheet of paper I had is the corresponding spending reductions. In 1997 we did this the Republican way. We cut spending and we cut taxes. We did not go into Social Security money to pay for the tax cuts, we cut taxes, we cut spending. The number over on the spending side is \$127 billion.

So again let me reiterate. In 1997, when the Republicans brought this first tax cut out here, the \$400 per child, the 1500 to help pay for college tuition, the capital gains from 28 to 20 and going to 18, removing the taxation on virtually any home sale in America, all of the Roth IRA, all of those good things that were brought forth in 1997, we did the tax cuts and we did the spending cuts.

That is the Republican way. We cut taxes and we cut spending and that is the right way to go about this.

What we did not do, what we did not do, is we did not go into the Social Security surplus and use that money that belonged set aside for Social Security for purposes of tax cuts. Again, I want to point back to this chart because it is so important.

Those tax cuts were paid for by bringing this growth rate of government spending down. That is the right way to solve the taxation problem facing this country.

I am probably going too strong. I feel very strongly about this. We can tax cuts in this city at the same time we set aside the Social Security money and pay down the debt if we will just do it the right way by controlling the growth of government spending as opposed to just surrendering and saying, government does not waste any more money.

Is there anyone in America that honestly believes there is not enough government waste out here to offset a nice tax cut package that we could pass yet this fall? Why in the world are we not, as Republicans, going about this the right way, saying we are going to reduce taxes because the tax burden is too high, and we are going to reduce spending to offset the reduction in revenue?

That is the Republican way of doing things and it is what we ought to be doing out here right now.

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

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin, for yielding.

Mr. Speaker, I realize the passion with which the gentleman is dealing with this issue and has dealt with this issue over the last couple of years, and really appreciate that because I think it is one of the things that has really enabled us to in 15 days or 14 days end the fiscal year the way Washington counts, with our first surplus since 1969, recognizing that perhaps all or most of that surplus will be attributable to the surplus that we have in Social Security revenues.

I really want to build off on this. I was watching in my office the gentleman's dialogue with his counterpart, the gentleman from Wisconsin, and in that dialogue I really felt that there was one point that was missing, and the gentleman was just talking about it.

I think that the gentleman and I agree that as we end up 1998 and as we prepare for 1999, the last thing this Congress ought to be doing is a \$90 billion spending plan. It is being talked about as an \$18 billion, \$19 billion spending plan, emergency spending, but what the gentleman and I both know, being on the Committee on the Budget, as soon as we put that \$18 billion in there for 1999, it becomes part of the baseline for 2000, 2001, 2002, 2003, 2004.

It is not emergency spending that goes out here somewhere and says, that is a 1-year emergency. All of a sudden it is a built-in emergency as part of that budget each and every year so we are on the verge, or the rumors are because we have not seen anything yet and I think some of our other colleagues are saying if we are going to spend this \$18 billion this year we ought to find offsets, but the worst case scenario would be that in the next 3 or 4 weeks we do an \$80 billion to \$90 billion spending increase, a spending bill. That is the wrong way to go.

The gentleman was talking with his colleague from Wisconsin, and the gentleman was talking about that increasing spending was the wrong thing to do. I think the gentleman got agreement, but I am not sure it is what he and I agree with, that the tax burden is too high, that when the American people between the local, State and Federal government taxes are working Monday and Tuesday for the government, 40 percent of their income they are paying to taxes, the gentleman and I want that lowered. The gentleman and I agree on that. I am sure they did.

The thing that I was hoping that the gentleman would get agreement on is that they would join the gentleman and I in identifying wasteful, ineffective, inefficient spending of taxpayer dollars here in Washington.

We are spending \$1.6 trillion to find, what? To find a \$16 billion, a \$20 billion tax, we have to find what? How much is that, less than 1 percent?

Mr. NEUMANN. Reclaiming my time just for a minute, I am sure after the impassioned speeches we heard this evening basically condemning Repub-

licans for even proposing a tax cut idea because it uses Social Security money, I am sure everyone listening and all of their colleagues on their side will understand that new spending is money coming out of Social Security, too.

We need to understand, we have a triangular fight going on here. The fight is between those who want to use Social Security money for tax cuts, without offsets, and those who want to use Social Security money for new spending, and those of us who think Social Security money belongs in the pension fund like any other business in America would be required to do with their pension money.

I hope, after we heard those impassioned speeches over there, that we are going to find them supporting our efforts to not allow the Social Security surplus to be used for new spending either, but as the gentleman said, I am not 100 percent sure that is what I heard but I think I at least heard that from my colleague from LaCrosse, Wisconsin.

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

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, we do know that in many cases we can have the best of both worlds. We proved it in 1997, and we can prove it again that we can reduce spending. Excuse me, we can just slow the rate of growth. We as Republicans have done nothing to cut the size of government. All we have done is slow the growth of government. If we go back and we just take a look at the wasteful spending, I have taken a look at the Education Department, I have taken a look at the Labor Department. There are billions to be found. It does not mean that spending on education is not important, but the way that we are spending on education, where a dollar comes in to Washington and only 60 to 65 cents gets back to a classroom, I believe that means that we are wasting 30 to 35 cents.

We were in Milwaukee. We have been around the country listening to people at the local level about education. They are saying, we like your money but the rules and the regulations just dampen our enthusiasm and they stop us from doing what we would like to do.

Mr. NEUMANN. Reclaiming my time, I want to take just a couple of minutes and I just want to walk slowly through this Social Security debate because I think it is so important that people actually have the facts about what this whole debate and what this surplus is all about.

I want to walk through the surplus and how it relates to Social Security and what is actually happening. Social Security this year is collecting about \$480 billion from workers' paychecks. So we are getting \$480 billion in. We are paying back out to seniors in benefits about \$382 billion.

Now, let us put this in perspective so everyone understands. If someone had

a checkbook and they had 480 bucks in their checkbook and they wrote out a \$382 check, their checkbook would be all right. In fact, they would have 98 bucks left in their checkbook when they got back. That is Social Security today. It is collecting more money than it is paying back out to our seniors in benefits. As a matter of fact, this year, there is \$98 billion left over.

Now, that has been going on since 1983 and when my colleagues on the other side talk about this, we better get rid of the holier than thou attitude because since 1983, every year that they collected more money than they paid out to our seniors in benefits, the extra money has been going into the big government checkbook. If one thinks of this as the \$98 billion, it goes directly into, think of this as the big government checkbook called the general fund. Well, if they spend all of the money, they write checks out of the big government checkbook, they spend all the money out of that general fund.

Now, the checkbook has been overdrawn every year since 1969. So they get to the end of the year and they spend all that money, including the Social Security money, and there is no money left. So what has been going on over here is they are simply writing IOUs to the trust fund.

Now, again, I would like to go back to the real world for a minute because I had no political experience before coming here, and in the business I ran, if I would have taken my employees' pension money, put it in my business checkbook, spent all the money out of the business checkbook and then at the end of the year written an IOU to my pension fund, my employees would not have tolerated that, and the American people are not willing to tolerate that out of their government either.

So we wrote a bill. I want to make this clear how this bill would work. We would simply take that \$98 billion, the extra money, and we would put it directly into the Social Security trust fund.

Now, that may not seem like a brilliant idea to most people but the facts are in this city that is a very different policy. The money coming in from Social Security then would actually go into Social Security.

I have drawn a line here. Make believe that is the law, because what we are trying to do is keep this money out of the big government checkbook so that it cannot get spent on other things, even other good things like tax cuts.

So if we could get this money into Social Security, that leaves us then with the government general fund.

Now, let us think about the next step here because we are about to go into surplus not only in Social Security but also in the general fund. To my Republican colleagues and to my Democratic colleagues that were here earlier this evening that were talking about paying off the debt, let us complete this picture of what we ought to be doing.

Again, I am not smart enough to understand all the politics of this thing. I come from the business world. This is what we would do in the business world. First, the pension money actually goes into the pension fund. You do not touch that for other spending in your business. You do not give it for pay raises. You do not give it for new cars. You do not spend that money. It goes into the pension fund. So that is first.

Then we look over here at the general fund. When our general fund goes into surplus, okay, walled off from Social Security, when the general fund goes into surplus, good news. We are there now. It is just starting right now as we stand here speaking.

When the general fund goes into surplus, we take part of that surplus and use it to repay debt, and part of that surplus and use it to lower the tax burden.

So in that scenario, what we are doing is putting aside the Social Security money the way we should be, and we are going to the general fund and out of that general fund surplus we are funding additional tax cuts and they can be massive tax cuts in the near future because the economy is so strong as it is.

So we go to the general fund and we fund the tax cuts and we make payments on the debt.

Now, I have written a bill that does exactly this. There are two of them. The Social Security Preservation Act forces the Social Security money to actually go into Social Security, and we also wrote a bill called the National Debt Repayment Act which would pay off the Federal debt much like one would pay off a home mortgage, and whatever is left after our mortgage payment, well, that comes back to the people in tax cuts.

Now, I have an interesting provision here, and it is this picture for my Republican colleagues who got this in the mail while they were over break. If the economy stays not as strong as it is but close to as strong as it is, we would wind up with a \$1.5 trillion tax cut over the next 10 years, simply following this suggested plan that I have just laid out here.

Now, the problem with this is that it only happens if the economy stays strong. We do not go out and spend the tax cuts or spend the money in something different before we actually have it in our hands. The tax cuts only occur after the revenue is actually in hand.

What does it do? Well, it actually would pay off our entire Federal debt inside of 30 years. It would lower the tax burden on working Americans by \$1.5 trillion. That is 1,500 billion dollars. That is huge. It is almost 20 times what they are talking about here. We do it the right way. We do not use Social Security money for tax cuts. We look at the general fund and we look at reduced government spending to go make those tax cuts happen.

Mr. Speaker it is my honor and privilege to have with us here this evening

one of our most distinguished Members, my friend, the gentleman from New York (Mr. Solomon).

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

Mr. NEUMANN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to say to the gentleman from Wisconsin I appreciate him yielding. We certainly concur with everything the gentleman and my good friend are saying here.

Mr. Speaker, apropos to that I am going to send to the desk three privileged reports from the Committee on Rules for filing under the rule, one of which is a 10-day continuing resolution that will keep the government functioning, keep the Social Security checks going out, in case we have not finished our business by September 30.

I salute the gentleman for all of his hard work in bringing some fiscal sanity to this chamber.

Mr. NEUMANN. Mr. Speaker, I would ask the gentleman, does that continuing resolution fund the government at 100 percent of last year's level?

Mr. SOLOMON. It has to fund it at 100 percent of last year's level, which actually saves money, as the gentleman knows.

Mr. NEUMANN. I was just going to say, that does not mean 101 or 102 or 103 percent? Is the gentleman sure he would not like to make it longer?

Mr. SOLOMON. I would love to.

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

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague from Wisconsin for yielding.

Mr. Speaker, I think as we take a look at this, number one, what we have to recognize is the significant amount of progress that we have made. Again, listening to some of the comments earlier about what happened in the eighties, the tax cuts and spending, the problem in the eighties was spending, and when we go back to the gentleman's earlier chart, I mean spending just went up, up, up, up.

In 1995, when my colleague joined us here in Washington, we started to cut the growth. Again, we did not cut spending; we just cut the growth, projected growth of spending.

□ 2130

Where we are this year, and I do not know if my colleague has his latest estimate, but the gentleman has been about our most accurate forecaster in Washington, but we are very close to actually being able to have a surplus in the general fund. I am not sure we are going to quite get there, so I will yield to the gentleman.

Mr. NEUMANN. Mr. Speaker, the facts for this year are that we may in fact have the \$98 billion. It is close. It is some place between on the bottom end probably 79 or 80, and on the top end about 103 or 104 billion. The surplus

is right in-between there. Right now we may in fact have all of the Social Security surplus.

But the important thing to note is that if we have another year, not as good as this year, but nearly as good as this year, that we are not in a major recession, we are going to have surpluses in both of these accounts. I keep going back to that. For my Republican colleagues who are so anxious to cut taxes, we are so close to doing this thing the right way where we can actually put the Social Security money aside and have surpluses in the general fund. That is literally where we are right now today, if we have one more year that is just not as good as the last year, but close to as good. When that happens, we are now able to put this money away in Social Security like we should.

When we look at the surpluses up here in the general fund, we can make that mortgage payment and start paying off the debt so our kids can inherit a debt-free Nation, and we can lower taxes. We can do both of these things simultaneously.

One more thing. As we start making that payment on the Federal debt, part of the Federal debt is the money that has been taken out of Social Security over all of these years. So as we make payments on the Federal debt with that general fund surplus, another thing that is happening is that we are paying off these IOUs that are in Social Security.

It seems to me from a business perspective, this is not an overly complicated topic in terms of understanding what we need to do in the right way. If we are just a little bit patient, we are here. We are literally at the point where we can put the Social Security money aside and run significant surpluses in the general fund, so that we can both lower taxes and pay down debt. For any seniors, my colleagues who have many seniors in their district, as we pay down that debt, all of that money that has been taken out of Social Security literally gets put back in.

This is the course of action that we should be taking as a Congress, and I, for one, intend to work very, very hard to see to it that this is the direction we go.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, a couple of points. Number one, all of those years from 1969 where our colleagues on the other side, and I hope they join us on slowing the growth so that we can get some tax cuts; but from 1969 when we reported, or the Democratic Congresses reported \$200 billion deficits, that \$200 billion did not identify Social Security, did it? If we would have taken the Social Security surplus out of there, we would have been at \$250 billion or \$300 billion deficits annually.

Mr. NEUMANN. Mr. Speaker, on that point, if I could just reclaim my time for a minute, yes, those deficits that the American people and my colleagues

talked about all through the late 1980s and the early 1990s, they took all of that Social Security surplus, they put it all in the big government checkbook, they wrote out checks out of the big government checkbook, overdrawing the checkbook by \$200 billion a year, and that included spending all of the Social Security money. That is why they kept putting these IOUs down here. That has been going on for years and years and years, before we got here and turned this thing around in terms of getting spending growth under control.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, Members on the other side of the aisle who are blasting us now for perhaps even considering some of these things, from at least 1969 on, were burying these Social Security surpluses into more spending and understating the deficit each and every year as those numbers continued to go up.

Mr. Speaker, if we go to the budget, I saw the budget proposal for redoing the budget process today, and I do not know if the gentleman has seen that or not, but if the gentleman goes back to his chart that he had up there, the wall that he drew in, if we are going to talk about honest budgeting, I am thinking this is going to be a bipartisan effort because of the work that the gentleman has done in helping to communicate this very issue.

But under budget process reform, we are going to take the tax dollars collected for Social Security that go into the Social Security Trust Fund, we are going to take that wall there and we are going to pull those two circles and that green arrow, if the gentleman would point them out, we are going to pull them out of this equation. In the future, when we are talking about this, we are going to be talking about a Social Security chart, and we are going to be talking about a general fund chart, and we are going to start doing this more like the way we should than the way we have been. So that we can talk about Social Security, we can talk about how much the debt is, and then we can talk about the general fund.

The other thing that we are going to put in there, because this is such a convoluted budget process, but nowhere in our budgeting process today do we account for the other accrued liabilities that the Federal Government has. Nowhere do we identify the pensions that are payable to Federal employees.

So the new budget process number 1, is going to do exactly what the gentleman has proposed on that chart, and what the gentleman has proposed in his legislation which is to say, we are going to take Social Security and Social Security revenue and expenditures, and we are going to take it out of the general fund, and we are going to have really 2 accounts. If we want a unified budget, we can go and add those 2 charts together, but we are going to be working off of 2 separate accounts here. That is a huge step forward, and

the gentleman has spent a lot of time educating the rest of this House about why that needs to happen. I think we have a real opportunity to make that happen and begin that process yet before we go home.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, the song One Step at a Time comes to mind. Just think where we have come in 3 short years. In 3 short years, by getting spending under control, we are now running a surplus.

In 1969 when we ran a surplus it was \$3 billion. The surplus this year is 80 plus, so we are talking about the most significant surplus perhaps in the history of this country this year. That has come about because we got government spending under control, coupled with a strong economy.

A lot of times people say, well, the strong economy did it all. I have been out to a lot of town hall meetings all over Wisconsin and I ask them all a question out there in Wisconsin, and the question goes like this: Which one of these 2 things do you think is more likely to happen? A martian spaceship lands outside and comes in and joins us; they go back to Mars, and they snicker, and I tell them not to jump to conclusions. Because the second choice is that Washington gets \$100 billion of unexpected revenue and does not spend a nickel of it. Then they all snicker and they take the martians in most cases. In fact, that has happened out here.

When we look at this controlled government spending, it is important to know that that controlled government spending occurred in the face of a very strong economy, which meant additional revenues coming in. So in the face of \$100 billion of unexpected revenue, we literally held the line on spending. That is a pretty monumental change in the way things are going on.

In my town hall meetings when I look at their faces, there is kind of an appearance of disbelief. If anyone out there would like to check this out or my colleagues would like to check it out, and I am sure somebody on the other side of the aisle might want to check this out, in 1995 if you look at our budget resolution, what we projected we were going to spend in 1997, and if you look at our 1995 budget resolution what we projected for revenue, you will find that \$104 billion of unexpected revenue came in, while we underspent our projected spending by \$26 billion.

With the Internet and everything today, that is not a very complicated thing to check out. People can pull up these resolutions pretty easily and find out that these numbers are in fact true.

It really leads us back to this picture. I am glad to hear that the Committee on the Budget, I was not at that meeting today, we had others going on, but I am glad to hear that we are going to pull Social Security out. That is really what we are talking about.

Mr. Speaker, my fear is that over the next 3 or 4 weeks we are going to get so bogged down in a fight that they are going to say is using tax cuts for Social Security. Again, I would point out the difference between this and our tax cuts in the past. When they accused us of using Social Security for tax cuts in the past, we simply went and got our sheets of paper and said, wait a second. There is \$100 billion of tax cuts, here is \$127 billion of spending reductions. No, no. We are reducing spending and we are reducing taxes. That is the Republican way.

But this time, when they say we are using Social Security for tax cuts, they are going to be right, because we now only have 1 of these pages. That is the tax cut page. We have somehow lost that willpower to find that other page that goes with tax cuts, and that is spending reduction. I just cannot emphasize for my colleagues how important it is that we recommit ourselves to that basic principle and that basic premise. Tax cuts are good, but tax cuts should not come out of Social Security. Tax cuts should come by reducing or controlling government spending, or, and I have now laid out a second option that was not even considered 3 years ago, because we did not have a chance at this.

The second option for tax cuts is when our general fund, with Social Security walled off, when that general fund goes into surplus, we are then in a position to make payments on the Federal debt, and remember, as we pay down the debt we are paying off the Social Security IOUs, and we can use the balance of that general fund surplus to again lower the tax burden on Americans.

Mr. Speaker, a lot of my colleagues say, wait a second, what are we going to campaign on with all that stuff. I say, most of the American people do not even know about the 1997 tax cut, that tax cut where we cut taxes and reduced spending to pay for it, that tax cut most of them do not even know about yet. It might be wise here to talk about the impact to some of our families of the 1997 tax cut so folks do know about it.

If one has a child and is a middle income Wisconsin family, and one has a child under the age of 17, one gets a tax refund next year of \$400. So if one has a child 17 or under, when one does their taxes next year, there is going to be a check back in the mail to them for \$400 for each one of those kids. If one has a child in college, one is going to get up to \$1,500 to help pay that college tuition. Paying college tuition today is tough for parents.

Rather than developing some big new government education program where bureaucrats get the money, we simply allowed for a tax refund to go back to those families with college kids. But it did not stop there.

When I go to meetings and I ask how many people own a stock or a bond, almost every hand in the room goes up.

When you sell, instead of paying 28 cents on the dollar to the government, you are only going to pay 20. As a matter of fact, that number is going to 18 very shortly. There are a lot of folks in lower income brackets that own stocks and bonds, and for them it is going from 15 down to 10.

Mr. Speaker, this is good news for America. Taxes were reduced, and again, I keep going back to in 1997 when we reduced those taxes, we reduced spending. This is good news for Americans.

The Roth IRA. My own kids are starting Roth IRAs. It scares me to think that I have kids that are in their early 20s that are now taking advantage of this tax cut package that we passed last year. Young people in America can now put money into the Roth IRA to buy their first home. When they take out the money it is tax free for the down payment.

When they put money in the Roth IRA if they decide to return to school, they can take money out of their Roth IRA tax-free to return to school. Equally important, if one is in their 40s and they are now looking to what it is going to be like when one is in one's 60s and ready to retire, you should start asking yourself, should I put money into the Roth IRA. You put the money in, interest builds and accumulates until you reach retirement, and you pay no taxes when you take it out at retirement.

This is a huge, tremendous encouragement for people to save to take care of themselves. The tax cut package of 1997 was a phenomenally good package for virtually all Americans.

A lot of times I talk to senior citizens and they say, what did I get out of it. Well, a lot of you sold your homes when you took the one-time, age 55 exclusion and you bought a smaller home and you are now ready to sell that smaller home. Well, the fact is there are no more taxes on that smaller home even if you took the one-time, age 55 exclusion.

Equally important for seniors is the Medicare reforms, because rather than just going and saying we are going to collect more taxes for Medicare, what we did is looked at Medicare and came up with ways to make Medicare better for seniors that was also more cost-effective. I just want to give one specific example, and that is diabetes.

In the past if a senior citizen wanted screening for diabetes, it was not covered under Medicare. What would happen is lots of seniors got diabetes and they got very sick and it destroyed their lives and it also was extremely expensive to deal with the problem after they got sick. So we included diabetes screening, which is not only cost-effective, but more importantly, it provides a better life for our senior citizens. There are many, many aspects of Medicare that have changed in that manner for senior citizens.

So when we look at that overall 1997 package, and again, I go back to the

Republican way: tax cuts coupled with spending controls and spending reductions, that is the Republican way of doing things and it benefited literally all Americans.

I would be happy to yield to my friend from Michigan.

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

I think it is important for us to come back and say, what was the trigger, what was the trigger that enabled all of these positive things to happen? I really come back to exactly that. That chart; the chart that said, we believe Washington is big enough and has enough; as a matter of fact, we think Washington has too much of your money and we have set our growth rates too high, and all we want to do is scale back the rate of growth. And when we did that, it enabled us to get to a surplus budget.

Remember, a year ago we were debating, because people were saying, get to a surplus budget by 2002? Never make it, never happen. But by controlling the growth of spending and when revenues came in higher, we were able to get to that. We are going to get to that surplus, and we were able to do all kinds of other positive things.

When we in Washington say, enough is enough, we have had enough and we have to learn to live within our means; as a matter of fact, again, I keep saying cut, but it is not. All we need to do is to learn to grow a little bit smaller.

□ 2145

Mr. NEUMANN. Mr. Speaker, I have got a question for the gentleman from Michigan. Has the gentleman from Michigan ever been in one of his town hall meetings and asked the question: How many people think government spending should go up faster than the rate of inflation? And they just look at you and laugh. They say of course government spending should not go up faster than the rate of inflation.

But when I point back to this chart, we are seeing government spending going up nearly twice as fast as the rate of inflation. What they call a cut in spending in Washington, what they actually mean is they are bringing the growth rate of government spending back to about the rate of inflation.

A lot of people would like to see it grow slower. Then I always have somebody stand up and go, we cannot do that say because, because, because; and they come up with some program that has got to grow faster than the rate of inflation.

Let me give you an example. The baby boom generation is headed toward retirement. So when we look at Social Security with cost of living adjustments, plus additional seniors going into Social Security, Social Security is, in fact, going to go up faster than the rate of inflation.

My answer to them very simply is, look, if we have got a program that has to go up faster than the rate of inflation why do we not find a program that

is not as important as that program and reduce spending in that program that is less important, so we can keep the overall spending growth rate of government at or below the rate of inflation. Then they all nod their head.

It just seems to me logical that we ought to be able to keep the growth rate of government spending at or below the rate of inflation. If I had my way, as my colleague well knows, it would not be at the rate of inflation. It would be slower than the rate of inflation, because we would find all kinds of waste. When we cut the waste out, the savings would be used to reduce taxes as we did in 1997.

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

Mr. NEUMANN. I am happy to yield.

Mr. HOEKSTRA. What happens through this process is what you outline. We get to a surplus in 1998, or we get to a balance or close to a balance without taking into account Social Security, which is a very, very positive step. When I first came here in 1993, we were looking at increasing taxes, and we were looking at increasing spending, and we were looking at deficits of \$300 billion as far as the eye could see.

Mr. NEUMANN. With Social Security, do not forget.

Mr. HOEKSTRA. With Social Security. So taking Social Security out, it would have been close to \$400 billion annually.

So we get almost a real surplus, and next year we probably will. We are able to do all of those tax cuts that the gentleman outlined, the \$400 per child, the Roth IRA, the Hope scholarships, the scholarships for students. We go through all of that, which is a real benefit to American families each and every day.

We are then on the verge of next year, with continued economic growth, of getting to a real surplus, taking Social Security out, which then enables us to do even more good things, which is more tax cuts and paying down the debt and putting the dollars back into Social Security.

Also, by doing and getting to where we are financially today, the Members now will have the courage to go through and do the right thing on budget process. Because a few years ago, they said we cannot change the budget process because then people will really know that the deficit, instead of being \$200 billion is really \$298 billion. It has really been liberating and has changed the dynamics and changed the debate here in Washington for us to do a lot of good things and move us in the right direction.

Mr. NEUMANN. Mr. Speaker, if I can reclaim my time, I would like to ask my friend, the gentleman from Michigan another question that I think kind of puts this all into perspective.

If we look at this chart over here, and we see that spending was going up at this rate before, and now spending is only going up at this rate and even slower yet, if the government had

spent this much more money instead of doing tax cuts, so the government spends it instead of leaving it in the pockets of the American people, is there anyone in this country that honestly believes that, by spending this much more money, the government would have done a better job spending that money than our families would out there in Wisconsin or in Michigan or anywhere else in America? Does one honestly believe that the government here in Washington knows how to spend that money better than the people out there in America?

I think what is real important here is to understand that, if we had not done the tax cuts, that we were actually getting this money back to the people, and we could not frame it in this framework of, well, listen, we are going to do one of two things, we are either going to spend it here in Washington or we are going to let our families keep it themselves, it was that framework, it was that idea that we could allow the American people to keep the money instead of Washington spending that has helped us control this growth of government spending.

It is that idea, that understanding that families in Janesville, Wisconsin can spend their own money better than we can spend it out here in Washington that has allowed us to get these spending growth rates back under control.

Because if we just say we want to cut spending, there is not much incentive to do it. But if we say we want to cut the growth rate of government spending so we can allow our families in Wisconsin to keep more of their own money, it becomes a winning argument. In fact, that is how we have been winning these arguments out here for the 3 years I have been here, almost 4 years now.

Mr. Speaker, I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, it is not the winning argument, it is the right thing to do.

Mr. NEUMANN. That is correct.

Mr. HOEKSTRA. The gentleman is absolutely right. When I go to my town hall meetings and talk to my constituents and say, would you like the growth rate to be a little bit more than inflation, because we are really doing good things with your money out here in Washington, it is kind of like they look at you and say no, because we just have way too much evidence of you doing the wrong thing in Washington with our money. We do not have a high degree of confidence that you need all of this.

As a matter of fact, most of my constituents, I would believe, think that we have too much of their money and ask them for too much of their money each and every week when they look at their little pay stub; and they say, wow, this is some money that I probably could spend better than what Washington could spend it.

The gentleman has identified we have got the silly little spending out there,

the cow, the methane gas study that is going on.

Mr. NEUMANN. Mr. Speaker, would the gentleman fill my colleagues in on that, because that was very quick. That amendment that I brought to the floor to end the cow gas study was very quickly accepted down here. Some of our colleagues may not even be aware that we were spending lots of money, the taxpayers' money to study cow gas out here before this year.

Mr. HOEKSTRA. Mr. Speaker, I do not know all the specifics on it. The gentleman highlights it. We are glad that the gentleman goes through the budget and he finds that. I do not remember the exact amount of money, but the gentleman looked at it and said, is this really what we need the federal government doing is paying for someone to study the cow gas.

Mr. NEUMANN. It smells like government waste to me.

Mr. HOEKSTRA. It smells like government waste. So we have got to stop.

Mr. NEUMANN. Mr. Speaker, we are kind of making light of that, but there are hundreds and hundreds and hundreds and hundreds of these sorts of programs.

We can start with the Russian monkeys where we were sending millions of dollars of taxpayers' money to Russia to launch monkeys into space, for heaven's sakes. We did this every year. Or the ice buckets that were delivered to our office doors every morning, even though we all had freezers.

For goodness sakes, they started delivering ice buckets in the 1800s. In the 1930s, when they put refrigerators in the office, nobody ever told them to quit delivering ice. So they kept spending \$500,000 a year delivering ice to our doors every morning.

I might add, in the House of Representatives, we got that stopped in my first year here. The Senate did it 3 years later. So it only took them 3 more years to figure out it was not such a hot idea over in the other side of this body.

But the list of this sort of thing goes on and on. The military plane that flew a cat back from I believe it was France to Colorado Springs at a ridiculous cost to taxpayers. Hundreds of government employees that we can do without.

This list is so extensive. Then you add to that corporate welfare. We are going to talk later this week. Did the gentleman know we were using tax dollars to teach anglers, fisherman, how to guide for fishing, but not in America, but Ireland?

Think about this for a second. Think about the logic of this program. I just found this one today, so it is kind of fresh on my mind. We are taking taxpayers' money out of Janesville, Wisconsin. We are getting it out here in Washington. We are then sending it over there to Ireland so Ireland can train fishermen how to guide for fishing expeditions properly.

If someone can help me understand the logic of this, then maybe I will con-

cede that it is not such a hot idea to continue our efforts to control the growth rate of government spending.

But I have to tell my friend the gentleman from Michigan and my colleagues, I honestly believe we can do tax cuts this year if we just get our nerve back to control wasteful government spending. There is no reason in the world not to offset tax cuts with the elimination of wasteful government spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield. Just a simple question. What department was this angler training program in for Irish fishermen?

Mr. NEUMANN. Foreign operations. We just found it today. There are a series of other things in the same bill that are just fascinating. That is the only thing I can say is it is fascinating. It is equally fascinating as the cow gas study.

When you start looking at what the government spends the taxpayers' money on, it is almost as if somehow the people out here forgot that it is not their money. It is the people's money. It is the family of five in Janesville, Wisconsin with two kids at home and a freshman in college that next year is going to get a tax refund of \$400 per child and \$1,500 for that college tuition, \$2,300. That family of five, two kids at home and a freshman in college is literally going to get a tax refund of \$2,300 next year.

We could have trained more fishermen, I guess, in Ireland or maybe in England or somewhere else; I do not know. We probably could have done some of those things; but, shoot, it seems to me that those families out there in Janesville, Wisconsin and all over this country could spend that money better than if we sent it overseas to train fishermen or launch monkeys into space for that matter.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I asked the gentleman the specific question about the anglers in Ireland only because I chair an oversight subcommittee on the Committee on Education and the Workforce, and we asked a very simple question of the Executive Branch about a year and a half ago as we began a project called Education and Our Crossroads.

We said, this is the Executive Branch. We kind of surveyed their documents and tried to answer the question. How many education programs are there? The answer came back, and a lot of study, and it is 740, 760. We finally said, if you take it all, and this is not all K through 12, it is all kinds of different education programs, and this one might be in there, and if it is, I am sorry we did not catch it and identify it before the gentleman did, but it is like 760 programs.

We thought hallelujah. Now we know why there is an education department, to coordinate 760 programs. We then took a look at it and said wrong; 760 programs, 39 different agencies. We

found things like, we, the people in the gentleman's district, the people in my district pay for closed captioning, think about this, closed captioning of Bay Watch, of the Ricki Lake Show. American taxpayers are paying for closed captioning of Bay Watch.

It is kind of like take a look at where we are spending our dollars. This is why, when we go to our town meetings and say, do you think we should grow at a rate faster than inflation, they said no, kind of like maybe we should decrease spending, which we have not done.

Mr. NEUMANN. Mr. Speaker, I just want to bring this back to the discussion we are in the middle about here right now. I hear this cry from my Republican colleagues and some from the other side as well that we should somehow take the Social Security surplus and use it to cut taxes. Why can we not do it the same way we did last year?

We started talking about these waste programs. Why can we not cut taxes and eliminate government waste? Why do we not reduce spending and reduce taxes at the same time so we are not using Social Security money for tax cuts? Why can we not do this the right way? Is there anyone that honestly believes there is not plenty of waste still in this government that we can get rid of so we can provide tax relief for the American taxpayer and do it without taking the Social Security money?

Why should we surrender and say we cannot do this anymore? We can do it. There is plenty of waste still in this government. For goodness sakes, we can start on the audit where they went looking for ships. Out of, I do not remember the numbers exactly, it was about 72 ships, they could not find 22 of them, for heaven's sakes.

We start finding that the Forest Service Department could not find \$215 million. How in the world do you lose \$215 million? If somebody would have come back to me and my building company and said I lost \$250, I mean that would have been grounds for serious consideration for dismissal or at least serious ramifications. But \$215 million that they cannot find in this audit.

We have got plenty of places in this government where we can still eliminate wasteful government spending. If we are real serious about providing tax relief, and I think we should be, let us do it the right way.

Let us go after tax relief and spending reductions to pay for it, and let us leave the Social Security money alone so our senior citizens in this country can start getting up in the morning again, understanding that their Social Security is safe.

There are a lot of people, there are a lot of senior citizens in America that just plain cannot afford to make it without that Social Security. They have gone through their whole life expecting Social Security to be there. The government has made that promise to them. Their government has made that promise to them.

They cannot go back and relive their life and start a Roth IRA like many of us are doing now. They cannot do that. It is too late for that for them, because they are relying on that Social Security check.

Why can we not do this the right way? Let us put the Social Security money aside. We are there. The general fund is in surplus as well. Let us wait for that surplus to get big enough to do a legitimate tax cut.

If we want to do tax cuts this year, shoot, let us not take the social security money and do it, let us do it the right way and reduce spending to correspond to the tax cut that we want to do out here. That is what we ought to be doing in this city.

By the way, that teaching fishermen how to guide fishing trips properly in Ireland that we are paying for with American tax dollars, I do not think that is on your list of education programs. It never even occurred to me that that is a course in education program. It never even occurred to me that that is education. I am sure that is not on the list. Maybe we expanded the education list to 761.

Mr. Speaker, I am happy to yield to my friend, the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for leading this discussion. I think the real focus here is on controlling spending. Even the gentleman was using the term reducing spending. We are not reducing spending.

The best we can hope for is to slow the growth of spending. If we can slow the growth of spending, we save Social Security, we pay down the debt, we can reform the budget process, and we can provide tax relief. It really opens up and changes the debate in wonderful ways here in Washington.

Mr. NEUMANN. Mr. Speaker, I just want to kind of conclude this conversation this evening with just kind of a summary here. A lot of times what has happened and what is going to happen over the next couple of weeks is this House is going to be divided. We are going to hear the Democrats saying Republicans are proposing tax cuts paid for with Social Security money.

□ 2200

We are going to see some Republicans, myself included, going, "We cannot use that Social Security money for tax cuts." And there is going to be a fight going on. But we need to keep the big picture in mind. For goodness sakes, in 3 years we have gotten to that balanced budget that was not promised to be here until 2002. We have got our job done.

The only reason we are having this fight at all is because we have gotten to a balanced budget and we are running surpluses, not in 2002, like the Republicans promised when the Republicans took over in 1995. That is not what happened. We did not get there in 2002. We got there in 1998.

It is about time I think that some of the people that are responsible for this get some of the credit for doing it. By controlling government spending, we brought a tax cut about first time in 16 years. We brought about the first balanced budget since 1969. These things have happened and the credit for these things ought to be given out here so that as we are having these fights that are currently going on, we realize that had we not turned this spending growth rate around, we would not be having these discussions at all. There would not be any fight about tax cuts using Social Security money. That fight would not be going on if we had not done our job properly.

So as we have these disagreements amongst thinking people that can disagree, we should also remember to put credit where credit is due. Because without the people that are leading this Congress today, certainly we would not be in a position to have this discussion. And it is a great, great discussion to be having.

Think if somebody would have told us 4 years ago, or 3 years ago that we would be standing here on the floor of the House in 1998 fighting about whether or not we should use the surplus for tax cuts or for Social Security or, as we are beginning to hear about, new spending. What a wonderful fight. Nobody would have dreamed we could have had that fight.

Mr. Speaker, I think it is important that we keep in perspective just how far we have come in this country in such a short period of time so we recognize what our potential is as we move forward.

Shortly we are in a position where we can put aside all the Social Security money and start paying back the money that has been taken out of Social Security, and our seniors can again get up in the morning understanding that Social Security is safe.

We are in a position that the general fund is in surplus as well, so we can make payments on the Federal debt and pay it off much like any American would pay off their home mortgage. Thirty years from now, 25 years from now, if we will just do that, we can give America to our children debt free. When we think of goals for a generation, would it not be a wonderful goal for our generation to make those payments on the debt and give America to our children debt free?

At the same time that general fund is in surplus, let us make our mortgage payment and take what is left over and use it for tax cuts. We can do that. We can pay off the debt, we can lower taxes, and we do not have to use Social Security money to do it.

Mr. Speaker, I conclude tonight by encouraging my colleagues to support tax cuts, because the tax burden is too high. But let us not, for goodness sakes, do tax cuts with Social Security money when we are right on the verge of being able to fix Social Security at

least from now through 2030, start paying off the debt, and still provide significant tax relief to the American people. That is the direction that we should be heading with our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). Members are reminded to refrain from characterizing Senate action or inaction.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 128, CONTINUING APPROPRIATIONS, FY 1999.

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)) from the Committee on Appropriations, submitted a privileged report (Rept. No. 105-724) on the resolution (H.Res. 541), providing for consideration of the joint resolution (H.J.Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)), from the Committee on Rules, submitted a privileged report (Rept. No. 105-725) on the resolution (H. Res. 542) providing for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)), from the Committee on Rules, submitted a privileged report (Rept. No. 105-726) on the resolution (H. Res. 543) providing for consideration of the bill (H.R. 3248) to provide dollars to the classroom, which was referred to the House Calendar and ordered to be printed.

RESHAPING THE INSTITUTIONS OF AMERICAN SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, first of all, let me apologize for keeping you here after 10 o'clock at night. Also, let me apologize to the staff. I do not ordinarily talk to myself in an empty room, as the other two gentlemen have been doing for an hour. But there is something tonight that I feel I simply have to get off of my chest.

Mr. Speaker, I intended to speak tonight to address some of the institutional failures that I believe are besetting this country as we deal with the matter involving the President. The Speaker's recently announced guidelines about what comments are permissible about the Starr report that we voted to release, and the President's conduct, prevent me from saying on the floor certain things that I wanted to say. In deference to those guidelines, I will honor them. But the whole text of what I intended to say will be available in my office.

Mr. Speaker, Friday night after 2 hours of reading, after our vote on Friday, I began to wonder about the correctness of my vote earlier that day in light of my concerns about the appropriateness of what should be electronically directed into people's homes in this country. Taking a break from my reading, I turned on the TV to see, as an unreconstructed Cubs fan, if I could find out whether Sammy Sosa had hit another home run again. The tube came on, and within seconds I heard a CNBC reporter using language that I never expected to hear on the Nation's national news programs, or what passes for them these days. And at that moment I reached the same conclusion that millions of Americans have probably reached. I have had it. Not just with this story, but with something far more disturbing.

What I felt was a conclusion that has been building within me for months, even years. I was overwhelmed with the feeling that our society and our country is faced with nothing less than the accelerating failure of institutions that are central to our functioning as a decent society and as a democracy that works the way our Founding Fathers wanted it to work.

Mr. Speaker, please do not misunderstand. This is a great country. In many ways, it is a good country. There is much that is good in our society and we have had much good economic news in recent years. Nonetheless, I believe that most crucial institutions and institutional arrangements in this country and in this society are failing in their responsibilities. That failure is affecting our economy, our culture, our political system, our long-term environmental security, and even our own spirituality.

The evidence of the failure of our most important institutions is all around us in this and other events. At the moment our Nation is transfixed on this episode, global challenges face us everywhere. The world's economy is in turmoil. We have almost no tool but persuasion to move the Japanese Gov-

ernment off a course of economic and fiscal impotence and incompetence that threatens the economic health of all of Asia and indirectly threatens our own economic health as well.

International financial institutions such as the International Monetary Fund are being overwhelmed by changes in the world economy, changes in currency relationships, changes in capital flows that each day weaken the ability of the major institution the world has to stabilize economic relationships between nations, the IMF.

The Nation with the largest arsenal of nuclear weapons that could possibly one day be arrayed against us, Russia, is experiencing political and economic chaos. Much of Europe is focused on that chaos, but here in America we give it only intermittent attention and analysis.

The most irrational, paranoid, and dangerous government in the world, North Korea, is facing military, political, and economic instability that could easily threaten the lives of 50,000 American servicemen and women stationed in South Korea, and hundreds of thousands of other human beings.

Our ability to prevent the spread of nuclear weapons has been brought to the edge of failure by events on the Indian subcontinent and in Korea. And yet the discourse in this country about how to deal with that issue is shallow and in some cases downright dangerous.

The best chance in a generation for peace in the Middle East is slowly but surely sliding away, and this decade has produced the hottest known global temperatures in years with huge potential consequences for worldwide agriculture, fisheries, economic dislocation, public health, and environmental stability. And yet commercial disputes about profit levels are threatening our ability to take even marginal action to minimize potential catastrophe.

On the home front, the Supreme Court, the institution that we in the end rely upon more than any other to preserve the balance of forces that protect our democratic processes and our liberty, has handed down two very different sets of decisions that have crippled the ability of our political system to function as a democracy should.

First, the spectacularly myopic decision by the Court in the Paula Jones case that the government would not be distracted if that case went forward now rather than 2 years from now and the President was out of office.

Second, the mind-bogglingly naive decision that the constitutional rights of Americans to have a political system that functions for them would be protected by a series of naively libertarian decisions that equate money with speech, establish absurd legalisms about campaign financing that have no relationship to reality that have turned politics into a money chase and political campaigns into the competition of dollars rather than ideas.

Other domestic institutions are also failing in their fundamental responsibilities. Large sections of corporate America are making economic decisions devoid of any values except the maximization of financial benefit to the management and investment elite of this country, in almost total disregard of the impact of those decisions on low workers, their families, and their broader communities which have nurtured them.

These decisions and policy decisions by government have together produced the greatest disparity between the economic well-being of the wealthiest 5 percent of our people and everyone else in the modern history of our country. If we as a people are concerned with moral outcomes, should we not be just as concerned about how the Nation deals with poor people and sick people as we are about how we deal with each other on matters of sexual intimacy?

The political elite has largely debased what passes for political dialogue on many crucial issues. It has allowed its reliance on the community of pollsters and consultants to produce the lowest common denominator discourse in which winning and holding power drive out almost any consideration of the need to educate and enlighten the public on every front.

Is there no length to which we will not go to hold or seize power? Is there no amount of pain we will not inflict on each other for political gain?

More and more individuals are entering Congress and other political institutions who see issues not as problems to be confronted, but concerns to be manipulated and toyed with around the margins in order to seize and hold power.

So many debates are split along party lines and driven by the ideological enforcers, the modern-day American counterparts of Mikhail Suslov, the old guardian of the purity of Soviet orthodoxy, that when bipartisanship does occur, we are almost startled by its appearance.

The focus and limits of much of that debate is set by political elites in both parties who rub shoulders with the financial and economic elites of the Nation far more often than they do with everyday working people. The press itself, with all too few lonely and valiant exceptions, some of whom work in this building, has fallen into the same bad habits it legitimately criticizes in the politicians it covers.

The press too, especially the electronic media, drawn by the realities of the marketplace has often become little more than the public affairs entertainment division of profit-making corporations who will do almost anything to preserve market share instead of responding to the public's needs to understand the substance of issues before the country.

The press, driven by market surveys and polls, produces story after story that portray politicians as gladiators and celebrities, rather than problem

solvers, responding to and strengthening some of the most unhealthy public biases on the landscape.

For every question that I get from a reporter on the substance of an issue, I get five from other reporters about the politics of that same issue, reflecting both a laziness and a shallowness that this country simply cannot afford. And worst of all, some reporters cannot resist using any device to win a point, no matter how much damage they do to the country and innocent individuals in the process.

One need look no further than the reporter who last Sunday on a Sunday talk show in an interview with a guest snidely asked that guest what his wife's definition of sex was. That reporter owes his own profession, his viewers, and the wife of that guest a public apology for his own inability to resist his Dennis the Menace impulses which have increasingly made that reporter a caricature of himself. Is there no length to which some members of the press will not go in order to humiliate other human beings, all in the name of news values? I wonder.

Even religious institutions have allowed themselves to fail the Nation in too many instances and have allowed politicians to manipulate religious concerns more to find political advantage than to find spiritual answers.

□ 2215

Debates and discussions about the nature of humankind and our origins, our purpose and our relationship with our creator are essentially conversations about the unknowable, at least in this life. Yet the certitude with which some political and religious figures attack those who have legitimate differences of belief are disheartening and appalling and border on the sacrilegious. Too many political and religious leaders alike have allowed religion or the superficial reference to religion to be used for nonreligious purposes. They wrap political, commercial and ideological preferences in religious ribbons and desecrate both religion and politics in the process. The 10 Commandments represent a guide for living and for the treatment of others. They are not supposed to be a road map for human beings or politicians to destroy each other. They are not a political program or an economic program. As Mario Cuomo once said, "God is not a celestial party chairman." To the best of my knowledge, God has not yet taken a position on capital gains or other tax plans. But you would never know it by listening to some of the self-promoting political manipulators who pass themselves off as the clergy of the tube. Politicians have no special qualifications to judge the private lives of other people. In the end, only God can do that. The nuns at St. James taught me a long time ago that we have enough to do worrying about the stewardship of our own souls to pass judgment on the private lives of others. Neither do religious leaders have any special com-

petence to judge the specific mechanisms by which elected officials in a democracy accomplish decent public ends. Those of us in public life owe due consideration to their opinions, but we have, after all, taken an oath to uphold the Constitution in accordance with the dictates of our own conscience, not someone else's. That is our own sacred public duty under the Constitution. We religious and political leaders alike have allowed debates about religious truths and values to be used all too often as weapons to inflict pain and gain political advantage rather than as tools to find moral answers that take decent account of the moral values of others as well as ourselves. We have all too often allowed the substitution of moralizing for morality, and have allowed the search for God to become a journey that develops hatred and contempt rather than love for our fellow searchers.

Example. On abortion, an issue which we will be debating again for the thousandth time tomorrow, perhaps the most agonizing, troubling and divisive of all moral debates in the public realm. On that issue, both sides have allowed their own certitude about the will of God or their dedication to unbending individualism, their desire for tactical advantage, to get in the way of their responsibility to recognize good intentions and honest nuances of conscience. And so that debate has become more and more a political manipulation of the legislative process rather than a search for areas of agreement that would reduce the world's acceptance of abortion at the same time that it recognizes the dignity of individual conscience.

All of these institutional failures, I believe, are rooted in two fundamental shortcomings: One simply, a lack of knowledge or understanding about how the world and institutional relationships are changing; the other is the triumph of a me-first rampant materialistic individualism that prevents the leaders of almost all of our social, political, commercial, informational and religious institutions from really focusing on the answers to one simple question: In addressing whatever decisions confront us, how can I or we take into fair account the needs, concerns and interests of those who are not just like us in social or economic standing, cultural outlook or political or religious beliefs? That is the important question.

We desperately need to address our key institutional shortcomings, because institutions are the major tools available to any culture, to any nation, and to any society to shape its future. Yet we continue to be transfixed on the Starr-Clinton-Lewinsky soap opera. The Nation has been moved to this focus because of two people largely. First, Mr. Starr. On a number of accounts, Mr. Starr represents the overreaching zealotry of a personally upright but ideologically and politically partisan individual who before he was

appointed special prosecutor was already contemplating filing a court brief on behalf of Paula Jones and who had indicated he was planning to join Pepperdine Law School, an institution financed in large part by a person who has contributed millions of dollars to try to bring down the President. Mr. Starr from all reports is a fine, upstanding human being. But a person of his partisan and ideological mind-set should in my view never have been appointed to a position that calls for, above all, unquestioned fairness, balance and judgment. President Clinton is the second person. Up to this point he has been the most personally talented politician of his generation. He appears to be a person of good heart and courage who wants to do good things for the country. But it has often been noted in the press that the President's causes have been both promoted and crippled by a tendency to use language in ways that are technically in conformance with the truth but often result in obscuring rather than clarifying.

As frustrating as I feel about parsing of language in this episode, I am even more unhappy about the lack of candor demonstrated by both the President and congressional leaders in jointly obscuring the real effect of the budget agreement they both sold to the Nation last year on our ability to meet our domestic responsibilities in strengthening education, health, environment, housing and social service. Why does that frustrate me more? Because the second was a public event which had direct, substantive consequences for American citizens and their families on questions that we will be voting on every day.

At this point, some things are clear to me and some things are not. I cannot really reach a final judgment on this depressing matter until I have had an opportunity to have all of the appropriate information. But my first impressions are these. First, after four years and the expenditure of over \$40 million since Mr. Starr was first appointed to review the facts surrounding the Whitewater land deal in Arkansas in the 1970s, we still have no finding of illegal conduct by the President in Whitewater, no finding of illegal conduct by the President in the investigation of the White House travel office which Mr. Starr subsequently undertook, no finding of illegality by the President on the matter relating to the FBI file case. At this point all of the Nation is focused on something which had not even occurred when Mr. Starr was first appointed independent prosecutor.

At this point, Mr. Speaker, I intended to comment on some of the concerns I had about both Mr. Starr and the President, but I am precluded by the Speaker's guidelines from doing so. The complete text of what I had to say on this point will also be available in my office, but I will not address them here.

As we ask the question, what is the proper action for Congress to now take, I will say that this episode in many ways is very different than Watergate. The actions in Watergate involved burglarizing and wiretapping political opponents, attempting to use the IRS to intimidate political opponents, financial payoffs to defendants in criminal cases, and other uses of the levers of governmental power to subvert the very democratic processes that underlie the essence of America. In considering an appropriate action for the Congress to take, I would urge the House to consider the course it took in another case a year earlier. At this point, what is important for us to determine is what is the best thing for the country. A congressional reprimand or other sanction may prove to be the most appropriate action, especially if it allows Congress to end this matter in a much shorter period of time so that the Congress and the presidency can refocus our attention and activities from issues of the past to the future public needs of the Nation and the people we are supposed to represent. I do not know how this sad chapter will end, but I do know that this episode and the way it has been handled by the leadership circles of our major institutions demonstrates a desperate need to examine how we can renew those crucial institutions.

In two years, the millennium will draw to a close. This Nation's institutions are simply not ready to lead the country into a new one. I would never in three lifetimes call for a new constitutional convention, because this generation of political leadership in my judgment is highly unlikely to improve on the work of the Founding Fathers. It is much more likely to muck it up. But I do believe we need to have millennium conventions convened for the purpose of examining ways to reshape, redirect and refocus almost all of our institutions, economic, corporate, political, communication, religious and even our international institutions, such as the IMF, the U.N. and NATO. In the political arena, we need special attention paid to the presidential nominating process to try to find ways to reduce the importance of candidates' media skills and increase the role of peer review by people who know the candidates best if both parties are to produce candidates with the qualities necessary to lead this country.

I do not know how we can change the human heart, but we do need to find ways to reshape the major institutions of this society so that there are more incentives to produce a new focus on selflessness. That is the major task we each face as individuals on life's journey. We need more help and less hindrance from the institutions that dominate our lives along the way.

ISSUES SURROUNDING REPORT OF INDEPENDENT COUNSEL

The SPEAKER pro tempore (Mr. COOK). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, like most if not all Republicans in the House, I have refrained from making speeches or public statements about the current scandal gripping the White House. I have said on numerous occasions that there are more important issues I would rather the public focus on, like, for example, using American technology to upgrade Communist Chinese rockets, thus putting millions of American lives at risk of nuclear incineration. That is something I would like the American people to pay attention to. I would rather see investigative journalists tracking down the details of Communist Chinese money that was laundered into the last presidential campaign. I never did understand how those impoverished Buddhist monks ever got those \$5,000 checks to turn over to the President's reelection effort. We never did find that out, did we? I wonder where that came from.

Anyway, there are other things that are much more important than the current scandal that seems to be gripping onto everybody's attention. We Republicans have done our best to let the Starr investigation run its course without adding to the shrillness of the voices heard throughout the land.

□ 2230

Most of us honestly believe that it is a tragedy that a young lady who asked for an apology for ungentlemanly conduct did not get those words of apology that she sought, and had that happened, had she received the apology she was looking for, there would have been no civil case, there would have been no depositions, there would have been no lying under oath, there would have been no need to seek information to see if the offending actions were or were not part of a pattern of personal abuse. This country would have been spared all the humiliation and the spectacle of it all. Well, except for the fact that arrogance came to play and there was a refusal to apologize for offensive behavior. But for that, this thing would have gone away.

But this disgusting scenario has played itself out, and it has been all too public, and it has played itself out without the prodding of Republican Members of Congress. We have, for the most part, tried to maintain decorum, we have tried to maintain our position so that, if necessary, we would be ready to deal with the worst eventuality if we were called to make judgments.

One of the most respected leaders of this body admired by Republicans and Democrats alike is HENRY HYDE, chairman of the Committee on the Judiciary. He, more than any other, has attempted to remain aloof from the bitter rhetoric and accusatory language

that swirls throughout the land due to this ever growing scandal.

Today many of us were horrified to hear that the gentleman from Illinois (Mr. HYDE) was the target of a vicious personal attack and that that personal attack has all the appearances of an effort to intimidate not only Mr. HYDE, but other Members of Congress.

Upset with Mr. HYDE's leadership even before the hearings begin, a media outlet saw fit to disclose an indiscretion, an affair Mr. Hyde committed 30 years ago.

The smearing of Republican Congresswoman HELEN CHENOWETH disclosing an indiscretion of 15 years ago, and now the trashing of the chairman of the Committee on the Judiciary, HENRY HYDE, is a blackmail message to every member of Congress. It is an ugly and possibly illegal tactic designed to cower Republicans.

Yes, no one is perfect, no one in this body is perfect, either Republicans or Democrats; we understand that. And there is no jury in the world that ever goes to try someone in court which is composed of perfect individuals either. But there is a difference between an indiscretion or something that someone has an imperfection, and there is a big difference between that and lying under oath and asking others to lie under oath in order to thwart a civil suit that was itself a product of misconduct.

The vicious attack on Mr. HYDE underscores that the issue at hand in Washington is the abuse of power, of arrogance and of a willingness to act without shame in having one's own way.

Those people who pushed this story of a 30-year-old indiscretion have strengthened the resolve of the Republicans to stand tough. Not one of us is perfect, or not one of us has, you know, has a situation where we do not have something in our past that we would prefer not to be made public. But we will not be intimidated.

Years ago in the Nixon administration Charles Colson, a legal counsel to the President, showed one-half of one FBI file to a journalist. That file contained derogatory information about a critic of the administration. For that repulsive and undemocratic personal attack Mr. Colson was convicted of a felony and sent to Federal prison.

Now we all know that in this administration hundreds of FBI files made their way into the hands of a democratic opposition researcher who was on the White House staff. No one has ever been held accountable for these hundreds of FBI files that were so abused. And an enormous effort was made to throw dust into the air and confuse the issue and obscure it from public scrutiny until it was forgotten, just like perhaps those \$5,000 checks from those Buddhist monks are now forgotten or just a distant memory.

By the way, whatever happened to those things? Whatever happened to the FBI files? Who was accountable for

that? These are things that have never been answered, but it is forgotten now because so much dust is in the air.

We have seen from this administration a willingness to destroy any adversary, far beyond anything that Richard Nixon ever dreamed of. Richard Nixon, yes, had an enemies list. It was a list of names with whom the White House would not cooperate. These were people who, the enemies list were people who would not be invited to luncheons or to special briefings or given any special type of treatment. That is what the enemies list was under Richard Nixon.

This administration seems to have a hit list of people who are targeted for personal character assassination. Paula Jones was mistreated and then disparaged and brutalized for asking for an apology. Now we see attacks on Members of Congress. DAN BURTON was investigating, Congressman DAN BURTON was investigating, campaign corruption, had nothing to do with any other personal things that are going on, any other scandals that are going on, but he was investigating campaign corruption, and his own personal shortcomings of long ago were rubbed in his face. He, too, will not be intimidated. He, too, is standing tough.

The public does not expect us to be perfect, it does not expect it. Does not expect DAN BURTON to be perfect, does not expect me to be perfect, does not expect any Republican Member or any Democrat Member to be perfect because none of us are. But it is not hypocrisy for those of us who are not perfect to look into the abuses of power, to look into felony obstruction of justice, or perjury, of lying under oath, and we should be able to do that without someone threatening to disclose some information about an indiscretion of years ago.

It appears that the House of Representatives may soon be called upon to judge evidence and make determinations. Any attempt to blackmail or intimidate us, to make us cower for fear of personal embarrassment, will not work. And if it is found that these attacks can in any way be traced to those under investigation, it will be the last straw.

The American people are tolerant, sometimes to a fault. They are long suffering and slow to anger. But those who would tamper with the jury, blackmail and intimidate and conduct the most vicious type of personal attack on one's adversaries, will feel the wrath of the American people and will unify this Congress. On both sides of the aisle we will come together because we believe, as Members of this body, that this is an American institution that is dedicated to the proposition that we are better than that, better than they that do things in other more totalitarian, less democratic countries. We are better than that here in the United States of America, and in the capital and in the Congress of the United States we will hold to a higher standard.

Mr. Speaker, this is an issue of utmost importance. It took my breath away today when I heard that HENRY HYDE had been attacked in this way. As I say, we had seen this with HELEN CHENOWETH and DAN BURTON before. We had seen critics of the administration suffer these type of personal attacks, and we have heard stories of things that happened in the past to critics, and it is something that goes beyond the bounds.

This cannot be tolerated. It is a crossing of the line. Mr. HYDE is a well-respected, a very well-respected Member of this body, and not only have they shown they can do this to Mr. HYDE, but they have done this to others, and they can do to the chairman of the Committee on the Judiciary this? If we let this go by, it is just admitting that our standards of our country have sunk to that level, and we cannot let that happen, and I would yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleague from California.

Mr. Speaker, I would say tonight, ladies and gentlemen who join us here in this Chamber and those who watch these words coast to coast and beyond through the facilities of C-Span and other satellite networks, that sadly a scourge has descended on this Federal capital district, on this capital city, a scourge borne of a cynicism, a scourge borne of a scorched earth policy. And, Mr. Speaker, my colleagues, I think it is important to note some basics at this hour of need in our Nation.

First and foremost, every Member of this body, as well as those who serve in elective capacity within the Executive Branch and those in the Judiciary, take an oath of office to uphold and defend the Constitution of the United States. And at this hour in this place at a time of grave national concern we would do well to remember the words of our founders in Article 2, Section 4, when it comes to discussion of the Executive Branch. Our founders write, and I quote:

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.

Those are the words of our founders. Those are the words of the document which Katherine Drinker Bowen characterized as the miracle at Philadelphia. Those are the words to which we took an oath of office to protect, uphold and defend.

And I share my colleague from California's amazement and outrage that in this city, at this time, there are those who would pursue a scorched earth policy to try and convince the American people that, quote, everybody does it.

Well, Mr. Speaker, no. Everyone does not do it.

□ 2115

Everyone does not lie under oath. After making a promise to God, after

making a promise to the citizens of this nation, after swearing an oath to uphold and defend the Constitution of the United States, at long last, have they no dignity? Have they no sense of honor?

Those who through the media and who through whispered comments and who through telephone calls would besmirch the dignity of those who serve in this branch under the cynical and sick notion that everyone does it, Mr. Speaker, I give the American people far more credit.

I understand the burdens that confront the average American family. Indeed, we have seen it here and my colleague from California will attest, I have come to this well, as has he, and as have others, to point out that the median American family today surrenders well over a quarter of its income in taxes to the Federal Government as opposed to the median American family in 1948.

I understand the workload that confronts moms and dads around this country, where one spouse chooses to work not voluntarily but out of necessity, to pay the tax bill.

I understand the stresses and strains on average Americans simply to pay their taxes and to feed and educate and clothe their children and yet I understand what our founders meant in this document. Let there be no mistake, to those cynics who offer the tactics of smear and fear, the citizens of this great country and those who serve in this body will not be intimidated. Freedom has come at far too great a price.

The Constitution is far too valuable for those peddlers of petty gossip to sustain a position of supremacy.

Mr. Speaker, their actions speak clearly. They have no decency. They hold no harbor for the rule of law, and they certainly fail to adhere to the edicts of the Constitution, but our founders, in their prescience, in their foresight, in their resolve, offered constitutional remedies to this House and to this nation. No one approaches these remedies with glee, for our oath is to the Constitution, not to partisan political advantage.

As my colleague from California points out, the peddlers of gossip, cynicism and despair continue to wage their sinister tactics.

Would that it were not so. Would that we could come to this chamber to discuss policy differences, earnestly held, sincerely championed. Yet, even though there are grave concerns that confront this nation, from the concept of providing for the common defense, as my colleague from California pointed out, to the challenge of making sure that American families hold on to more of their hard-earned money and send less of it to Washington, even with those pressing concerns, not to mention the concerns of education that confront every family, there is no more pressing need, Mr. Speaker, than to champion the adherence to the rule of law in this constitutional republic, at

this time, in this place, Mr. Speaker, the most hallowed of American institutions.

To those, Mr. Speaker, who would weave a cynical web of gossip and cynicism, we say, shame, shame on your cynical tactics, shame on your crawling into the gutter, shame on your cheap, reprehensible notions that you can claim simply that everyone does it.

For, Mr. Speaker, even though as I stand as a human, as the Apostle Paul said, all have sinned and fallen short of the glory of God. Even as we understand the difference between mistakes, so, too, Mr. Speaker, do we note the distinction of crimes. If we are to suggest that, one, for whatever reason, is excused from the oath before God and man, not of high office but simply to tell the truth in interpersonal matters, then we have abandoned the rule of law and we have surrendered that which makes this constitutional republic the last best hope of mankind. It transcends party. It transcends personality. It goes to the core of what it means to be an American.

Mr. Speaker, again, to those who would crawl into the gutter, who would whisper to the magazine writers, who would whisper to the television journalists, Mr. Speaker, in all sincerity and all humility I must ask, have they no shame? At long last, have they no shame?

Worse, Mr. Speaker, have they no reverence for our constitutional republic and the concept of freedom, which is every American's, conditional upon the rule of law?

These are not tranquil times. No matter the Dow Jones industrial average, no matter the rate of return in the bond market, if we face a crisis of personal integrity in the social will to tell the truth, then we indeed face a crisis. If we continue to hear from the punditocracy that the rule of law makes no difference, then we confront a crisis as grave as the missiles that may be aimed at us, a crisis of spirit.

Mr. Speaker, I reject that notion. I know full well from hearing from the constituents of the Sixth District of Arizona, to whom I have listened in the past few months, in knowing of the concerns of my colleague and others on both sides of the aisle, we know full well what is at stake and we heap disdain on those who would try to change the subject through cheap gossip.

Mr. ROHRBACHER. Reclaiming my time, Mr. Speaker, if the gentleman would like to stay we can have a colloquy on this. I would just like to point a few things out.

I worked in the White House for 7 years under Ronald Reagan, and I worked in all of his presidential campaigns. I was very close to President Reagan. I was, in fact, a speech writer for President Reagan and special assistant to the President and was privy to many, many internal discussions about how to confront various challenges to the administration.

At no time during my many, many years with Ronald Reagan did I ever

hear anyone ever suggest that we launch some type of personal attack on an adversary, especially dealing with Congress, especially dealing with the chairman of a committee like the Committee on the Judiciary. At no time did I ever hear a suggestion in the Reagan White House that we should leak some negative information about somebody's personal life to a reporter. Never did I hear that.

In the 10 years since I have been here, let me just say, even the most aggressive fights that we have had on the floor here of the House of Representatives, never has anyone from the other side of the aisle or anyone on this side of the aisle that I have heard of, talked about, well, let us get that person by leaking some personal information about them, about some indiscretion they had years ago or some sort of personal problem that they might have. It just does not happen.

We have a comity here that speaks well of democracy. There has to be a certain degree of goodwill in democracy. Those standards of goodwill and comity are especially important at times of crises as we are now facing in the Nation's capital.

I never heard it when I worked at the White House and I have not heard it here but yet today we hear, after hearing stories of the gentlewoman from Idaho (HELEN CHENOWETH) of 15 years ago, the gentleman from Indiana (DAN BURTON) of long ago and now the chairman of the Committee on the Judiciary has had some indiscretion he committed 30 years ago made public.

It is a message to all of us here. It is a message to say, either go along or we are going to find something on you.

We have a Member of our body here, the gentleman from Pennsylvania (Mr. MCHALE), who was on television and announced that he was no longer supporting the President's position in terms of this scandal.

What happened? People tried to leak negative information. Geraldo Rivera on TV tried to bring up some negative personal story about the man that proved to be false. The story itself was incorrect. Even if it was correct, is this the right tactic to use to try to bludgeon people into submission and not to criticize?

Now, when I was a reporter, I was a reporter for about 10 years, that is my profession, I am a writer, and during that time period, we journalists, and the gentleman from Wisconsin (Mr. OBEY) spoke about journalism before he came here, before we got up and talked about people who have to say negative things about other people, but not all journalists are that way. A lot of times, it is not relevant.

Sometimes personal things are relevant, and they are brought out and they are not just brought out for a mean spirited thing. It is because they are relevant. I remember when someone came to me when I was a journalist in Los Angeles and talked about a public figure, an office holder in the Democratic Party, who had been arrested,

when he was very young, in some kind of a homosexual act.

They said, this is going to be a big story and you are going to have a chance to break it. This was not the Republican Party, I might add, who was telling me this. I will not go into who it was but it was not someone associated with the Republican Party and it was not a Republican Party office holder. In fact, it was another journalist.

I said, no, I am not going to do this. This was long ago and this has no relationship to this person today and I am just not going to do that. That story never did come out, because I am sure that that story probably went to several other journalists in Los Angeles. I can say right now if that would have been a conservative Republican that story would have come out, and the message from some of the things that are happening right now is that if someone goes up against the President on this issue, they are going to get it.

Now, whoever is going to be dishing it out, we do not know who it is but the message is there. When we have someone of the stature of the gentleman from Illinois (Mr. HYDE), who is dragged through the mud, and the gentleman from Illinois (Mr. HYDE) is beloved on both sides of the aisle, he is respected on both sides of the aisle, integrity does not mean that you are a perfect human being. Jesus Christ was a perfect human being, but that is the only person I know that ever traipsed upon the earth that is a perfect human being.

To instead of argue a case, instead of arguing the merits of one's position, to go after people like this and to disclose embarrassing information and just to get up here and say this and to challenge this, of course, opens me up to that kind of attack and if we try to get together and do something tomorrow, every one of us will know that we are opening ourselves up to that kind of an attack, but I will state right now for the record, and I am sure my colleague from Arizona will agree, that these tactics will not intimidate the Members of the House of Representatives.

□ 2300

I think it will draw us closer. I think the Members of the Democratic side of the aisle will reject and they will condemn this type of practice and will, in doing so, be drawn closer to those of us on this side of the aisle and our commitment to have an honest hearing of all of the facts that will come to us and make an honest decision. For whatever decision we are called upon to make, we are going to have an honest decision.

Now, we have held our tongues and have not used this floor as a means to manipulate or attack or to use for political purposes this scandal that has been sweeping through our country. We have tried our best, and sometimes we slip a little bit because it is of interest, but we are trying our best. And for

some to suffer this kind of personal abuse, and to see a hero, one of our heroes, and by the way, I have had my disagreements with the gentleman from Illinois (Mr. HYDE) too. I had a big fight with him, and my friend, the gentleman from Arizona (Mr. HAYWORTH) was on my side in that fight on the patent issue.

But even in the middle of that fight, I remember how much I respected the gentleman from Illinois (Mr. HYDE).

Mr. Speaker, I am happy to yield to my colleague.

Mr. HAYWORTH. Mr. Speaker, as I hear my colleague from California recount honest policy differences, I am struck by the words of that great and good man, Dwight David Eisenhower, the supreme allied commander in Europe, and later the President of the United States who, Mr. Speaker, instructed all of us, all of us when we have a political dispute, to understand that those who might hold differing views honestly want what is best for the country. This is the distinction we draw tonight, Mr. Speaker.

To those small-minded, sinister, purveyors of the perverse, we say tonight, Mr. Speaker, shame. Shame on you and your tactics. Shame on you and what you attempt to do. For in your attempt, you bankrupt any innovative policy of those who have chosen to stray from constitutional guidelines, those have chosen to stray from the conduct of simple human decency, and those who may have chosen to stray from the rule of law.

That is the statement we make tonight, well aware that those small and sinister minds may work overtime with journalists of their choosing and publications of their philosophy to try and lower us to the muck and mire, and yet Ike's example is there for every American.

To quote the former President and a member of the other body in bygone times, "I am not going to climb into the gutter with that guy," said President Eisenhower. And those of us of both parties join in the example of Ike to say, no, it is not time to climb into the gutter. Instead, it is a time to champion the truth, the constitutional remedies at our disposal for the people, because principle outstrips polling and outstrips malicious gossip any day at any time, and especially in this place.

Mr. ROHRBACHER. Mr. Speaker, reclaiming my time, the gentleman brought up Eisenhower. I think it would be interesting to those reading the CONGRESSIONAL RECORD, listening over C-SPAN and our colleagues who are listening at home and in the body, to note a quotation from Adlai Stevenson.

Mr. Speaker, Eisenhower and Stevenson fought a very tough battle for the presidency, not on 1 occasion, but on 2 occasions. And Adlai Stevenson is quoted as saying, my favorite quote from Mr. Stevenson is, "He who throws mud will generally lose ground."

I am afraid that those people who have launched these personal attacks

on the gentlewoman from Idaho (Mrs. CHENOWITH) and the gentleman from Indiana (Mr. BURTON) and now the chairman of the Committee on the Judiciary, those people who have tried to destroy Paula Jones when she was asking for an apology for ungentlemanly conduct that was thrown at her, that those people will not be tolerated by other members of the media and other Members of this body. I think that especially now, this attack on the gentleman from Illinois (Mr. HYDE), tomorrow we will see that our colleagues will rally to the gentleman from Illinois, and we will tomorrow reconfirm to one another that that is unacceptable, and that there shall be no more of this, and that this indeed may be the last straw, but if this tactic continues, and if this tactic is traced back to anyone who is under investigation, that that will be the last straw.

There are reports, there are some reports right now that this may well have been something that came out of this White House. Again, just like the charges that we were asked to investigate, let us wait and see. I am not going to state that that is the case because all I have done is hear some television reports. But if the gentleman from Illinois (Mr. HYDE), as the chairman of the Committee on the Judiciary, is faced with some sort of conspiratorial action to have a personal, a vile personal attack against him to disclose some information from 30 years ago, while we are trying to investigate, and again, trying to investigate charges of what? Charges that someone lied under oath, charges that someone has asked other people to lie under oath and things such as that, if we cannot look into this seriously and take that job seriously without having it threatened, that we are in some way going to have some little thing that we have done wrong, and all of us have done things that are embarrassing in our lives, then we have let the standards slip.

This is the United States of America. We are supposed to be better than that here.

There was a movie a few years ago, I do not know if my friend remembers that movie, and it was about somewhere here in Washington, and I think it was the President's choice of a certain ambassadorial job or something, and some personal information was leaked about that person that he had had some homosexual affair or something like that, and the man ended up committing suicide. I forget what the name of that movie is right now. Advice and Consent, that is exactly what it was.

In that movie, I think that it really brought home for those of us who had never been in Washington, when I first saw that I had never been in Washington, and of course it was a wonderful book by Mr. Drury, was it? What that brought home was the fact that we are people here. We are human beings, and we have feelings, and certainly we get

mad and angry. I know I got mad today and said a couple of things to somebody I did not want to say.

But this was not an action of anger. What we are talking about is the activity taken against the gentleman from Illinois (Mr. HYDE) was cold and calculated and as low as one can get in this town. We are supposed to be above that.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, indeed, those tactics, Mr. Speaker, are tactics of desperation and depravity, for they fail to make the moral distinction between mistakes, sins, and possible crimes. There is a clear distinction in our society, especially for the latter category. That is why for over 200 years we in this constitutional republic have had an adherence to the rule of law. Yet, Mr. Speaker, there are those who, through their scurrilous actions, would try to muddy the waters, try to change the distinctions, try to mitigate the circumstances for what could possibly be crimes.

Let us state clearly and unequivocally, Mr. Speaker, for those who join us in this chamber; for those who may watch around the world, a failure to tell the truth under oath is a crime. Not a mistake, not an indiscretion simply, and not simply a sin. It is a crime.

□ 2310

Mr. HAYWORTH. That is the crux of what confronts us at this time, in this place, in this city, and indeed across the Nation.

Mr. ROHRBACHER. Mr. Speaker, reclaiming my time, we of course are seeing that is what the issue is. That is to be determined. We are not saying right now that a crime has been committed.

Mr. HAYWORTH. Indeed.

Mr. ROHRBACHER. But what we are saying is that that is what the underlying tension in this city today is as we are moving forward to investigate a crime. We have done everything that we can do.

My colleagues have not seen me on the floor, and my colleagues have not seen the gentleman from Arizona on the floor. We both would like to speak, and we are politically oriented. We are in the middle of the year. My colleagues have not seen some of the other great, great speakers on the Republican side of the aisle down in the well and making political hay out of this. We are not.

We have not been doing that because we know that that this body has to determine, as the gentleman showed in the Constitution, it is up to us to uphold that standard and determine if a crime has been committed.

God will judge people's sin and morals. It is up to us to make that judgment if a crime has been committed. To have in the middle of this now, to have this word go out that anybody who gets too tough, even the chairman of the Committee on the Judiciary is going to find themselves the subject of

a smear. Anything they have ever done wrong is going to be spread all over the newspapers.

This is unconscionable. We cannot let that be the standard here in Washington, D.C. This is all we are really talking about is upholding the standards, the standards that were written down by our Founding Fathers in that Constitution.

There is a lot of talk about moral standards, and I think that is an important issue of discussion; that is not what we are talking about here. We are talking about the law.

By the way, if a simple apology would have been made to someone who was mistreated, and that is all that person was really asking for, everything else had been decided, this need not have come to a head. There did not need to be depositions. There did not need to be someone to be asked an investigation to find out if this kind of conduct was something that was a personal habit that was going on, an ongoing thing rather than just one little incident. That would not have been necessary then.

The lying under oath and trying to protect oneself, it would not have happened except the fact that somebody did not get an apology when they asked for it because they were a simple person, just a simple person who believed that she had been treated not like a lady.

In this country, even a simple person has a right. No matter who that other individual is, no matter what high office they may hold, they cannot treat a citizen in a way without legal recourse.

One note. In Los Angeles, I remember the story of an Arab, rich Arab Sheik that came into town and had lots of money. He was a king or something. Maybe he was a prince or whatever he was. He was a pretty big shot in his own country.

He checked into a hotel, and the bellman was late with delivering something by 5 minutes or something, and this man slapped the bellman. The bellman looked at him and he said, you cannot do that. This is the United States of America. He said, you are a bellman. He said, get out of here.

No, in the United States of America, that bellman has the rights and can have his dignity protected just like that young lady, Paula Jones, had a right to have her dignity protected.

If that prince would have apologized, it probably would have been okay. But he did not, and he was arrogant. In the end, that prince, worth hundreds of millions of dollars, perhaps billions of dollars, had to flee this country because of a civil suit filed by that bellman.

I am proud to live in the United States of America where these people are protected. But it is only the rule of law that protects them. It is only a certain amount of respect that we have for the average person.

Yes, when the average person sues the high and mighty, there are deposi-

tions that have to be taken and people have to give testimony under oath in order to investigate personal conduct that may prove that there is some kind of a pattern, a personal pattern in that abuse.

If someone lies during that civil matter, that is a violation of the law. We have to determine whether the law has been violated, whether that happened in this case. We take that seriously.

I am not saying I am in favor of impeachment or if I believe that there is any crime that absolutely has been committed, but we can say that there is enough evidence for us to look into this matter, and we must look into this matter without outside pressures trying to intimidate us to back away or to cower because someone's going to say something bad about our background. It is wrong.

What happened to the gentleman from Illinois (Mr. HYDE) was wrong. What happened to the gentleman from Indiana (Mr. BURTON) was wrong. What happened to the gentlewoman from Idaho (Mrs. CHENOWETH) was wrong.

We are not going to let it happen. We are not going to be intimidated. We are not going to let that happen. We are going to find out whether this could be traced back to the people who are under investigation. We are going to find that out.

Again if it is, if this can be traced back to the person under investigation, this is the straw that breaks the camel's back.

Mr. Speaker, I am happy to yield to the gentleman.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from California for yielding to me. I would simply stand in support of all that he has said. It is important to make the distinction between charges and crimes. I thank him for that distinction.

I thank the gentleman also, Mr. Speaker, for explaining in his own unique fashion the creed that is inscribed on the magnificent temple of law across the street here in Washington, D.C., Mr. Speaker. For outside the chamber of the Supreme Court of the United States, as one gazes at that edifice, one sees the words "Equal Justice Under Law."

Who among us would alter that notion? Who among us, Mr. Speaker, would perverse or pervert that dynamic, that all who live in this Nation, that all who are blessed with citizenship in this constitutional republic are equal under law? That is the question that confronts us, not the high jinks or tomfoolery or gossip that accompanies the charges that are there, but, instead the simple notion, Mr. Speaker, that no one, no one, no prince, no potentate, no President is above the law.

For in this constitutional republic, if we abandon that notion, then one should simply take a match to this document or tear it asunder. For the rule of law will crumble as will this last best hope of mankind.

Mr. ROHRABACHER. Let me just note this, if the gentleman from Illinois (Mr. HYDE) was being accused of perjury and saying that he had committed perjury in the past, how can he now investigate and have a perjury investigation? If the gentleman from Illinois (Mr. HYDE) was being accused of obstruction of justice, that would be something else. We probably would say maybe there is a point here, and someone has a built-in situation where he should not be that chairman or something.

That is not what the gentleman from Illinois (Mr. HYDE), what they brought up. That is not what they brought up on the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Indiana (Mr. BURTON).

Let us say that the gentleman from Indiana (Mr. BURTON) had been accused of all sorts of campaign violations, and of course he is looking into campaign violations himself, these things.

□ 2320

These things, hypocrisy is something that someone can talk about and charge with someone. Someone has a double standard and things such as that. But that is not what has happened here. And, of course, we do know that Mr. Starr, and I have not personally commented on this. This is the first time that I have publicly commented on this. That Mr. Starr, of course, the investigator himself, has been brutalized over and over and again these last few years.

When I was in the Reagan White House, Ronald Reagan was committed to seeing that the communists would not take over Central America. And as much as people do not like to admit that, that was the core issue that was going on. Ronald Reagan was going to stop the Sandinista government, which had billions of dollars of military equipment from the Soviet Union, from expanding and put them on the defensive.

We did that until the Soviet Union collapsed. Because had the Sandinistas started expanding their role, it would have been a terrible thing. Probably communism would not have collapsed because they would have thought they were going to win.

Anyway there were some mistakes made by people in the White House and elsewhere, and we helped the Contras at a time when some Members of Congress felt that it was not legal for us to do so. Let me add, I personally believe that no laws were ever broken in that situation. I personally believe that it was perfectly legal for the President to, although it was not advisable what he did in terms of Iran, but it was perfectly legal for him to try to make those contacts with Iran and there was residual money that was left over that was then transferred to the Contras.

Mr. Speaker, that was a big crisis in the Reagan administration. That was as big as a crisis and upsetting of the natural order of things here as what we

are going through now, based on this current scandal. But at no time do I remember that the special prosecutor in that case, that we tried to do anything like is being done to Mr. Starr to the special prosecutor that went after Mr. Reagan.

And, by the way, that special prosecutor spent more money and had more people working for him, I believe, or at least an equal amount, and a number of people, and I do not remember seeing anything in the paper about whether seeing if people believed in the special prosecutor's words as they do now. They have polling as, "Who do you believe? Clinton or Starr?" That did not happen during the Reagan years.

I think Mr. Starr, and believe me, I do sympathize somewhat with the idea that prosecutors should not just have a blank slate and be able to come in and investigate anything in anybody's life until they find something. I understand that. But that is not what the situation is today. We have some specific things that we have to decide here, very specific things about specific statements made under oath that we believe that may well not have been truthful.

Mr. Speaker, we have to investigate that because it was made under oath and involving a civil legal matter. If we do not say that, we just say across the board that it is okay to lie under oath in civil cases. Now we cannot say that. We cannot permit that standard to sink that low.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). The Chair must remind members not to discuss charges against the President.

Mr. ROHRABACHER. Mr. Speaker, I have not mentioned the President when discussing any particular charge. And in fact, some of the charges, some of the things that we have been discussing have no relationship to the President whatsoever. And, in fact, relate more perhaps to some of the President's staff or perhaps to other people in the executive branch. Or perhaps some of the things that we are discussing are aimed more at people who are liberal activists in the news media.

So, although obviously some of the things we are discussing may have some impact on the President, we are not addressing this specifically at the President.

Mr. HAYWORTH. Mr. Speaker, lest there be any doubt, we come to this Chamber, and indeed in the next few trying weeks this should be our cause. This, Mr. Speaker, should be our mission not to address the impending crisis as Republicans or as Democrats, but as Americans. Americans concerned about the future of the rule of law. Americans who understand that our adherence to the rule of law is both central and elemental to our survival in a constitutional republic. Adherence to the rule of law for all, regardless of title, regardless of job, regardless of economic standing, regardless of race,

religion, color or creed. This is the essence of what it means to be an American in the late 20th century. To understand that adherence to rule of law is everything. For if we lose that, then, Mr. Speaker, we have nothing. I yield to my colleague.

Mr. ROHRABACHER. In conclusion, let me say that I am pleased that my friend from Arizona joined me here tonight. Actually I am sure he saw me on C-SPAN and decided to come over, working late in his office. He was probably working in his office after 11 o'clock at night and came over here, and I know that has happened to me at times as well.

Mr. Speaker, we are both concerned, and I think that tomorrow that we will see in this body a great deal of concern about this vicious personal attack on the chairman of the Committee on the Judiciary the gentleman from Illinois (Mr. HYDE). And I would hope that it is a source of unity for this body, that we unify tomorrow and say that this is over. This is beyond the pale. This is over the bounds of acceptability. And we will stand together to uphold the standards of law because that is true, both Democrats and Republicans, we realize that like in that movie about the young boys who were on the island, remember that? Somebody else is going to have to help me with this. Lord of the Flies, in that movie Lord of the Flies, I remember I read the book as well, come to think of it. There was a conch that was the symbol of respect for law. But once that respect for whoever held that conch so the people would be quiet and listen to them and they could discuss the issues, once that was destroyed, there was a degeneration into a type of life, a savagery that came out. We will maintain the comity of this body. We will maintain goodwill. Goodwill among free people, goodwill among people who believe in democracy and constitutional government.

What happened with the gentleman from Illinois (Mr. HYDE) was not in keeping with that spirit, and it will not, and let us just state once and for all, we will not be intimidated. Justice will be served. We will make an honest determination of everything that comes before us and personal attacks on us must stop and they will not be tolerated.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

June 16, 1998

H.R. 824, An act to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building."

H.R. 3565, An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

June 23, 1998

H.R. 1847, An act to improve the criminal law relating to fraud against consumers.

June 24, 1998

H.R. 3811, An act to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

July 14, 1998

H.R. 651, An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 652, An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 848, An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

H.R. 1184, An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

H.R. 1217, An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

July 16, 1998

H.J. Res. 113, Joint resolution approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capital.

H.R. 960, An act to validate certain conveyances in the City of Tulare County, California, and for other purposes.

H.R. 2202, An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

H.R. 2864, An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2877, An act to amend the Occupational Safety and Health Act of 1970.

H.R. 3035, An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

H.R. 3130, An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

July 21, 1998

H.R. 1635, An act to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

July 22, 1998

H.R. 1316, An act to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

H.R. 2676, An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

July 29, 1998

H.R. 1273, An act to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

H.R. 1439, An act to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California.

H.R. 1460, An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779, An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 2165, An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217, An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841, An act to extend the time required for the construction of a hydroelectric project.

H.R. 2870, An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

H.R. 3156, An act to present a congressional gold medal to Nelson Rolihlahla Mandela.

August 5, 1998

H.R. 39, An act to reauthorize the African Elephant Conservation Act.

August 7, 1998

H.R. 643, An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 1151, An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 1385, An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

H.R. 3152, An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 3731, An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium".

H.R. 4354, An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

August 12, 1998

H.R. 434, An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 1085, An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

H.R. 3504, An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 4237, An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

August 13, 1998

H.R. 765, An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872, An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

August 14, 1998

H.R. 3824, An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the house that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

June 16, 1998

S. 1605, An act to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.

June 19, 1998

S. 423, An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason.

S. 1244, An act to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

June 23, 1998

S. 1150, An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

S. 1990, An act to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

July 7, 1998

S. 2069, An act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

July 14, 1998

S. 2282, An act to amend the Arms Export Control Act, and for other purposes.

July 16, 1998

S. 731, An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

July 21, 1998

S. 2316, An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

July 29, 1998

S. 318, An act to require automatic cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

August 12, 1998

S. 2344, An act to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999

payments otherwise required under production flexibility contracts.

August 13, 1998

S. 1759, An act to grant a Federal charter to the American GI Forum of the United States.

S. 1800, An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse".

S. 2143, An act to amend chapter 45 of title 28, United States Code, to authorize the administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

August 14, 1998

S. J. Res. 54, Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAUZIN (at the request of Mr. ARMEY) for September 10, 14, and 15 on account of illness.

Mr. GOSS (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. MCHUGH (at the request of Mr. ARMEY) from 12 noon until 6 p.m. today on account of official business.

Mr. BEREUTER (at the request of Mr. ARMEY) from 7:30 p.m. and for the balance of the evening on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. ROGAN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. KIND.

Mr. ROTHMAN.

Mr. NEAL of Massachusetts.

Mr. SKELTON.

Mr. SANDERS.

Mr. KUCINICH.

Mr. MILLER of California.

Mr. CONYERS.

Mr. MCDERMOTT.

Mr. VISCLOSKEY.

Mr. MCGOVERN.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous material:)

Mr. FORBES.

Mr. SMITH of Michigan.

Mr. CRAPO.

Mr. ROGERS.

Mr. HILLEARY.

Mr. GILMAN.

Mr. WOLF.

Mr. FOX of Pennsylvania.

Mr. DELAY.

Mr. STEARNS.

Mr. DOOLITTLE.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous material:)

Mr. DINGELL.

Mr. ROTHMAN.

Mr. FORBES.

Mr. TIAHRT.

Mr. GEJDENSON.

Mr. BALLENGER.

Mr. MCINNIS.

Mr. COSTELLO.

Mr. BLILEY.

Mr. ETHERIDGE.

Mr. BOB SCHAFFER of Colorado.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, September 17, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10937. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing [Docket No. FR-4280-F-03] (RIN: 2501-AC45) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10938. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, Fulbright-Hays Faculty Research Abroad Fellowship Program, and Fulbright-Hays Group Projects Abroad Program (RIN: 1840-AC53) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10939. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 Concerning the Commission's Finder's Preference Rules [WT Docket No. 96-199] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10940. A letter from the AMD-Performance Evaluation and Records Management, Fed-

eral Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules To Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service [PR Docket No. 89-522] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10941. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Risk-Informed Inservice Testing—received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10942. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach For Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing [Regulatory Guide 1.175] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10943. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Harvest Information Program; Participating States for the 1998-99 Season (RIN: 1018-AE96) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10944. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—MIGRATORY BIRD HUNTING; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998-99 Early Season (RIN: 1018-AE93) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10945. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Arkansas Regulatory Program [SPATS No. AR-030-FOR] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10946. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—North Dakota Regulatory Program [SPATS ND-032-FOR, Amendment No. XXII] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10947. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Criteria for State Observational Surveys of Seat Belt Use [Docket No. NHTSA-98-4280] (RIN: 2127-AH46) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10948. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 98-NM-136-AD; Amendment 39-10719; AD 98-18-03] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10949. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-500M Gliders [Docket No. 98-CE-31-AD; Amendment 39-10671; AD 98-15-20] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10950. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream

Model 3101 Airplanes [Docket No. 98-CE-54-AD; Amendment 39-10584; AD 98-12-31] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10951. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 98-NM-49-AD; Amendment 39-10449; AD 98-15-23] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10952. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Willits, CA [Airspace Docket No. 96-AWP-26] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10953. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; WA [Airspace Docket No. 97-ANM-23] (RIN: 2120-AA66) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10954. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dallas-Fort Worth, TX [Airspace Docket No. 98-ASW-42] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10955. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class E Airspace and Establish Class E Airspace; Springfield, MO [Airspace Docket No. 98-ACE-20] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10956. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lawrenceville, IL [Airspace Docket No. 98-AGL-2] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10957. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbus NE; Correction [Airspace Docket No. 97-ACE-32] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10958. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction [Airspace Docket No. 97-ACE-34] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10959. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL [Airspace Docket No. 96-ASO-20] (RIN: 2120-AA66) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10960. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 Series Airplanes [Docket No. 98-NM-21-AD; Amendment 39-10425] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10961. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 520, 560, 680, 681, 685, 690, 695, and 720 Series Airplanes [Docket No. 97-CE-69-AD; Amendment 39-10437; AD 98-07-17] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10962. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes [Docket No. 97-NM-331-AD; Amendment 39-10538; AD 98-11-11] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10963. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 Powered Gliders [Docket No. 98-CE-27-AD; Amendment 39-10670; AD 98-15-19] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10964. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act For The 21st Century; Implementation Of Guidance For Discretionary Program Funds For National Scenic Byways—received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10965. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 98-NM-54-AD; Amendment 39-10525; AD 98-10-13] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10966. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 97-ANE-05; Amendment 39-10563; AD 98-12-07] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10967. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines [Docket No. 97-ANE-40-AD; Amendment 39-10514; AD 98-10-03] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10968. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes [Docket No. 97-NM-321-AD; Amendment 39-10444] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10969. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models K 8 and K 8 B Sailplanes [Docket No. 98-CE-02-AD; Amendment 39-10721; AD 98-18-05] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10970. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest on bonds to finance certain exempt facilities [Revenue Ruling 98-47] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10971. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98-48] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10972. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 98-46] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10973. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 1999, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

10974. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a cost comparison of the Air Force Research Laboratory support functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10975. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a multi-function cost comparison of the Civil Engineering functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10976. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a multi-function cost comparison of the Communications and Telephone Services functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10977. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Travis Air Force Base (AFB), California, has conducted a cost comparison to reduce the cost of the Military Family Housing Maintenance function, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10978. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board for calendar year 1997; to the Committee on Banking and Financial Services.

10979. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10980. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10981. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10982. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 20-98 which constitutes a Request for Final Approval for Amendment I to the Memorandum of Understanding between the U.S. and Germany concerning cooperative production of the MK-31 Guided Missile Weapon System which is known as the Rolling Airframe Missile (RAM) Block 1, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10983. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany (Transmittal No. DTC 38-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10984. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report regarding the terrorist attacks on the American Embassy in Nairobi, Kenya and the American Embassy in Dar es Salaam, Tanzania; to the Committee on International Relations.

10985. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations by the General Accounting Office to the House and Senate Leadership; to the Committee on Government Reform and Oversight.

10986. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report for the Ala Kahakai Trail in Hawaii; to the Committee on Resources.

10987. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, and for other purposes; jointly to the Committees on Veterans' Affairs and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on Revised Suballocation of Budget Totals for Fiscal Year 1999 (Rept. 105-722). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3381. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co.; with amendments (Rept. 105-723 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 541. Resolution providing for consideration of the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes (Rept. 105-724). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105-725). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 543. Resolution providing

for consideration of the bill (H.R. 3248) to provide dollars to the classroom (Rept. 105-726). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 3381 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. 3381. Referral to the Committee on Agriculture extended for a period ending not later than September 16, 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. DINGELL:

H.R. 4577. A bill to amend title 49, United States Code, to improve air carrier service; to the Committee on Transportation and Infrastructure.

By Mr. ARCHER:

H.R. 4578. A bill to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 4579. A bill to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. BARRETT of Nebraska (for

himself, Mr. MORAN of Kansas, Mr. EWING, Mr. PICKERING, Mr. BLUNT, Mr. LEACH, Mr. COOKSEY, Mr. NETHERCUTT, Mr. SMITH of Michigan, Mr. BEREUTER, Mr. CHAMBLISS, Mr. HILL, Mr. LAHOOD, Mr. RYUN, Mr. LEWIS of Kentucky, Mrs. EMERSON, Mr. BUNNING of Kentucky, Mr. WELLER, Mr. CRAPO, Mr. LUCAS of Oklahoma, and Mr. WATTS of Oklahoma):

H.R. 4580. A bill to amend the Agricultural Market Transition Act to provide supplemental payments to farm owners and producers who have entered into production flexibility contracts under that Act; to the Committee on Agriculture.

By Mr. CRAPO (for himself, Mr. CANNON, and Mr. STUMP):

H.R. 4581. A bill to amend the Federal Trade Commission Act to provide that certain advertisements of a dietary ingredient or dietary supplement shall not be considered to constitute an unfair or deceptive practice, and for other purposes; to the Committee on Commerce.

By Mr. DUNCAN:

H.R. 4582. A bill to provide that in determining the income of beneficiaries for purposes of the so-called minimum-income widows program for certain surviving spouses of military retirees, the Secretary of Defense shall exclude monthly insurance benefits under title II of the Social Security Act; to the Committee on National Security.

By Ms. DUNN of Washington (for herself, Mr. WHITE, Mr. McDERMOTT, Mr.

DICKS, Mr. NETHERCUTT, Mr. HASTINGS of Washington, Mrs. LINDA SMITH of Washington, Mr. METCALF, Mr. ADAM SMITH of Washington, Mr. RAMSTAD, Mr. SABO, and Mr. PETERSON of Minnesota):

H.R. 4583. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid Program; to the Committee on Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. MILLER of California, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. CLAY, Mr. BONIOR, Mr. FILNER, and Ms. PELOSI):

H.R. 4584. A bill to promote environmental justice, public health, and pollution reduction efforts; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Resources, 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. METCALF:

H.R. 4585. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Resources.

By Mr. REDMOND:

H.R. 4586. A bill to provide for the issuance of a congressional gold medal to persons who, while members of the Armed Forces, participated in an activity resulting in risk of exposure to nuclear radiation; to the Committee on Banking and Financial Services, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOB SCHAFFER (for himself,

Mr. RADANOVICH, Mr. NORWOOD, Mr. HALL of Texas, Mr. MCINTOSH, Mr. TAUZIN, Mr. BOUCHER, Mr. BASS, Mr. CHRISTENSEN, Mr. RYUN, Mr. HORN, Mr. NETHERCUTT, Mr. SMITH of Michigan, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mrs. CUBIN, Mr. HOSTETTLER, Mr. MCINNIS, Mr. SKEEN, Mr. REDMOND, Mr. KOLBE, Mr. HINOJOSA, Mr. MORAN of Kansas, Mr. KNOLLENBERG, Mr. SANDERS, Mr. McHUGH, Mr. CRAPO, Mr. BLUNT, Mr. SOLOMON, Mr. INGLIS of South Carolina, Mr. FORBES, Mr. WICKER, Mr. MASCARA, Mr. PAPPAS, Mr. STUMP, Mr. COOKSEY, Mr. PAUL, Mr. LUCAS of Oklahoma, Mr. BOEHLERT, Mr. WOLF, Mr. CANNON, Mr. BURR of North Carolina, Mr. ENGLISH of Pennsylvania, Mr. LATHAM, and Mr. BARCIA of Michigan):

H.R. 4587. A bill to amend the Internal Revenue Code of 1986 to provide that the dollar limitation on the deduction for family-owned business interests does not apply to interests in farming businesses; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.J. Res. 128. A joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

By Mr. PAUL:

H.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. PALLONE:

H. Res. 540. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia:

H.R. 4588. A bill for the relief of Irma Vladimirovna Koulimar; to the Committee on the Judiciary.

By Ms. SANCHEZ:

H.R. 4589. A bill for the relief of the Boyd family by clarifying the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Ms. PELOSI, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. ALLEN, and Mr. BAESLER.

H.R. 23: Mr. MEEKS of New York.

H.R. 98: Ms. KILPATRICK.

H.R. 322: Mr. WICKER.

H.R. 536: Mr. GILCHREST.

H.R. 699: Mr. CONNIT and Mr. LOBIONDO.

H.R. 716: Mr. TAUZIN.

H.R. 1018: Mr. BROWN of Ohio.

H.R. 1126: Mr. PAUL.

H.R. 1134: Mr. MOLLOHAN.

H.R. 1176: Mr. THOMPSON and Mr. MALONEY of Connecticut.

H.R. 1375: Mr. TAYLOR of North Carolina, Mr. JONES, Mr. BOB SCHAFER, Mr. MEEHAN, Ms. DUNN of Washington, and Mr. KLECZKA.

H.R. 1404: Ms. WOOLSEY.

H.R. 1449: Mr. CONYERS.

H.R. 1636: Mr. GILCHREST.

H.R. 2026: Mr. ENGEL and Ms. LEE.

H.R. 2660: Mr. MILLER of California, Ms. WOOLSEY, and Mr. MORAN of Kansas.

H.R. 2819: Mr. DIXON.

H.R. 2882: Mr. SENSENBRENNER, Mr. NUSSLE, and Mr. GOODE.

H.R. 2900: Mr. PRICE of North Carolina.

H.R. 3043: Ms. NORTON.

H.R. 3127: Mr. SPRATT.

H.R. 3181: Ms. CARSON.

H.R. 3458: Ms. RIVERS.

H.R. 3500: Mr. MORAN of Virginia.

H.R. 3503: Mr. LAFALCE, Mr. STENHOLM, and Mr. SANFORD.

H.R. 3524: Mr. COSTELLO.

H.R. 3531: Ms. ROYBAL-ALLARD.

H.R. 3567: Mr. FROST.

H.R. 3610: Mr. GILMAN, Mr. ENSIGN, Mr. HALL of Ohio, and Mrs. LOWEY.

H.R. 3688: Mr. TIAHRT.

H.R. 3732: Mr. WATKINS.

H.R. 3783: Mr. METCALF, Mr. GORDON, Mr. DAN SCHAEFER of Colorado, Mr. NETHERCUTT, Mr. ISTOOK, Mr. TAYLOR of North Carolina, Mr. PETERSON of Minnesota, and Mr. HOEKSTRA.

H.R. 3802: Mr. MOAKLEY, Ms. LEE, Mr. GUTIERREZ, Mr. WYNN, Mr. FARR of California, Ms. NORTON, Mr. McNULTY, and Mr. MILLER of California.

H.R. 3831: Mr. WALSH and Mr. KENNEDY of Rhode Island.

H.R. 3879: Mr. HILL.

H.R. 3890: Mr. EVANS, Mr. BORSKI, Ms. FURSE, Mr. PORTER, Mr. CLAY, and Mr. SHAYS.

H.R. 3932: Mr. WAXMAN.

H.R. 4064: Mr. DIAZ-BALART, Mr. ABERCROMBIE, and Ms. FURSE.

H.R. 4070: Ms. LOFGREN.

H.R. 4092: Ms. KILPATRICK, Mr. BENTSEN, Ms. CARSON, Mr. McDERMOTT, Mr. MEEHAN, Mr. FILNER, Mr. KILDEE, and Mr. McNULTY.

H.R. 4135: Ms. SLAUGHTER.

H.R. 4140: Mr. HOUGHTON.

H.R. 4204: Mr. PAPPAS.

H.R. 4213: Mr. BOEHNER and Mr. NORWOOD.

H.R. 4220: Mr. GORDON.

H.R. 4258: Mr. NEY and Mr. UPTON.

H.R. 4285: Mr. LEACH and Mr. McCRERY.

H.R. 4291: Ms. DeLAURO, Ms. JACKSON-LEE of Texas, and Mrs. MALONEY of New York.

H.R. 4357: Mr. TRAFICANT, Mr. McHALE, Mr. HOLDEN, Mrs. WILSON, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. SOUDER, and Mr. WELLER.

H.R. 4433: Mr. LIPINSKI.

H.R. 4472: Mr. MOAKLEY.

H.R. 4508: Mr. HEFNER, Mr. FORD, Mr. TANNER, and Mr. HALL of Texas.

H.R. 4522: Mr. DUNCAN.

H.R. 4542: Mr. BURTON of Indiana, Mr. LUCAS of Oklahoma, Mr. EHLERS, and Mr. CALVERT.

H.R. 4550: Mr. BASS and Mr. SMITH of Michigan.

H.R. 4567: Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. HOUGHTON, Mr. ENGLISH of Pennsylvania, Mr. SHAW, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. CANADY of Florida, Mr. REDMOND, Mrs. WILSON, and Mr. WEYGAND.

H. Con. Res. 258: Mr. ALLEN, Mr. PETERSON of Minnesota, Ms. LEE, Mr. GUTIERREZ, Mr. WYNN, Mr. WEXLER, Mr. FARR of California, Mr. OBERSTAR, and Mr. KING of New York.

H. Con. Res. 295: Mr. MEEHAN and Mr. DEUTSCH.

H. Con. Res. 317: Mr. BAKER, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BONILLA, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. COBURN, Mr. COOKSEY, Mr. CRANE, Mrs. CUBIN, Mr. DAVIS of Virginia, Mr. DREIER, Mrs. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. FOLEY, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. HASTINGS of Washington, Mr. HILL, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mrs. KELLY, Mr. KLUG, Mr. LEWIS of Kentucky, Mr. McKEON, Mr. NEUMANN, Mr. PACKARD, Mr. PAPPAS, Mr. PICKERING, Mr. PITTS, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Ms. ROS-LEHTINEN, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. SESSIONS, Mr. SHERMAN, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SNOWBARGER, Mr. SOUDER, Mr. TALENT, Mr. THORNBERRY, Mr. UPTON, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ARCHER, Mr. BONIOR, Mr. CUMMINGS, Mr. RUSH, and Mr. BOB SCHAFER.

H. Res. 212: Mr. HINCHEY and Mr. DELAHUNT.

H. Res. 479: Ms. RIVERS and Mr. WAXMAN.

H. Res. 519: Mr. BACHUS, Mr. FOSSELLA, and Mr. WELDON of Pennsylvania.

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. 1995: Mr. McKEON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4569

OFFERED BY: Mr. BURTON OF INDIANA

AMENDMENT No. 8: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL
PROVISIONS

LIMITATION ON ASSISTANCE TO THE
GOVERNMENT OF INDIA

SEC. 701. None of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

OFFERED BY: Mr. BURTON OF INDIANA

AMENDMENT No. 9: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL
PROVISIONS

LIMITATION ON ASSISTANCE TO THE
GOVERNMENT OF INDIA

SEC. 701. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

OFFERED BY: Mr. BURTON OF INDIANA

AMENDMENT No. 10: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL
PROVISIONS

LIMITATION ON ASSISTANCE TO THE
GOVERNMENT OF INDIA

SEC. 701. Notwithstanding title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, none of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

OFFERED BY: Mr. CAMPBELL

AMENDMENT No. 11: In title II, in the item relating to "INTERNATIONAL DISASTER ASSISTANCE", after the first dollar amount, insert the following: "(increased by \$30,000,000)".

In title II, in the item relating to "NON-PROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS", after the first dollar amount, insert the following: "(decreased by \$30,000,000)".

H.R. 4569

OFFERED BY: Mr. DEUTSCH

AMENDMENT No. 12: In title II, in the item relating to "MIGRATION AND REFUGEE ASSISTANCE", add at the end before the period the following: "Provided further, That of the funds appropriated under this heading, not more than \$70,000,000 may be made available for contributions to the United Nations Relief and Works Agency in the Near East (UNRWA)".

H.R. 4569

OFFERED BY: Mr. DEUTSCH

AMENDMENT No. 13: In title II, in the item relating to "MIGRATION AND REFUGEE ASSISTANCE", add at the end before the period the following: "Provided further, That of the funds appropriated under this heading, not more than \$630,000,000 may be obligated and expended unless the Secretary of State certifies to the Congress that the primary and secondary educational textbooks acquired and distributed by the United Nations Relief and Works Agency in the Near East (UNRWA) do not promote anti-Semitism".

H.R. 4569

OFFERED BY: Mr. FOX OF PENNSYLVANIA

AMENDMENT No. 14: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON ASSISTANCE TO THE
PALESTINIAN BROADCASTING CORPORATION

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used by the Department of State or the United States Information Agency to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

H.R. 4569

OFFERED BY: MR. GILMAN

AMENDMENT No. 15: At the end of the bill, insert after the last section (preceding the short title) the following:

**TITLE VII—ADDITIONAL GENERAL
PROVISIONS**

REPEAL OF CONTINGENCIES PROVISION IN
FOREIGN ASSISTANCE ACT OF 1961

SEC. 701. (a) REPEAL.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 634A(a) of such Act (22 U.S.C. 2394-1(a)) is amended in the first sentence by striking “, chapter 5 of part I.”.

(2) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking “451 or”.

H.R. 4569

OFFERED BY: MR. GILMAN

AMENDMENT No. 16: At the end of the bill, insert after the last section (preceding the short title) the following:

**TITLE VII—ADDITIONAL GENERAL
PROVISIONS**

AMENDMENTS TO THE FOREIGN ASSISTANCE ACT
OF 1961

SEC. 701. (a) REPEAL OF CONTINGENCIES PROVISION.—

(1) IN GENERAL.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 634A(a) of such Act (22 U.S.C. 2394-1(a)) is amended in the first sentence by striking “, chapter 5 of part I.”.

(B) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking “451 or”.

(b) SPECIAL AUTHORITIES PROVISION.—Section 614(a)(4)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)(C)) is amended by striking “\$50,000,000” and inserting “\$35,000,000”.

H.R. 4569

OFFERED BY: MR. GOODLING

AMENDMENT No. 17: In title II, in the item relating to “OTHER BILATERAL ECONOMIC ASSISTANCE, ECONOMIC SUPPORT FUND”, after the first dollar amount, insert the following: “(decreased by \$14,000,000)”.

In title III, in the item relating to “FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING”, after the first dollar amount, insert the following: “(decreased by \$1,400,000)”.

H.R. 4569

OFFERED BY: MR. HOUGHTON

AMENDMENT No. 18: In title II, in the item relating to “AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)”, strike the last proviso (relating to the prohibition on assistance for the central Government of the Republic of South Africa).

H.R. 4569

OFFERED BY: MR. KENNEDY OF
MASSACHUSETTS

AMENDMENT No. 19: At the end of the bill, insert after the last section (preceding the general short title) the following:

**TITLE VII—ADDITIONAL GENERAL
PROVISIONS**

LIMITATION ON ASSISTANCE FOR SCHOOL OF THE
AMERICAS

SEC. 701. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 4569

OFFERED BY: MR. KLINK

AMENDMENT No. 20: Page 141, after line 18, insert the following:

**TITLE VII—ADDITIONAL GENERAL
PROVISIONS**

LIMITATION ON ASSISTANCE FOR THE
INTERNATIONAL MONETARY FUND

SEC. 701. None of the funds made available in this Act may be used to provide funds to the International Monetary Fund until the Secretary of the Treasury certifies to the Committees on International Relations, on Banking and Financial Services, and on Commerce of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate that the United States Governor of the International Monetary Fund shall vote against any proposed amendment to the Articles of Agreement of the International Monetary Fund that would expand the jurisdiction of the International Monetary Fund over capital account liberalization.

H.R. 4569

OFFERED BY MR. KUCINICH

AMENDMENT No. 21: Page 111, strike lines 7 through 10 (and redesignate the subsequent paragraphs accordingly).

H.R. 4569

OFFERED BY: MS. MCKINNEY

AMENDMENT No. 22: Page 141, after line 18, insert the following:

**TITLE VII—ADDITIONAL GENERAL
PROVISIONS**

LIMITATION ON ASSISTANCE FOR THE
INTERNATIONAL MONETARY FUND

SEC. 701. (a) IN GENERAL.—None of the funds made available in this Act may be obligated or made available to the International Monetary Fund unless—

(1) there is in effect a written certification, made by the Secretary of the Treasury to the Committees on International Relations, on Banking and Financial Services, and on Appropriations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate, that the International Monetary Fund has adopted such rules as may be necessary to ensure that the International Monetary Fund—

(A) shall not be a party to any agreement, or provide loans which are to be used in whole or in part to finance the implementation of any agreement, which requires the government of any of the 100 poorest countries to pay an amount that exceeds 10 percent of the annual export earnings of the country towards the servicing of foreign loans; and

(B) shall publish the policy described in subparagraph (A) in printed materials of the International Monetary Fund, and prominently display the policy on any web site which the International Monetary Fund maintains on the Internet; and

(2) the Congress has enacted legislation approving the certification.

(b) RULE OF INTERPRETATION.—Another law shall not be held to supersede or modify this section except to the extent that it does so expressly.

H.R. 4569

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT No. 23: In section 601(a)—

(1) strike “policies” and all that follows through “conditions” and insert “policies that provide for—

“(1) conditions”;

(2) redesignate paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indent such provisions an additional 2 ems to the right; and

(3) insert “; and

“(D) maintain efforts to enforce environmental protection laws, ensure that the proportion of government spending for environmental protection programs does not decrease relative to government spending for other programs, and make available to the public such spending figures;

“(2) the making of loans by the International Monetary Fund subject to adherence to and enforcement of the principle of environmental sustainability as provided for in the Convention on Biological Diversity with regard to parties thereto and in Agenda 21 of the 1992 United Nations Conference on Environment and Development with regard to subscribers thereto;

“(3) the availability to the public of all information of the International Monetary Fund relating to the effects on the environment of past and current International Monetary Fund lending programs;

“(4)(A) the preparation by the International Monetary Fund, in consultation with the relevant international and national environmental agencies, of environmental impact statements and biological assessments of—

“(i) International Monetary Fund policy requirements and alternatives; and

“(ii) proposed non-emergency loans, emergency loans made after the date of the enactment of this Act, and a sample of loans made before such date of enactment, by the International Monetary Fund,

with the public given (in the case of non-emergency loans, advance) notice of, and a meaningful opportunity to comment on, such statements and assessments;

“(B) the use in such statements and assessments of full cost accounting for natural resource management, so that such statements and assessments meet the Environmental Assessment standards of Operational Directive 4.01 of the International Bank for Reconstruction and Development, and Article 14 of the Convention on Biological Diversity for nations party to the Convention;

“(C) the completion of such statements and assessments—

“(i) in the case of policy requirements and alternatives and non-emergency loans, before the policy is adopted or the loan is made; or

“(ii) in the case of emergency loans, not later than 6 months after the first disbursement is made under the loan; and

“(D) the Executive Board of the International Monetary Fund to be responsible for determining whether a loan is an emergency loan and to be required to make public any such determination;

“(5) the accounting by the International Monetary Fund for environmental depletion and degradation in the system of national accounts, as recommended by the International Monetary Fund, the International Bank for Reconstruction and Development, the United Nations, the Organization for Economic Cooperation and Development, and the Commission of the European Communities-Eurostat in section XXI.D of the “System of National Accounts 1993”, as further developed in the 1993 report by the United Nations Statistical Division, entitled “System for Integrated Environmental and

Economic Accounting", and as demonstrated in the definition of "Genuine Saving II" in the report by the International Bank for Reconstruction and Development, entitled "World Development Indicators 1998", the use of such information in the analysis by the International Monetary Fund of economic performance (and of the effects of past International Monetary Fund programs), and the public availability of such environmental accounting; and

"(6) consultation with the relevant domestic and international agencies to ensure that the policies proposed for any International Monetary Fund loan agreement do not reduce or undermine domestic environmental standards or processes nor diminish compliance with nor the effectiveness of international environmental agreements" before the period.

H.R. 4569

OFFERED BY: MR. NEUMANN

AMENDMENT No. 24: Page 13, line 25, after the dollar amount, insert the following: "(reduced by \$1,000,000)".

H.R. 4569

OFFERED BY: MR. PAUL

AMENDMENT No. 25: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. 701. None of the funds appropriated or otherwise made available by this Act may be made available for—

- (1) population control or population planning programs;
- (2) family planning activities; or
- (3) abortion procedures.

H.R. 4569

OFFERED BY: MS. PELOSI

AMENDMENT No. 26. On page 23, line 19 after "(IAEA)," insert, "a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO)."

On page 24, line 12, after "Agency:", insert: *Provided further*, That not to exceed \$30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further*, That such funds may be obligated to KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is co-operating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; (4) North Korea has terminated its nuclear weapons program; (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law and (6) the United States has satisfactory access to facilities that would be necessary to assure compliance with the Framework Agreement."

: Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further*, That whenever the waiver included in the previous proviso is exercised, the President shall submit to the appropriate congressional committees a report which shall include a detailed explanation of why the certification requirements in the sixth proviso could not be met: *Provided further*, That no funds may be obligated for KEDO until 30 calendar days after submission to Congress of the waiver permitted under the sixth proviso: *Provided further*, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations:

H.R. 4569

OFFERED BY: MS. PELOSI

AMENDMENT No. 27. On page 32, line 17, strike "42,500,000" and insert "92,500,000".

H.R. 4569

OFFERED BY: MS. PELOSI

AMENDMENT No. 28. On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

H.R. 4569

OFFERED BY: MS. PELOSI

AMENDMENT No. 29. On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

On page 117, strike line 11, and all that follows through the end of line 18 on page 141, and insert:

SECTION 605. SHORT TITLE.

Sections 605 through 617 of this chapter may be cited as the "International Monetary Fund Reform and Authorization Act of 1998".

SEC. 606. FINDINGS.

The Congress finds that—

(1) the International Monetary Fund (IMF) was conceived at Bretton Woods, New Hampshire, to promote a sound and open world economy and a stable international financial system;

(2) while the international financial system has evolved significantly since the IMF was founded fifty years ago, its core mission remains focused on providing advice on macroeconomic and exchange rate policy and highly conditional financial assistance, including appropriate economic and governance reforms, to countries facing balance of payments or liquidity problems;

(3) the IMF includes elements in structural adjustment programs that affect industrial and labor policies, which have profound social and political ramifications;

(4) the IMF has intervened in financial markets in situations of extreme uncertainty and crisis to restore investor and lender confidence, which may result in partially relieving such lenders and investors of the negative consequences of imprudent lending and investment decisions;

(5) the expanded conditionality which accompanies IMF funding has profound domestic consequences in the United States;

(6) the United States, as the leading power of the post-cold war world, has a greater in-

terest than any other country in a strengthened IMF that multilateralizes the financial support for ongoing economic reforms in countries important to United States interests and that can respond to threats to the international financial system so that the United States does not end up serving as the world's lender of last resort;

(7) the United States is the only country with veto power over major IMF decisions;

(8) to sustain its capabilities, the IMF needs to sustain its strength relative to a rapidly expanding global economy characterized by exponential growth of global capital markets;

(9) the United States financial commitment to the IMF leverages several times as much from other countries, and its general resource financing is not scored as a budgetary outlay;

(10) the ongoing currency and banking crisis in the Far East has affected United States financial markets and may result in a decline in United States economic growth by as much as one and one-half percent, and the United States has a vested economic and national security interest in utilizing the IMF and other multilateral mechanisms to help stabilize certain Asian economies;

(11) neither the IMF nor the international financial system predicted or was adequately prepared for the domestic financial instability that has developed in East Asia, particularly the excessive short-term borrowing the private sector institutions, and therefore significant reforms of the IMF and the international financial system are needed to ensure that the world is better prepared to prevent and cope with similar crises;

(12) the United States also has an interest in not contributing to "moral hazard", the belief by private investors and lenders that public credit will be used to bail them out of the consequences of imprudent credit decisions;

(13) in establishing the terms for its financial support, the IMF must strike a balance between contributing to the stability of the Asian economies and ensuring that the private creditors who contributed to the crisis by their imprudent lending also make a significant contribution to the resolution of such crisis; and

(14) with respect to some East Asian countries, some observers believe that—

(A) the IMF has often imposed tight monetary and fiscal policies designed for countries in other parts of the world that follow excessively expansionary fiscal and monetary policies, despite the fact that, by the IMF's own account, the monetary and fiscal policies of the East Asian countries have not contributed to the financial difficulties faced by such countries;

(B) the rationale for such strategy has been the need to attract foreign capital and provide the means to earn foreign exchange;

(C) in the absence of solutions to the short term debt overhang problem which requires a rollover of such short term maturities by private creditors, and to the unfettered flow of capital into and out of markets without regard to maturities or purpose, as an integral part of the IMF program, no interest rate is high enough to attract such capital;

(D) a tight monetary and fiscal austerity program, combined with industrial restructuring and labor market flexibility measures where they are also a part of an IMF program, may excessively depress the local economy, creating potentially explosive social and political problems;

(E) such a strategy could also create excessive pressure to export and reduce imports, eroding support in the United States for a more open international trading and investment regime, as export markets collapse and a flood of imports puts downward pressure on U.S. wages and employment; and

(F) there is a consequent need for the IMF, other international financial institutions, the United States, and other countries, as appropriate, to fashion programs and policies that are adapted to local conditions and integrate private creditor contributions.

SEC. 607. PARTICIPATION IN QUOTA INCREASE.

(a) IN GENERAL.—The Bretton Woods Agreements Act (22 U.S.C. 286-286mm) is amended by adding at the end the following:

“SEC. 61. QUOTA INCREASE.

“(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

“(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.”.

(b) EFFECTIVENESS SUBJECT TO CERTIFICATION.—The amendment made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks make a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

SEC. 608. NEW ARRANGEMENTS TO BORROW.

(a) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking “and February 24, 1983” and inserting “February 24, 1983, and January 27, 1997”; and

(B) by striking “4,250,000,000” and inserting “6,712,000,000”;

(2) in subsection (b), by striking “4,250,000,000” and inserting “6,712,000,000”; and

(3) in subsection (d)—

(A) by inserting “or the Decision of January 27, 1997,” after “February 24, 1983.”; and

(B) by inserting “or the New Arrangements to Borrow, as applicable” before the period at the end.

(b) EFFECTIVENESS SUBJECT TO CERTIFICATION.—The amendments made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks make a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

SEC. 609. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

(a) IN GENERAL.—Title XV of the International Financial Institutions Act (22 U.S.C. 2620-2620-1) is amended by adding at the end the following:

“SEC. 1503. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

“(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

“(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate

stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

“(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

“(A) appropriate liberalization of pricing, trade, investment, and exchange rate regimes of countries to open countries to the competitive forces of the global economy;

“(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

“(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

“(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

“(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

“(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

“(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

“(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

“(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

“(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destabilizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

“(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

“(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

“(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

“(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

“(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

“(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources;

“(H) the International Monetary Fund accompanying the provision of funding to countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits; and

“(I) in the context of International Monetary Fund responses to international financial crises, vigorously promote consideration of appropriate ways in which debtors and private creditors, in consultation with central banks, can be encouraged voluntarily to take steps to achieve resolution of outstanding debts, and to do so in a manner that provides for an appropriate degree of burden-sharing.

“(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

“(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large ‘show case’ projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

“(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

“(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

“(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

“(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights;

“(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the effect of labor market flexibility measures on core worker rights in such countries; and

“(D) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

“(10) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4))).

“(11) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

“(12) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, including by working independently and with the multilateral development banks to encourage countries to correct market failures and pursue macroeconomic stability while promoting policies for sustainable development and environmental protection.

“(13) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

“(14) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

“(15) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 1701(c)(2)) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

“(16) Vigorously promote, in the context of the International Monetary Fund's policy dialogue with its member countries, measures to protect the rights and land of indigenous peoples, including the Penan of Borneo, Malaysia, the Dayaks of East Kalimantan, Indonesia, and the indigenous communities of Irian Jaya, Indonesia.

“(17) Vigorously promote policies such that the International Monetary Fund, in considering loan programs and assistance, takes into account the extent to which the recipient government has demonstrated a commitment to—

“(A) providing accurate and complete data on the annual expenditures and receipts of the armed forces;

“(B) establishing good and publicly accountable governance, including an end to excessive military involvement in the economy; and

“(C) making substantial reductions in excessive military spending and forces, including domestic security forces.

“(18) Structure International Monetary Fund debt relief programs so that the programs do not impose unfair conditions on heavily indebted poor countries, increase the amount of debt relief available to poor countries, and decrease the time required to qualify for debt relief.

“(b) COORDINATION WITH OTHER EXECUTIVE DEPARTMENTS.—To the extent that it would assist in achieving the goals described in subsection (a), the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.”.

(b) ADVISORY COMMITTEE ON IMF POLICY.—Section 1701 of such Act (22 U.S.C. 262p-5) is amended by adding at the end the following:

“(e) ADVISORY COMMITTEE ON IMF POLICY.—

“(1) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this subsection referred to as the ‘Advisory Committee’).

“(2) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

“(A) 2 members shall be representatives from organized labor.

“(B) 2 members shall be representatives from banking and financial services.

“(C) 2 members shall be representatives from industry and agriculture.

“(D) 2 members shall be representatives from nongovernmental environmental and human rights organizations.

“(3) DUTIES.—Not less frequently than every 6 months, the Advisory Committee shall meet with the Secretary of the Treasury or the Deputy Secretary of the Treasury to review, and provide advice on, the extent to which individual country International Monetary Fund programs meet the policy goals set forth in this Act regarding the International Monetary Fund.

“(4) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.”.

SEC. 610. AVAILABILITY OF INTERNATIONAL MONETARY FUND LETTERS OF INTENT REGARDING AGREEMENTS REQUIRED IN ORDER TO RECEIVE ASSISTANCE.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o-262o-1) is further amended by adding at the end the following:

“SEC. 1504. AVAILABILITY OF INTERNATIONAL MONETARY FUND LETTERS OF INTENT REGARDING AGREEMENTS REQUIRED IN ORDER TO RECEIVE ASSISTANCE.

“Within 3 business days after the United States Executive Director at the International Monetary Fund receives a letter of intent from a country regarding structural adjustment or an economic, social, or other agreement required by the Fund in order to receive assistance from the Fund, the Executive Director shall provide to the Secretary of the Treasury a copy of the letter and any related memorandum of understanding. Within 7 days after receiving the copy, the

Secretary of the Treasury shall make the copy available to the public (by electronic or other readily publicly accessible means) except to the extent that the Secretary determines that doing so would—

“(1) endanger the national security of the country or of the United States;

“(2) disrupt markets; or

“(3) be contrary to the obligations of the United States as a member of the International Monetary Fund.”.

SEC. 611. ENFORCEMENT OF INDONESIAN COMPLIANCE WITH REFORMS REQUIRED BY THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the United States Executive Director at the International Monetary Fund will oppose further disbursements of funds to Indonesia unless the Indonesian government complies with the terms of its International Monetary Fund reform package.

SEC. 612. SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of the Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

SEC. 613. SENSE OF THE CONGRESS ON THE ROLE OF JAPAN IN RESTORING REGIONAL AND GLOBAL ECONOMIC GROWTH.

(a) FINDING.—The Congress finds that deteriorating economic conditions and ongoing financial market turbulence in Asia makes it more important than ever that Japan play a leadership role in helping to restore confidence and serve as a crucial engine of regional and world economic growth.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Japan should assume a greater regional leadership role, which would coincide with Japan's goal of promoting strong domestic demand-led growth and avoiding a significant increase in its external surplus with the United States and the countries of the Asia-Pacific region.

SEC. 614. SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2) is amended by adding at the end the following:

“SEC. 1704. REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

“(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. The reports shall include the following:

“(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

“(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform

measures required by the International Monetary Fund, including—

“(A) ensuring full respect for the commercial orientation of commercial bank lending;

“(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

“(C) the passage of appropriate financial reform legislation;

“(D) strengthening the domestic financial system, through financial sector restructuring, as well as improved transparency and supervision; and

“(E) the opening of domestic capital markets.

“(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

“(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

“(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

“(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

“(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

“(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

“(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

“(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

“(9) A description of any pattern of abuses of core worker rights in recipient countries.

“(10) The amount, rate of interest, and disbursement and repayment schedules of any fund disbursed from the stabilization fund established under section 5302 of title 31, United States Code, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

“(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

“(b) **TIMING.**—Not later than October 1, 1998, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a

report on the matters described in subsection (a).”.

SEC. 615. REPORTS ON REFORMING THE ARCHITECTURE OF THE INTERNATIONAL FINANCIAL SYSTEM.

(a) **FINDINGS.**—The Congress finds that, in order to ensure that the International Monetary Fund does not become the global lender of last resort to private sector corporations and financial institutions, and in order to help prevent further threats to the international financial system, the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, working with their counterparts in other countries and with international organizations as appropriate, should—

(1) seek to establish a broad set of international transparency principles on accounting and disclosure policies and practices covering, in particular, private sector financial organizations;

(2) promote improvements in the provision by both borrowers and lenders of timely and comprehensive aggregate information on cross-border financial stocks and flows;

(3) seek an international accord establishing uniform minimum standards with respect to robust banking and supervisory systems, which individual countries should be required to meet as a condition for the establishment of subsidiaries, branches, or other offices of banking institutions from their countries in the jurisdictions of the countries participating in the accord;

(4) immediately initiate with appropriate representatives of the countries that are members of the International Monetary Fund discussions aimed at securing national treatment for United States investors in such countries; and

(5) seek to establish internationally acceptable bankruptcy standards and should work particularly to have International Monetary Fund recipient countries adopt such standards.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall prepare 3 reports on progress made toward achieving the objectives outlined in subsection (a), which shall describe the steps taken by the United States, other members of the world community, and the international financial institutions to strengthen safeguards in the global financial system, including measures to promote more efficient functioning of global markets, by—

(A) helping to develop effective legal and regulatory frameworks, including appropriate bankruptcy and foreclosure mechanisms;

(B) increasing transparency and disclosure by both the private and public sectors;

(C) strengthening prudential standards, both globally and in individual economies;

(D) improving domestic policy management;

(E) strengthening the role of the international financial institutions in financial crisis prevention and management; and

(F) ensuring appropriate burden sharing by the private sector, particularly commercial banks and financial institutions, in the resolution of crises.

(2) **TIMING.**—The Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate 2 interim reports on the matters described in paragraph (1), the first of which is due by October 1, 1998, and the second of which is due on April 1, 1999, and a final report on such matters, which is due on October 1, 1999.

SEC. 616. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2) is further amended by adding at the end the following:

“SEC. 1705. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

“(a) **REPORTS.**—Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 1503.

“(b) **TESTIMONY.**—After submitting the report required by subsection (a) but not later than October 31 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

“(1) any progress made in reforming the International Monetary Fund;

“(2) the status of efforts to reform the international financial system; and

“(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.”.

SEC. 617. AUDITS OF THE INTERNATIONAL MONETARY FUND.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2) is further amended by adding at the end the following:

SEC. 1706. AUDITS OF THE INTERNATIONAL MONETARY FUND.

“(a) **ACCESS TO MATERIALS.**—Not later than 30 days after the date of the enactment of this section, the Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the Secretary has instructed the United States Executive Director at the International Monetary Fund to facilitate timely access by the General Accounting Office to information and documents of the International Monetary Fund needed by the Office to perform financial reviews of the International Monetary Fund that will facilitate the conduct of United States policy with respect to the Fund.

“(b) **REPORTS.**—Not later than June 30, 1999, and annually thereafter, the Comptroller General of the United States shall prepare and submit to the committees specified in subsection (a) a report on the financial operations of the Fund during the preceding year, which shall include—

“(1) the current financial condition of the International Monetary Fund;

“(2) the amount, rate of interest, disbursement schedule, and repayment schedule for any loans that were initiated or outstanding during the preceding calendar year, and with respect to disbursement schedules, the report shall identify and discuss in detail any conditions required to be fulfilled by a borrower country before a disbursement is made;

“(3) a detailed description of whether the trade policies of borrower countries permit free and open trade by the United States and

other foreign countries in the borrower countries;

"(4) a detailed description of the export policies of borrower countries and whether the policies may result in increased export of their products, goods, or services to the United States which may have significant adverse effects on, or result in unfair trade practices against or affecting United States companies, farmers, or communities;

"(5) a detailed description of any conditions of International Monetary Fund loans which have not been met by borrower countries, including a discussion of the reasons why such conditions were not met, and the actions taken by the International Monetary Fund due to the borrower country's non-compliance;

"(6) an identification of any borrower country and loan on which any loan terms or conditions were renegotiated in the preceding calendar year, including a discussion of the reasons for the renegotiation and any new loan terms and conditions; and

"(7) a specification of the total number of loans made by the International Monetary Fund from its inception through the end of the period covered by the report, the number and percentage (by number) of such loans that are in default or arrears, and the identity of the countries in default or arrears, and the number of such loans that are outstanding as of the end of period covered by the report and the aggregate amount of the outstanding loans and the average yield (weighted by loan principal) of the historical and outstanding loan portfolios of the International Monetary Fund."

; and amend the report accordingly.

H.R. 4569

OFFERED BY: MR. PITTS

AMENDMENT No. 30: In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by \$100,000,000)".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", add at the end before the period the following: "Provided further, That of the funds appropriated under this heading, not less than \$345,000,000 shall be made available for infant and child health programs".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", after the first dollar amount, insert the following: "(decreased by \$100,000,000)".

In section 576 (relating to authorization for population planning), after the first dollar amount, insert the following: "(decreased by \$100,000,000)".

In section 576 (relating to authorization for population planning), add at the end before the period the following: "Provided, That the restriction under this heading shall apply to all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available".

H.R. 4569

OFFERED BY: MR. PORTER

AMENDMENT No. 31: In title V, strike section 579, relating to the repeal of Section 907 of the FREEDOM Support Act.

H.R. 4569

OFFERED BY: MR. RADANOVICH

AMENDMENT No. 32: In title V, strike the section relating to the repeal of section 907 of the FREEDOM Support Act.

H.R. 4569

OFFERED BY: MR. ROYCE

AMENDMENT No. 33: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROPOSAL TO ELIMINATE INCOME TAX ALLOWANCES PROVIDED BY THE INTERNATIONAL MONETARY FUND

SEC. 701. The Bretton Woods Agreements Act (22 U.S.C. 286-286mm) is amended by adding at the end the following:

"SEC. 61. ELIMINATION OF INCOME TAX ALLOWANCE.

"The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present to the Fund's Executive Board, and work for the adoption of, a proposal to amend the Fund's bylaws to disallow the Fund from issuing a tax allowance to the Governors, the Executive Directors, their alternates, the Managing Director, or any other officer, employee, or staff member of the Fund."

H.R. 4569

OFFERED BY: MR. SANDERS

AMENDMENT No. 34: Page 118, line 9, insert "(a) IN GENERAL.—" after "606."

Page 118, after line 26, insert the following:

(b) AUTHORITY TO PARTICIPATE IN THE NEW ARRANGEMENTS TO BORROW CONDITIONED ON CERTIFICATION.—The authority provided in amendments made by subsection (a) to make loans under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow, shall not take effect until the Secretary of the Treasury certifies that the bylaws of the International Monetary Fund provide that the International Monetary Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing by government or private borrowers, unless the private creditors, investors, and banking institutions which had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, and the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

H.R. 4569

OFFERED BY: MR. SANFORD

AMENDMENT No. 35: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

ELIMINATION OF SPENDING CAP ADJUSTMENTS FOR INTERNATIONAL MONETARY FUND FUNDING INCREASES

SEC. ____ (a) AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

(b) AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking subparagraph (D) and by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

H.R. 4569

OFFERED BY: MR. BOB SCHAFER of Colorado

AMENDMENT No. 36: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

REQUIREMENT THAT FOREIGN COUNTRIES THAT ARE PROVIDED UNITED STATES FUNDS THROUGH THE INTERNATIONAL MONETARY FUND FOR THE PURCHASE OF AGRICULTURAL COMMODITIES USE SUCH FUNDS FOR THE PURCHASE OF SUCH COMMODITIES FROM UNITED STATES PRODUCERS

SEC. ____ Title XIV of the International Financial Institutions Act (22 U.S.C. 262n-

262n-2) is amended by adding at the end the following:

"SEC. 1404. REQUIREMENT THAT FOREIGN COUNTRIES THAT ARE PROVIDED UNITED STATES FUNDS THROUGH THE INTERNATIONAL MONETARY FUND FOR THE PURCHASE OF AGRICULTURAL COMMODITIES USE SUCH FUNDS FOR THE PURCHASE OF SUCH COMMODITIES FROM UNITED STATES PRODUCERS.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to oppose the provision by the International Monetary Fund of any assistance to a country for the purchase of an agricultural commodity unless the country has entered into an agreement with the International Monetary Fund under which the United States portion of the assistance, in lieu of being disbursed to the country, is disbursed in the manner described in subsection (c), and the country remains obligated with respect to the assistance as if the assistance had been disbursed directly to the country.

"(b) UNITED STATES PORTION OF ASSISTANCE TO A COUNTRY.—In subsection (a), the term 'United States portion of the assistance' means the total amount of the assistance, multiplied by the percentage of the assets of the International Monetary Fund that are attributable to United States contributions to the International Monetary Fund, and interest earned by the International Monetary Fund on such contributions.

"(c) DISBURSEMENT OF UNITED STATES PORTION OF ASSISTANCE.—On the making of a contract between the country and a United States producer of an agricultural commodity under which, among other things, the country has agreed to purchase a quantity of the commodity from the producer at a price in United States dollars that is not less than the average price in United States dollars for the commodity on the world market during calendar year 1995, and the producer has agreed to consider payment by the International Monetary Fund for the commodity to be payment by the country, the International Monetary Fund shall disburse to the United States producer, from the United States portion of the assistance referred to in subsection (a), an amount sufficient to make the purchase."

H.R. 4569

OFFERED BY: MR. SENSENBRENNER

AMENDMENT No. 37: In section 517, add the following new subsection at the end:

(g) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for the Government of Russia unless—

(1) the President has reported to Congress that the government of Russia has developed and is implementing a credible plan to meet its obligations as outlined in the Annex to the Agreement Among the Government of Canada, Governments and Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed on January 29, 1998, and Article 3 of the Memorandum of Understanding Between the National Aeronautics and Space Administration of the United States of America and the Russian Space Agency Concerning Cooperation on the Civil International Space Station; and

(2) the Secretary of the Treasury has reported to Congress that Russia has developed and is implementing a plan that will succeed

in funding the obligations described in paragraph (1).

H.R. 4569

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 38: Page 8, line 10, after "services" insert the following:

; and that any such voluntary family planning project shall meet the following requirements: (1) the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, acceptors of a particular method of family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or any other form of compensation or reward, monetary or non-monetary, to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving any numerical goal or quota; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; (5) the project shall provide a reasonable range of options of methods of family planning, including natural methods; and (6) the project shall ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits; and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation

H.R. 4569

OFFERED BY: MR. WELDON

AMENDMENT NO. 39: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA

SEC. 701. The Bretton Woods Agreements Act (22 U.S.C. 286-286mm) is amended by adding at the end the following:

"SEC. 61. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

"(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

"(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

"(2) to provide assistance to the Russian Federation or a political subdivision of the

Russian Federation only to aid the implementation of such reforms.

"(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

"(1) Land reform, including private ownership of land.

"(2) Further privatization of state-owned industrial enterprises.

"(3) Tax reform, including increased collection of tax obligations.

"(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

"(5) Establishment of residential mortgage financing system for middle class individuals residing in the Russian Federation.

"(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

"(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources."

RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION

SEC. 702. (a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek enter into negotiations with the State Duma of the Russian Federation for the establishment of a commission which would—

(1) be composed of 8 Members of the United States Congress and 8 Deputies of the State Duma;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used for only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to the commission established pursuant subsection (a).

SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM

SEC. 703. It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

IMF REFORM COMMISSION

SEC. 704. The Secretary of the Treasury shall instruct the United States Executive

Director at the Fund to use the voice and vote of the United States to urge the Fund to create a commission, composed of prominent international financial experts, for the purpose of drawing up recommendations for reforming the Fund, with a view to achieving more transparency in the structures of the Fund and increasing the effectiveness of Fund programs while decreasing financial risk.

RUSSIAN HOUSING LOAN PROGRAM

SEC. 705. (a) LOAN PROGRAM.—There is hereby established a pilot housing loan program for the people of Russia, with such funds as may be made available, as the means by which the average Russian citizen may attain affordable home ownership.

(b) RESTRICTIONS.—None of the funds under this section may be made available—

(1) for transfer to the Government of Russia; or

(2) for the purposes of providing Russian military housing.

(c) ESTABLISHMENT OF ADMINISTERING CORPORATION.—Funds appropriated under this section shall be administered in the following manner:

(1) Such sums as may be made available for this pilot Russian housing loan program shall be administered directly through a nonprofit corporation (hereinafter the "Corporation"), consisting of a 13-member Board of Directors, the members of which shall be appointed by the President of the United States from lists provided by the following individuals:

(A) Two members from a list provided by the Speaker of the United States House of Representatives.

(B) One member from a list provided by the minority leader of the United States House of Representatives.

(C) Two members from a list provided by the majority leader of the United States Senate.

(D) One member from a list provided by the minority leader of the United States Senate.

(E) Two members appointed by the President of the United States at his discretion.

(F) Four members from a list provided by the President of the Russian Federation.

(G) One member from a list provided by the Chairman of the Russian State Duma.

(2) The President of the United States shall select a Chairman of the Board of Directors from among the 13 board members. The Chairman shall serve a single 2-year term. The entire Board of Directors shall serve a 2-year term and have the authority to select other officers and employees to carry out the purposes of the Fund and the program.

(d) LOAN SIZE AND TYPE.—Since it is the intent of the housing loan program to provide loans for the average middle-income potential Russian home buyer, loans shall range between the equivalent of \$10,000 to \$50,000 (U.S.). This amount shall be determined by the Corporation and shall fluctuate in accordance upon market conditions. Loans shall be for a term of 10 to 30 years and may be prepaid at any time without penalty. Loan payments shall be amortized on a basis of level monthly payments.

(e) WORKING GROUPS.—The Corporation shall have the authority to establish working groups comprised of Russian and American experts, for the purpose of making recommendations on topics essential to the success of the program, including, but not limited to—

(1) the preparation of the necessary legal and regulatory changes;

(2) the involvement of United States housing trade and labor associations in providing materials, training, and joint venture capital;

(3) ensuring adequate offsite infrastructure for new housing sites; and

(4) other issues as deemed appropriate by the Corporation.

H.R. 4569

OFFERED BY: MR. WOLF

AMENDMENT NO. 40: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a

rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.



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No. 123

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we claim Your promise given through Isaiah, "Your ears shall hear a word behind you saying, 'This is the way, walk in it'"—Isaiah 30:21. We humbly ask for that kind of clear guidance for everything we do today. We know that it comes as a result of seeking Your direction, listening carefully to Your answers communicated through our thoughts, and being faithful in following Your leading. We confess anything that may stand in the way of receiving Your inspiration. Make us clear channels for the flow of Your spirit. Maximize our native intelligence with Your wisdom, our analytical skills with Your discernment, and our agendas with Your priorities. You know how pressured life becomes. Therefore, give the Senators clear minds and trusting hearts. You have called them to greatness through Your grace and goodness. With them, we dedicate all that we have and are to You and our beloved Nation. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

Mr. DOMENICI. Thank you, Mr. President.

SCHEDULE

Mr. DOMENICI. Mr. President, for the information of all Senators, this morning the Senate will resume debate on the Interior appropriations bill with Senator BOXER being recognized to offer an amendment regarding oil roy-

alties. There will be 3 hours for debate on the amendment. At the conclusion or yielding back of time, the Senate will proceed to a vote on a motion to table the Boxer amendment. Following that vote, it is expected that further amendments to the Interior bill will be offered and debated. Therefore, Members should expect rollcall votes throughout today's session and into the evening in relation to the Interior bill or any other legislation or executive items cleared for action. The leader expresses his thanks to colleagues for their attention.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. ALLARD). The Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

Mr. DOMENICI. Mr. President, we are awaiting Senator BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from California is recognized to offer an amendment related to oil royalties in which there shall be 3 hours for debate equally divided.

The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

AMENDMENT NO. 3594

(Purpose: To strike the section delaying issuance of a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN and Mr. WELLSTONE, proposes an amendment numbered 3594.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DOMENICI. Reserving the right to object, is it a short amendment?

Mrs. BOXER. Pardon me?

Mr. DOMENICI. Is it a short amendment?

Mrs. BOXER. Yes.

Mr. DOMENICI. I would like it read.

Mrs. BOXER. That is no problem with us at all.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 74, strike lines 13 through 20.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I said it was a short amendment. It is in fact a short amendment. It is a very straightforward amendment. It would actually strike a rider that has been placed in this bill that deals with oil royalty payments that are due Federal taxpayers.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S10393

Mr. President, Senator BUMPERS, Senator DURBIN, Senator DASCHLE and Senator WELLSTONE are joining me today to offer an amendment to repeal a special interest rider that has been attached to the Interior appropriations bill. And I think, to put it in very, very straightforward terms, the taxpayers are being robbed. Now, that is a pretty strong statement, but I can back it up. They are being robbed to the tune of \$5.5 million a month, and that is a lot of money, Mr. President. It adds up real fast to many, many millions of dollars, and over years, hundreds of millions of dollars.

If any one of us were standing outside on the street and we saw someone's purse being snatched, and we saw somebody grab that purse and take the money out and pocket it, we would act like good Samaritans and we would say that is wrong. Well, I think it is wrong when we see the most powerful companies in this country—only 5 percent of the oil companies in this country are doing this—not paying their fair share of royalty payments.

How do I know this is a fact? Because there have been lawsuits, Mr. President. All over this country the oil companies have, in fact, settled and admitted—admitted—they underpaid their royalties.

I am very pleased that the Senator from Illinois has wound his way over here because he and I have worked on this together, as well as Senator BUMPERS and Senator WELLSTONE. I was very proud that in the committee my motion to remove this rider got the support of Senator BYRD. And that is because wrong is wrong and right is right. It is wrong for the powerful oil companies, with teams of lawyers, to be able to take away the rightful funds of taxpayers.

Now, what does this rider do?

The rider prevents the Interior Department from acting to ensure that oil companies pay their fair share of royalties for oil drilled on public lands.

Now, if you are asking what a royalty payment is, it is very simple. It is like a rent payment. The oil companies drill on Federal land, they have to pay a royalty payment, 12.5 percent of the value of the oil that they find on Federal land. What do we do with it in the Federal Government? It goes straight to the Land and Water Conservation Fund, which is the fund that purchases parks, to the Historic Preservation Fund, and a share of it goes to the States. What do the States do with it? They do with it what State law requires. In the case of my State of California, those royalty payments go directly to the schools.

So this amendment that I am offering, if we are fortunate enough to pass it and we can strip this rider out, will mean more money for schoolchildren and more money for the Land and Water Conservation Fund.

Now, this royalty payment is not a tax. It is a payment that the oil companies sign on to pay. They sign on to

an agreement, just as you do if you lease an apartment. It says:

The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

Keep that in mind. The oil companies have signed on to a lease that says that their royalty payments "shall never be less than the fair market value of the production."

What has been happening? A small percentage of oil companies are paying a royalty not on the fair market value of the production, but on a made up price. A price that they, themselves, make up. I will explain that later. As a result of this phantom price system, they value the oil at a lower price than the market price. Taxpayers, therefore, are getting 12.5 percent of a lower price. Taxpayers are getting robbed, plain and simple. Only 5 percent of the oil companies are doing this, 95 percent are not. We want to make sure those 5 percent, the bad actors, pay their fair share.

That is what our amendment will do. It will strip out a rider that says to the Interior Department, "Stop what you are doing to fix this problem." The rider in this bill says to the Interior Department, essentially, "Stop what you are doing to fix this problem." The Interior Department is trying to get millions of dollars back for taxpayers. They are being stopped by a rider in an appropriations bill.

It is a very simple issue. Believe me, it will be contorted to make it look complicated, but it isn't complicated. For years, oil companies have been cheating the American taxpayers out of millions, if not billions, of dollars. The Department of Interior took action to stop the cheating. And now, the Senate Appropriations Committee, pretty much on a party line vote, said to the Interior Department, "You can't fix the problem." What we are doing in our amendment is saying, "Yes, you can, Interior Department, fix the problem. Do it in a fair way, go after the 5 percent of the oil companies that are cheating the people. Fix the problem."

Now, how do we know that they are cheating? First of all, common sense will tell you. We have a chart that shows the difference between the posted price and the market price. We know that the Interior Department has already billed 12 companies over \$260 million for past royalty underpayments. So we know there is a problem. The Interior Department wouldn't do that if they didn't think they had proof that there has been cheating. There have been settlements in five States on royalty underpayments. California has collected \$350 million; Alaska, \$2.5 billion; Texas, \$17.5 million; Louisiana collected \$10 million; New Mexico collected \$8 million. So the States are ahead of us on this. They are suing the companies because the States know they are being cheated, and they are collecting.

Just 2 weeks ago, Mobil Oil paid an additional \$56.5 million in settlement.

Now, oil companies would not have settled for these large sums of money if they truly believed they could justify their royalty payments. You don't go and say, "Here are millions of dollars. I'm really innocent, but let's just get this over with." I don't know of any company that would turn over \$56 million, or \$2.5 billion, if they didn't think they were liable for it.

Here is the issue. This chart shows ARCO as an example. This is the market price of oil in the west Texas market, in the blue on this chart. This is what ARCO said the price was. It is very easy to see the chart and see the difference, the area where we should be collecting money. Another chart shows the Koch Oil Company, the same thing. This is the market price in the blue line in the Louisiana market, and the red line is what they said the market price was.

We also know that in February 1998 the Department of Justice intervened in a lawsuit under the False Claims Act, accusing five major oil companies of knowingly undervaluing oil extracted from public land and thus paying lower royalties. The suit was originally filed in the U.S. district court in Lufkin, TX, by three private parties. The Justice Department entered the suit because of the overwhelming evidence against the companies. These lawsuits are still pending, and the Justice Department is continuing its investigation of the remaining seven companies that have been billed by the Interior Department. Under the False Claims Act, the United States may recover, on behalf of taxpayers, three times the amount of its losses plus civil penalties.

If anyone comes on this floor and says there is no cheating—and they will—if anyone comes on this floor and says, "There is nothing there, Senator BOXER; what is the fuss?" I will show them exactly what the fuss is all about. And that is the underpayment of royalties that the oil companies promised to pay. Remember:

The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

And we know what the fair market value is because there is an open market on these prices.

Who benefits from this rider that is on this appropriations bill that Senator DURBIN, Senator WELLSTONE, Senator BUMPERS, and I, and others are trying to remove? Who wins? Five percent of the oil companies.

If you hear someone come on this floor and say this is an attack on small oil companies, this is an attack on the mom-and-pop oil companies, that is just not true. Five percent of the oil companies, the biggest oil companies, are the only ones who are affected by this rule; 95 percent of them are not, and there is no change. So we are talking about a rider that protects 5 percent of the oil companies—namely, the biggest oil companies in the country

who make billions of dollars and who are not paying their fair share of royalties and basically have admitted it in lawsuit after lawsuit after lawsuit—maybe not technically, but when you

settle for those amounts of money, you know they don't want to go to court about it.

Mr. President, I ask unanimous consent to have printed in the RECORD the

names of the companies who are affected by this rule.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Companies	(Oil and gas J.)	(Oil and cond.)	Paid vs. revenue (percent)	Under the rule	Liability v. revenue (percent)
Shell Total	\$29,151,000,000	\$213,008,437	0.73	\$19,459,159	0.07
Exxon Corp. USA, Total	134,249,000,000	154,531,037	0.12	7,993,222	0.01
Chevron USA, Inc. Total	43,893,000,000	159,611,684	0.36	7,111,509	0.02
Texaco Exploration & Prod., I Total	45,500,000,000	87,370,721	0.19	6,375,000	0.01
Marathon Oil Company Total	16,356,000,000	53,593,234	0.33	5,225,380	0.03
Mobil Explor. & Prod. U.S. Total	81,503,000,000	55,511,623	0.07	3,978,051	0.00
Conoco Inc. Total	20,579,000,000	30,562,431	0.15	2,444,738	0.01
Phillips Petroleum Co. Total	15,807,000,000	10,527,634	0.07	2,334,420	0.01
BP Exploration and Oil Inc. Total	17,165,000,000	46,819,366	0.27	2,138,002	0.01
Amerada Hess Corporation Total	8,929,711,000	12,271,849	0.14	1,446,901	0.02
Amoco Production Company Total	36,112,000,000	31,030,184	0.09	1,427,185	0.00
Pennzoil Products Co. Total	2,486,846,000	23,858,522	0.96	1,416,140	0.06
Unocal Exploration Total	9,599,000,000	36,205,793	0.38	1,358,282	0.01
Murphy Oil Company U.S.A. Total	2,022,176,000	16,445,805	0.81	778,351	0.04
Arco Western Energy Total	19,169,000,000	50,363,676	0.26	718,384	0.00
Coastal Oil & Gas Corporation Total	12,166,900,000	4,364,577	0.04	470,939	0.00
Total Petroleum, Inc.—Oil Total	34,526,000,000	3,059,110	0.01	364,045	0.00
Koch Oil Co. Total	Unavailable	3,214,012		342,222	
Fina Oil & Chemical Company Total	4,078,502,000	1,393,795	0.03	156,560	0.00
Hunt Oil Company Total	Unavailable	8,256,498		125,731	
Howell Petroleum Corporation Total	712,501,000	1,581,010	0.22	122,669	0.02
Frontier Oil & Refining Co. Total	3,379,000	486,634	14.40	47,853	1.42
Giant Refining Company Total	Unavailable	945,403		46,854	
Citgo Petroleum Corp. Total	Unavailable	600,941		45,755	
Navajo Crude Oil Mktg Co. Total	Unavailable	2,598,096		45,063	
BHP Petroleum (Americas), I Total	135,180,000	6,266,511	4.64	34,020	0.03
Barrett Resources Corp. Total	202,572,000	306,239	0.15	32,719	0.02
ANR Production Total	Unavailable	402,039		13,801	
Petro Source Total	Unavailable	919,725		12,049	
Berry Petroleum Company Total	57,095,000	132,733	0.23	9,711	0.02
Sinclair Oil Corp. Total	Unavailable	181,480		5,949	
Ashland Exploration, Inc. Total	13,309,000,000	47,270	0.00	3,825	0.00
Big West Oil & Gas Inc. Total	Unavailable	1,877,664		3,415	
Sun Refining & Marketing Co. Total	Unavailable	73,075		2,683	
Pride Energy Company Total	Unavailable	113,116		2,389	
Cenex, Inc. Total	Unavailable	140,119		2,267	
Sunland Refining Corp. Total	Unavailable	4,034		1,919	
Diamond Shamrock Ref. & Mktg. Total	Unavailable	6,805		226	
Montana Refining Company Total	Unavailable	2,923		213	
Gary-Williams Energy Corp. Total	Unavailable	27,848		8	
Grand Total—40 Companies				66,097,612	

Mrs. BOXER. Mr. President, let the RECORD show that we have 1½ pages of companies that are affected by the rule, and we literally have 34 pages of all the companies that are not affected by this rule. So we, in this amendment, are going after only the 5 percent of oil companies that are cheating the taxpayers, and 95 percent of them are unaffected by this rule. So the only one that is benefited by this rider, as it stands in the bill, is big oil.

The delays caused by this and other riders will cost taxpayers—hold on to your hats—\$82 million in taxpayer money lost by this rider—\$5.5 million a month for 15 months, from June of 1998 when the rules were expected to be finalized and this problem was supposed to be taken care of.

I would like to share with you an editorial in the USA Today about this issue. I am going to read it because I think it is worth reading. It is one thing when I say this; it is another thing when an USA Today editorial says it.

Today's debate: oil, politics and money. Time to clean up big oil's slick deal with Congress.

Industry's Effort to Avoid Paying Full Fees Hurts Taxpayers, Others.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

According to government and private studies, that's the sweet deal the oil industry is fighting to protect: the right to extract crude oil from public land and pay the government not the open market price, but a lower posted price based on private deals the oil companies can manipulate for their own benefit.

Big oil has contributed more than \$35 million to national political committees and congressional candidates in that time—a modest investment in protecting the royalty pricing arrangement that's enabled the industry to pocket an extra \$2 billion.

This is USA Today speaking. I don't associate myself with that thought. I think there are people here who are not motivated by this. But I think it is interesting that that is the perception of USA Today. They go on about the lost payments:

That's millions missing in action from the battle to reduce the Federal deficit and from accounts for the land and water conservation, historical preservation, and several Native American tribes. In addition, public schools in 24 States have been shortchanged. States use their share of Federal royalties for education funding.

But the taxpayers have been getting the unfair end of this deal for far too long. One major producer, Atlantic Richfield, has already adopted market pricing for calculating its royalty payments.

In other words, Atlantic Richfield has stepped out and done the right and corporate-responsible thing.

Instead of protecting industry recalcitrants and campaign contributors, the Congress should protect the public interest.

I want to identify and associate myself with that thought. I know col-

leagues believe it is in the best interest of America to stop the Interior Department from moving ahead with their rule. But if you really look at it and you see that we are being shortchanged by \$6 million—\$5.5 million to be exact—every month, that hurts taxpayers. As I said, it is just the same as seeing a purse being snatched and a little lady running after the criminal saying, "Give me back my money." Well, we can do a cartoon here of the oil companies—only 5 percent of them, the bad actors here—snatching the taxpayers' purse to the tune of \$66 million each and every year, and having the taxpayers say, "Wait a minute, that's ours. You signed a royalty agreement and you said it shall never be less than the fair market value of the production."

I know there are many others who wish to speak, Mr. President, so I will soon conclude my remarks. But I want to make one point about why this is happening. The big oil companies are so large that they have affiliates to whom they sell. The problem is that if they sell to their own affiliates, that is called a "non-arm's-length transaction." So if I have a product to sell on the market, because I don't own an affiliate, it is a very easy way to calculate the royalty. You go out on the marketplace, sell it to the highest bidder—you know what the market price is—and you pay a royalty payment of 12.5 percent on that price. If you own your own affiliate, you can pay whatever you want. So they sell it at a

lower price because they control the price, and then they go ahead and pay the royalty payment on the lower price that they control. It is very much like what the USA Today said about being able to manipulate the price. They say, "Imagine being able to compute your own rent payments and your own grocery bill." That is a pretty good deal.

But if you are the landlord and you pay yourself rent, you could pay yourself any amount and you won't evict yourself. That is what is happening here. They are selling the oil at a lower price because they control the affiliate, and then they pay the royalty payment on the lower price. Whereas, the oil companies that are smaller, that don't own the affiliate, have to go by the market price.

Let's show that chart one more time. Here you have a case of a company that owns its affiliate and sells to its own affiliate at the posted price—the red line—when the market price that all the smaller companies have to pay is up here. The difference between the red and blue lines is the area of cheating. That is what we are trying to recover.

So, Mr. President, I am honored that I have been able to offer this amendment. I am very pleased that Senator GORTON showed me great courtesy in allowing me to open up the debate this morning because it is an issue that is very important. Frankly, when it came up in the Appropriations Committee, we had to struggle to even get a minute or two to discuss it. It was almost as if people didn't want it to be discussed. I am very proud today that we now have time so Senator DURBIN can speak on its behalf, as well as Senator WELLSTONE, and others, and some on the other side can have a chance to be heard.

In concluding this portion of my remarks, let me thank my colleagues for their interest. Let me say that there aren't too many straightforward issues around here, and people are going to tell you this isn't straightforward. But for over 2½ years the Interior Department has tried to come up with a fair way to make sure the oil companies pay their fair share of royalty payments. They have done so.

In my next series of remarks I will read you the accolades the Interior Department is getting for the way they went about this. And what do we do in the face of finally straightening out a mess that has caused lawsuits, has meant that kids in California are not getting payments into the classroom, has meant that the Land and Water Conservation Fund and Native Indian tribes and the Historic Preservation Fund have been cheated out of funds? We get a rider that says to the Interior Department: Sorry, we don't like what you are doing. Stop short right here, and let's not do anything to recover these royalty payments.

Mr. President, I think that is wrong. I would like to see the Interior Department be allowed to do its job and,

therefore, we offer this amendment with the best of intentions to allow the Interior Department to move forward on this rule.

I yield the floor.

I will later participate in the debate.

Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me ask the Senator from California, Is there any urgency on her side to conclude her remarks? We can wait. We have others who want to speak.

Mrs. BOXER. There are several others.

Mr. DOMENICI. The Senator from California has 1½ hours. We have 1½ hours. I am not sure we will use all of ours. I don't know whether the Senator from California will use all of theirs. I have a few Senators who want to speak.

Mrs. BOXER. I think we will be using our time.

Mr. DOMENICI. Mr. President, I yield myself just 5 minutes for some opening remarks.

From our standpoint, I would like very much the distinguished Senator from Louisiana to take a few minutes of my time because the Senator from California spoke longer than 5 minutes. I will yield time to the Senator from Louisiana for his comments.

First of all, Mr. President, it is too bad that the MMS, the Federal agency that is establishing these rules, doesn't have better credibility with those that they are proposing rulemaking against. You need not have the industry that you regulate think that you are totally against them—arbitrary, or somewhat capricious—in order to get your job done.

As Senator BOXER has indicated on at least three occasions, this only affects 5 percent of the oil companies. That is MMS's view. That is the agency of the Federal Government that thinks these rules are wonderful.

From my standpoint, I would like to tell you what the independent producers say. Frankly, I believe this is as valid as an MMS evaluation. The IPAA—that is the independents across America—say that the percentage of oil producers impacted by the oil royalty rule is 100 percent. In fact, this is their principal concern this year, that these proposed regulations, if adopted, will have a serious impact on many, many independent producers. Frankly, I believe that is the case.

First all, MMS, the regulating agency, has permitted so broad a latitude under the rubric of unreasonable that I believe they can do almost anything. It is not certain what the rules will be when they are completed. They will be very uncertain. Litigation will not disappear. It will become more rampant.

I would like the statement from the independent oil and gas producers—many of them from my home State, many very small, many going broke today because of low oil prices—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERCENTAGE OF OIL PRODUCERS IMPACTED BY OIL ROYALTY RULE: 100 PERCENT

It's time to debunk the mistruths surrounding the proposed oil royalty rule. Opponents of the oil industry and the Minerals Management Service claim that America's independent oil producers will not be affected by the proposed rulemaking. Not true.

RULEMAKING WILL CRIPPLE INDEPENDENT PRODUCERS

Before exposing the sham on this issue, it's necessary to state the position of independent producers on the proposed oil royalty rulemaking. Under the current proposal, no oil producer will be certain that royalty payments to the government are final. In other words, the Interior Department will have license to knock on the doors of independent producers years down the road and demand additional tax payments for oil drilled on federal lands. Not only is the rule a violation of the lease contract between government and industry, it will badly impact the health of independent oil companies who are already on its knees because of the devastatingly low oil prices.

The proposed rulemaking will most certainly lead to years of litigation and audit. In fact, IPAA's Board of Governors, who represent over 8,000 independent oil and gas companies, voted yesterday to pursue options to litigation should this rulemaking be implemented. A proposed rule promoting more government and less certainty should not be finalized. Fighting it in the courts is an expensive proposition, but independents are impacted by the rule and will have no choice but to pursue costly litigation for survival.

DEBUNKING MORE LIES

Opponents of the oil industry claim the industry-backed moratorium is anti-environmental. Not true. In 1997, the oil industry generated more than \$4 billion in revenues from oil and natural gas production on federal lands, much of which is used for the Land and Water Conservation Fund. The rulemaking affects accounting procedures, not the environment.

Opponents claim the moratorium will cost taxpayers and school children \$60 million per year. Not true. Interior has the ability under the current rules to collect all they believe is due and owing regardless of a moratorium.

ALL INDEPENDENT OIL PRODUCERS IMPACTED

Many changes. Like new duty to market at no cost.

Second guessing, moving producers to alternative pricing.

Chasing arm's-length prices away from the lease.

Mr. DOMENICI. Mr. President, we are here on the floor of the Senate, it seems to me, proposing a set of rules that would like to gouge for oil bucks, gouge for oil royalties.

Let me state for the Senate a couple of facts about oil production in the United States and about the cost of oil that I believe are startling.

First of all, about 3 weeks ago—I don't know what the exact measurement is today—one of my staff members drew some comparisons in terms of what oil is worth today, what gasoline is worth today for our automobiles and for our Nation. If you go to a supermarket, I say to my friend from Illinois, or if your wife does, and she buys bottled water, she will pay more for a

gallon of bottled water than Americans are paying for gasoline for their cars. That is good economics for America, but it is bad economics for America's oil independents, for America's independent producers. Because, just as that truism indicates that gasoline and oil producers have been at an all-time low for the last 5, 6 or 7 years, oil production is going down in the United States. Many independents who have been stalwarts are literally saying they do not know if they can make their bank payments for 1 additional month.

Here we come to the floor with an amendment that is saying, let the regulators impose new regulations, and we sing the praises—at least the Senator from California does—that it is going to get more money out of the oil companies. That sounds wonderful. In fact, it is kind of alleged here this morning that, you know, they—these oil companies—are just taking money out of somebody's purse so we ought to go after them like we would go after somebody who took a purse away from somebody.

Mr. President, if you are going to take more money from the oil producers of this country—and we are already becoming more and more dependent on foreign oil, and the price of oil is going down and down—I ask you, won't you in about 3 or 4 or 5 years get less by way of oil royalties than you are getting today by shutting off American production and causing some more of them to get closed? Where will the royalty come from as we produce less oil, rather than more?

So whether it is \$60 million, \$70 million, \$80 million or \$100 million that allegedly will come in, that is not the test of whether the rules are fair. If we imposed those kinds of regulations on any industry we regulated, could we stand up and say we just got \$50 million from the patent applicants of the United States because we just increased the fee? But you have to ask, what is fair, what is right, what is just, not just are the regulators right because they picked up more money.

Before we are finished, we will go through a litany of arbitrary, confusing regulations that they intend to pursue. They are just looking for a little window—I can tell you these regulators are—because there is a moratorium right now. They are hoping against hope that they will get an 8- or 10-day window when there is no moratorium so they can slap on these.

I want to tell them here and now that they are going to have a hard time doing that, because I believe we will prevail today, and I believe we will make sure that any bill that goes to the President for signature is going to have this on it.

Having said that, I reserve the remainder of my time, excepting I would yield whatever amount of time that Senator BREAUX from Louisiana desires.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you.

The PRESIDING OFFICER. Who yields time to the Senator?

Mrs. BOXER. I yield time to the Senator, 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mrs. BOXER. Mr. President, how much remaining time do I have?

The PRESIDING OFFICER. The Senator has 56 minutes remaining.

The distinguish Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague from the State of California.

Let me say at the outset that this is about more money for California schools. It is about more money for land and water conservation, which funds the acquisition of park space and green space across America. It is about more money for historic preservation. It is about more money for Indian tribes, Native Americans, who receive benefits from these royalties. This is about a matter of principle on which the Senator from California is taking the floor to lead the fight. I salute her at the outset, and say to those who are listening to this debate that we are fortunate to have people of the caliber of Senator BOXER from the State of California who are willing to wage these battles, because, you see, it would have been so easy for us to really kind of look the other way with a wink and nod and let this one slip by.

This is not an issue that went before a committee with a lot of investigation, witnesses and hearings so that America could tune in and be part of the debate. This was done on a disaster bill for tornado victims—a bill that was also designed to buy emergency funds for our troops in the Middle East.

You say, What could that possibly have to do with the royalties oil companies pay for drilling on Federal land? The honest answer is that it had nothing to do with it. It was put on at a late moment with no hearings and with little publicity.

I have been around legislatures for about 32 years—State and Federal. I can tell you there are two things to keep your eye open for toward the close of business: find out if there is something that just got popped on a bill without any hearings, and find out whether it benefits some large special interest group. Guess what? Bingo. That is what we are talking about here. Senator BOXER caught it, brought it up in the Appropriations Committee, and said to her colleagues, Please don't do this. At least for the taxpayers of this country, take a close look at what is going on here.

I salute her for doing that. Her leadership is important, and this issue is important. It is about \$66 million a year. And I guess by Federal standards people say, wait a minute, in a budget that is dealing with \$1.5 trillion, what does this mean?

Well, it means a lot, because for schoolchildren in her State and a lot of

other States and for the people I mentioned earlier who are dependent on these royalties, this is an important amount of money.

I think what is more important than the money involved is the principle that is involved in this. Consider for a moment, you own a piece of property and someone comes to you and says, "I want to rent from you under one condition, and that is I decide how much rent I am going to pay you." Well, you say, "Well, at least let's have some standard. Let's have some objective standard." And they said, "Yes, I will tell you what the objective standard will be. I will ask my Uncle Louie what's fair." And you say to yourself, "Why would we sign such a lease?"

That is what has happened here. The land that they are drilling for oil on is land that we own, ladies and gentlemen. It is the land of the people of the United States. It is not land owned by oil companies. They come on our land with our permission to drill oil from our land to make profits for their companies. That is what this is all about. And we say to them, "Make a profit. That's fine. That's the American way. But we want one-eighth of your profit. We want one-eighth of the cost of the oil." Those who are involved in the oil business know that is not an unusual request. The owner of the land gets an eighth.

The problem here is that the oil companies have said, "We will determine an eighth of what. We will determine what Uncle Louie says is an eighth." And in this situation they won't take a market price that they are supposed to take. They take a price they have absolutely fabricated. They have made it up. They trade among themselves. They post prices and say, "This is the price," and we know better.

The charts the Senator from California brought to us make it clear the taxpayers are being cheated, because a handful of oil companies are declaring a price that they are basing the royalty on which is a phony, false price. State after State has turned around and sued them successfully for this sort of cheating. And now we are trying to promulgate a law here on Capitol Hill in the Senate which condones this cheating, saying, "Keep on reaching in Uncle Sam's pocket, pull out all the money you need, play us for Uncle Sucker, and we are going to look the other way."

I do not think we should do that. I do not think that is fair to a lot of people. And I really am, in a way, surprised that a lot of oil companies that have extraordinarily good business reputations would be involved in this chicanery.

I listened to the Senator from New Mexico give a speech. His speech is, as far as I am concerned, very accurate. The oil industry in this country does suffer some problems, particularly independent producers. They come from my State. Illinois is not a major production State, but we have a lot of

producers there who have come to see me. And it is a fact that the price of oil and the products of oil are so low that many of them cannot survive. It has domestic and international ramifications; I don't question that. But to argue that that situation with the oil industry in general means that we should give a handful of oil companies, 5 percent of them, an opportunity to reach in the Federal Treasury and pull more money out at the expense of taxpayers begs the question. If you let this 5 percent turn around and absolutely drill the oil for free and not pay the taxpayers a penny, it would not create a recovery in the oil sector. I am afraid that is what the other side is arguing. We are dealing with a small percentage here.

And let me tell you what these royalties mean to these large companies that are drilling on taxpayers' land. The additional royalties represent approximately 1-100th of 1 percent of the \$461 billion in 1996 revenues for these companies. We have crocodile tears in the Chamber here about these struggling oil companies at a time when we look at their balance sheets, and many of them are making billions of dollars and would say to the taxpayers of this country, "No, we can't pay you a royalty based on the real market price; we want to create some fiction." And so not in the dark of night but in the darkness of a conference committee room, along comes a provision which basically says the Department of Interior may not investigate, may not determine whether there is fairness in the price that is being charged. No. The Senate of the United States will shut them down and tell them, keep their noses out of these corporate boardrooms.

Mrs. BOXER. Will the Senator yield for 1 minute?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. I wanted to know if the Senator was aware, when the Senator from New Mexico read from the independent oil producers, the director of the Minerals Management Service sent us over an announcement that I am going to put on everyone's desk that says:

We understand that information is being provided to Congressional Members indicating that the proposed Federal oil valuation rule will put independent oil companies out of business. This is untrue. The rule will have no impact on independents who sell on the open market.

And it goes on that only 5 percent of the companies will be impacted.

The reason I interrupted my friend was to see if the Senator had seen this, because I think this is the key part of the debate. We know that the companies that are impacted in fact have billions of dollars of revenue. I just wanted to make sure that Senator DURBIN from Illinois had seen this, and we will be putting it on everyone's desk.

Mr. DURBIN. I am happy that the Senator from California brought up the point, and I have this in my possession.

I do not believe we can allow these major oil companies to hide behind the skirts of these independent oil producers who are struggling to survive.

A letter from Secretary Babbitt that was sent to USA Today on this subject says that his data tells an entirely different story.

Business is booming in the Gulf of Mexico. The industry recently paid more than \$1.3 for new deep water leases in the gulf. Published reports claim there are more jobs available than workers to fill them.

This is hardly an industry on its knees. And we are talking here about those who will come on our land, the taxpayers' land, the Federal land, draw oil from our land to make a profit, who are unwilling to pay a fair share of that profit back to the taxpayers of this country.

Right outside of this Chamber in the corridor is the bust of a man who I consider to be a real inspiration in public life, Theodore Roosevelt. I would like to hear Theodore Roosevelt in this debate. If you take a look at this bust here, if you have a chance to see it, it looks like he is about to charge right off the pedestal; that is the kind of man he was. And then when you read the sign below it, it says they picked the more common, thoughtful pose; there was one that was more aggressive. I can imagine Theodore Roosevelt in this Chamber talking about the public lands and the exploitation of these lands by special interest groups and big corporations at the expense of the taxpayers of this country.

I might say to my friend from New Mexico, I believe that that Senator, if he were one, would have been on your side of the aisle making our argument, and thank goodness he was there to set the tone in this century for the profit relationship between corporations and the public good. Thank goodness the Senator from California has the courage to stand up here and take on the oil giants when it comes to this issue.

This is simple and straightforward. Will the taxpayers receive a fair amount from those who would come on our land to drill oil from the taxpayers' resources and whether or not this is going to pass.

I say to my colleague from California and those who support her that she has taken on an important issue, one that is critically important not just for the money for those who would receive it but one principle: If this position that is being espoused by the other side is so right and so good, why did we not have a hearing? Why did this not come before us with witnesses so that all could hear both sides of the stories, that the oil companies' executives who are making these billions of dollars could sit there in the chairs before the cameras and the microphones and explain it?

They could not face the music. They could not take that kind of scrutiny, and neither can this program. Let the Department of the Interior go forward on behalf of the taxpayers. Let them

make sure that we receive a fair amount for those who would take profits from America's lands.

I yield back the remainder of my time. I yield the time back to the Senator from California.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield to Senator BREAU from Louisiana as much time as he desires.

Before I do that, I just want to make an observation. I just read a most authentic history of Theodore Roosevelt, and my observation to the Senator from Illinois is he wouldn't take this case so he wouldn't be down here arguing on anything because he would look at the facts, and he would say I don't want to be on the wrong side of the facts. He wouldn't be down here anti-anything. He would leave the argument to somebody else.

I yield to the Senator.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAU. Mr. President, it is interesting. During the time I have been in the Senate and Congress, a lot of times when you don't have the facts on your side you have to create an enemy and talk about the enemy. I think this is exactly the case here. It is easy to find an enemy in the oil and gas industry. The oil and gas industry are the first people in the world to admit that they, on any kind of a popularity chart, would probably be right at the bottom—or probably right above the Members of Congress. The oil industry right in front of us, and we would be at the bottom.

The point is, if you do not have the facts, you have to get somebody to argue against, somebody who people don't generally like. And I agree, people don't generally like oil and gas companies. So, let's make them the big bogeyman in this and argue about how bad they are. Fortunately, that is not the issue in this case. The issue in this case is really very simple. The issue is, how do you determine the proper value for oil that is discovered on Federal lands, and what is the royalty that companies who explore and develop should pay the Federal Government? It is very clear that companies do not determine how much they have to pay—we do. We passed the OCS Lands Act in 1976 and innumerable other Federal acts in Congress to determine what royalties should be. Congress makes that decision and we have made it many times.

The question before the Interior Department in which they, I think, made a mistake is how do you determine the value of the oil. We know what the percentage is. Interestingly, companies made a proposal to the Federal Government and said let us quit fighting over what the value of the oil is; let us just give you the oil. If you are entitled to 15 percent of the oil, and we have 100 barrels, let us just give you 15 barrels

of oil and let you go sell it and you determine what the price is by selling it in the marketplace.

The Federal Government said we don't want to do that. We think that is too complicated—and it is complicated. The problem before this Congress is what do we do, in trying to work with the Interior Department, in helping to determine what is the proper value. How do we find the proper value for oil?

Someone said we ought to have hearings on this. We did. We had a hearing. We had two hearings. We had hearings in the Senate Energy Committee. We had hearings in the House Resources Committee. Minerals Management Service came and testified, members of the oil and gas industry came and testified and talked about how they were trying to work this problem out. I also hosted, along with Senator HUTCHISON from Texas, Senators DOMENICI and BINGAMAN from New Mexico and Senator LANDRIEU from my State and others, meetings between oil industry representatives and Interior officials to try to get them to sit at the same table and try to come to a resolution of the very complicated technical problem of determining how do you find out what the proper value of a barrel of oil.

The oil is brought to the surface in the middle of the Gulf of Mexico. You can determine what the price is, if you look at what it is at the wellhead. One problem in this proposed rule is that we look at different prices and at a different time to determine the value. We don't look at what its value is in the middle of the Gulf of Mexico, but we look at it after it is brought onshore. How do you determine what are the legitimate transportation deductions in reaching the royalty value of crude oil? And, should companies have to pay all of the costs to this point onshore. If it is the Government's oil, shouldn't the Government pay the transportation cost of its share? Therefore, one of the real conflicts is how do you determine a proper transportation deduction?

Companies will argue that the entire pipeline system is part of the cost of transporting oil. They say, "If we do not have this elaborate system out there, we cannot transport it to the place onshore where the Government takes ownership, so that should be deductible." Minerals Management says "No, you should not deduct all of that; it should be less." So this is a battle of what you should deduct and how you reach a legitimate price. There is nothing mysterious about this. Nobody is trying to rob anyone of anything.

Oil and gas companies have paid more in royalties to the Federal Government than they have received in the price of oil they have taken from the Federal lands in terms of taxes they have paid and royalties that they have paid over the years since we have had an offshore oil and gas industry—companies have paid more to the U.S. Treasury than they have made in finding oil in the Gulf of Mexico. Eventu-

ally, in the future, it will turn around. They will start making more money than they have paid. That is why they are in the business. Up until this point they have still paid more to the Federal Treasury in royalties and taxes and benefits to the U.S. Government than they have made in selling the oil that they have found.

We tried to have meetings with Minerals Management Service to resolve this. This rider is not the best way to handle it. I would admit that. But I think it is appropriate that when Congress sees something happening that is not consistent with what is good policy and what is the law, then Congress has an obligation to say "hold it," "stop," "slowdown," "let's continue to try to work this out." That is exactly what an appropriation rider has done. We have told Interior Department, in the Interior appropriations bill, that this rule is fundamentally flawed. It is not correct. It is not right. It does not allow for the legitimate deductions in the costs of transportation that should be allowed, and therefore don't go forward with a rule that is fundamentally flawed. Give Congress and the Interior Department time to come to an agreement on what is appropriate and proper.

That is the argument. That is the issue. We can talk about how bad the oil companies are. That is a easy thing to say if you don't like oil companies. I happen to like them. They employ hundreds of thousands of people in my State and provide the energy for people to drive to work in the morning. It is part of our national economic security and part of the national defense in our country. They do an important service for this country of ours. So the issue is not whether or not you like oil companies. The issue is very simple. Is this a good rule? The answer is no. Should it be stopped? The answer is yes. Should this amendment be tabled? The answer is also yes. I think when this amendment is tabled it will allow the administration and the Department to continue to work with those who are interested in trying to resolve this and come to a resolution that makes sense. Companies will continue to pay.

It is interesting, when they had the hearings over in the House, when the administration testified concerning this argument about how much we are losing in lost revenue. The Director of the Minerals Management Service, when she testified at the House Resources Committee on February 26, 1998, said that these regulations "are intended to simplify the royalty payments, make valuation methods reflective of modern market conditions, offer the industry more flexibility, reduce administrative costs, and maintain revenue neutrality."

When MMS proposed the rule, as flawed as it was, it wasn't to increase the amount of money they would get. At least that is what they said. It is simply to "maintain revenue neutrality." Now the argument is we are

losing millions of dollars every month. The whole purpose of the rule was to make the way we determine the value of the oil simpler and reflect modern market conditions. It doesn't do that. Therefore we should say stop, slowdown, let's continue to negotiate to come up with something that makes sense.

That is what the bill before the Senate does. It should not be changed, and the amendment should be tabled.

I yield back the time to the distinguished Senator from New Mexico.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota. Who yields time?

Mr. WELLSTONE. Mr. President, Senator BOXER stepped out. She yielded me 15 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I ask the Senator, may I ask a parliamentary question, please?

Mr. WELLSTONE. Yes.

Mr. DOMENICI. Mr. President, how much time has been used by each side?

The PRESIDING OFFICER. The Senator from California, Senator BOXER, has 55 minutes. The Senator from New Mexico has 74 minutes.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Boxer amendment would simply let the Interior Department do its job, which is making sure that oil companies pay full royalties for the oil they are drilling on Federal or Indian lands. That is what this amendment does.

Right now, some of these companies are not paying the money that they owe, and several are being sued for it. Amazingly, there is a rider in this bill, the same rider put in during the conference committee on this spring's supplemental appropriations bill, that stops Interior from doing its job. That is what this is about. This rider stops Interior from issuing rules to collect these royalties. No wonder Senator BOXER has sounded the alarm.

As a Senator from Minnesota, I am glad that we have Senators who are willing to stand up to oil companies. There are not that many Senators who will do so. The Senator from California has the courage to do so.

This kind of sweetheart deal—and that is exactly what it is—is simply outrageous. It is corporate welfare of the worst kind. And even worse, in many cases this money is being taken away from our children's schools. In 24 States, the State's share of the royalties is used to fund public education, so when the oil companies underpay their royalties, education is the loser.

In addition, the Federal share of these royalties goes to the Land and Water Conservation Fund and the National Historic Preservation Fund.

If the Boxer amendment is adopted, the money will go where it should be

going—to public education, the environment, historic preservation, and to Native American communities—instead of corporate bank accounts.

Mr. President, this is an unbelievable story. The Interior Department's Mineral Management Service—MMS—simply wants to collect the money these companies owe the public. Interior Secretary Babbitt says:

Many of the industry's largest companies are underpaying royalties.

Just recently, Mobil Oil agreed to a \$56.5 million settlement of Federal and State lawsuits alleging underpayment of royalties. That is what has been going on. And there has been a flurry of such settlements: \$2.5 billion in Alaska, \$350 million in California, \$17.5 million in Texas, \$10 million in Louisiana, and \$8 million in New Mexico. MMS has now billed 12 of these companies \$260 million for overdue royalties. Now the Justice Department has joined a lawsuit under the False Claims Act alleging fraud. According to Justice, several of these oil companies have been deliberately underpaying their royalties.

Remember, this oil belongs to the public and to Native American tribes. We are leasing the mineral rights to them, but only under one condition. We are saying, "Go ahead, take the oil; all we ask is a 12.5 percent cut on the fair market value." I don't think that is too much to ask. Nor do the people of this country think it is too much to ask. But apparently the oil companies do.

Let me be clear about one thing. This has already come up in the debate. Senator DURBIN spoke to it, and Senator BOXER spoke to it as well. We are not talking about all the oil companies. We are not talking about mom-and-pop independents. We are talking about the large integrated companies who sell to affiliates at undervalued prices. They make up only 5 percent of all the oil companies drilling on Federal land, but they account for 68 percent of all Federal production.

For over 2 years, the Interior Department has been developing regulations to put a stop to this highway robbery. This is not new authority. Interior already has statutory authority to collect royalties on the "fair market value" of this oil, but the new regulations would keep oil companies from manipulating "fair market value" to underpay their royalties. The oil companies don't like that.

Here is the question I ask colleagues: Do these companies, do these huge integrated oil companies, really deserve our sympathy? I don't think so. They have been caught—let me repeat that—they have been caught underpaying their royalties.

Since when do we have such tremendous sympathy in the U.S. Senate for people who are cheating the public? It is interesting to me. We pass crime bills all the time. Now we have the Juvenile Justice Act—a crackdown on children. Very little sympathy there.

Put children in adult corrections facilities; very little sympathy for these children.

We passed a welfare bill. We don't really know what is happening. We know women have been taken off the welfare rolls. We know the children have been taken off the rolls. But we don't know what kind of jobs they have, what kind of wages. We don't know whether there is good child care for those children. Very little sympathy for these families either.

We tried to bring an amendment to the floor to increase the minimum wage so that working people can make a decent living. There is very little sympathy on the floor of the Senate for any of these folks.

But in through the door walks a CEO from one of these oil companies—large integrated oil companies that have been underpaying their royalties, oil companies who happen to be heavy campaign contributors—and all of a sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden it is, "At your service, sir. What can we do for you, sir? How can we serve you better?"

These companies have been caught red-handed. The cops are after them. Law enforcement is closing in. They are in deep trouble, and they are desperate for someone to come to their rescue, and fast.

So who do they call? They call their friends. They call the U.S. Congress. And guess what. Congress answers the call without a moment's hesitation. With a rider in this bill, Congress comes to the rescue and rewards them with a "get out of jail free" card.

The Boxer amendment would revoke this sweetheart deal that lets oil companies keep ripping off the public, lets them keep shortchanging education, even after they have been caught cheating. If there ever was a time to be tough on crime, this is it. In fact, I say this is a time for zero tolerance. The rider in this bill sends law enforcement on paid holiday. The Boxer amendment puts the cops back on the beat.

I say to my colleagues, we have to ask ourselves a question: What is our purpose here? Are we elected to fight for people or for the oil companies? Were we elected to fight for good government or for corporate welfare? Are we going to do what the public wants us to do, or are we going to do what the oil companies want us to do?

I urge my colleagues to join in a broad coalition that opposes this \$66 million corporate welfare giveaway. That is what this amendment speaks to. That is what this debate is all about, and all of us will be held accountable.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes left.

Mr. WELLSTONE. With the indulgence of my colleagues, I ask for a couple of minutes. I have been trying to

give a speech for 3 days on what is happening in Burma. It will take me about 4 minutes. I ask unanimous consent that I have 4 minutes as in morning business.

Mr. DOMENICI. At this moment?

Mr. WELLSTONE. I am not taking near the 15 minutes.

Mr. DOMENICI. And you are not going to take the rest of the 15 minutes?

Mr. WELLSTONE. No. I thought my colleague wanted to hear me repeat the statement.

The PRESIDING OFFICER. If there is no objection, the Senator is recognized for 4 minutes.

Mr. WELLSTONE. I think this is a statement with which every single Senator will agree.

BURMA

Mr. WELLSTONE. Mr. President, I rise to express my outrage at threats toward Burmese opposition leader Aung San Suu Kyi made Tuesday in the government-controlled press in Rangoon. Completely without justification the press called for Aung San Suu Kyi to be deported from Burma. The regime has again made the ridiculous charge that Aung San Suu Kyi is not entitled to Burmese citizenship. This charge is made on the xenophobic and insulting basis that she married a foreigner. The regime has long tried to discredit Aung San Suu Kyi with the Burmese people with this type of nonsense—it hasn't worked.

The Burmese people voted for Aung San Suu Kyi's party overwhelmingly in 1990—electing opposition candidates to 80 percent of the parliament seats. She remains the hope of a repressed people longing for democracy and human rights. The military regime, which used to call itself the SLORC, has tried to improve its image by changing its name to the State Peace and development Council. But it is the same regime. It has had to prevent Aung San Suu Kyi from speaking publicly because she was drawing huge crowds to the front of her home. It has had to prevent her from traveling freely to visit her supporters since they fear her popularity.

Far from being a foreigner, Aung San Suu Kyi embodies the very history of Burma. She is the daughter of the founder of the Burmese army and the leader of Burma's independence movement, General Aung San. Like her father, Aung San Suu Kyi has devoted years of her life to the Burmese people at great personal sacrifice.

The Burmese people strongly identify Aung San Suu Kyi with her father's legacy and his struggle to bring independence and ethnic unity to Burma. In fact, displaying pictures of General Aung San has become a symbolic act of defiance and show of support for the opposition. University students began demonstrations in 1996 and again in 1998 by displaying portraits of Aung San as a rallying signal. The authorities can't take action against those

displaying his picture since he is also revered by the regime as the nation's founder.

The regime rightly fears the power of these symbols but their attempts to separate Aung San Suu Kyi from her legacy and deprive her of citizenship will fail. The Burmese people see through it. The people clearly do not want her deported.

I urge the regime to treat this courageous woman with the respect she deserves and to ensure that no harm comes to her. She has stood up to the repressive tactics of the military regime for over 10 years now. In recent months, she has sacrificed her personal comfort and risked her health facing down the authorities. When denied the ability to travel freely she spent 10 days waiting in her car for the authorities to allow her to move. Her exceptional fortitude and her commitment to challenging the regime through non-violent actions are an inspiration to those working for human rights around the world.

I also express my concern about recent detentions of several hundred of Aung San Suu Kyi's supporters. Last week, the regime reacted with typically heavy-handed tactics to prevent her party from convening the members of parliament elected in free and fair elections held in 1990. The regime has never allowed the parliament elected in 1990 to take office because the voters overwhelmingly elected opposition members. Aung San Suu Kyi recently called on the regime to convene the parliament. When that request was ignored her party decided to convene a "People's Parliament" on its own. The reaction of the military junta was predictable. They simply rounded up any opposition politician who might attend the planned events and "detained" them. Hundreds of party members are still being held.

This outrageous tactic violates the rights of the Burmese people to exercise freedom of assembly and political expression. Although this behavior is nothing new or unexpected for this repressive regime we must persist in condemning it. I call on the regime to immediately release all opposition party members detained and to enter into genuine dialogue with the opposition and ethnic minority group about restoring democracy to Burma.

And, again, I call on the military regime to treat Aung San Suu Kyi with respect as the legitimate leader of the opposition and to withdraw the threat of deportation and respect her rights as a Burmese citizen.

To reiterate, Mr. President, I want to go on record. I express my outrage, and I think it is outrage of Democrats and Republicans, at the threats toward the Burmese opposition leader, Aung San Suu Kyi, made last Tuesday by a Government-controlled press. They are now talking about the possibility of deporting her from Burma.

She is a very, very courageous woman. The people overwhelmingly

elected her in 1990. What has happened since is that this military regime, which used to call itself SLORC, which has now tried to improve its image by calling itself the State Peace and Development Council, has been just full of brutal repression for the people there.

I rise to express my concern about what is happening to this very courageous woman who has been trying to travel, has been trying to have an opportunity to speak out in her country and meet with other people. She spent recently 10 days just in her car trying to cross a bridge to meet with people, to speak with people in her own country. This regime really has her under house arrest.

In addition, this past week, what happened is that many of the people in her party decided that they would convene a people's parliament, since their elections were nullified when this repressive military government took over. They held a meeting, and hundreds of them have been rounded up and are now in prison.

I come to the floor of the Senate today to simply say that this is an outrageous practice of repression by this Government. I condemn it on the floor of the U.S. Senate. It is not always that I think I speak for almost every single Senator, but I believe Democrats and Republicans agree on this. I call on this military regime to treat this courageous woman with respect as a legitimate leader of the opposition and to release people whom they have unlawfully put in jail.

Aung San Suu Kyi is a courageous woman. She stands for the very best of what our country stands for, which is respect for human rights and democracy. We need to speak out on the floor of the Senate, and we need to send a message to this repressive Government in Burma, that not only will we not do business with you as usual—and we are not doing that—but we, as a Government, we as the U.S. Senate, will continue to speak out and condemn your actions, and we will continue to support people in Burma, those people who stand up for democracy and stand up for human rights.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI addressed the Chair.

AMENDMENT NO. 3594

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. DOMENICI. Mr. President, I would like to ask Senator BOXER—we have been going back and forth. Senator MURKOWSKI just wants to speak for 3 minutes, and I wonder if we could then have Senator THOMAS speak for up to 10 minutes.

Mrs. BOXER. Absolutely.

Mr. DOMENICI. Then we would go to your side.

Mrs. BOXER. Fine.

Mr. DOMENICI. I yield to the two Senators in that order.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I rise as chairman of the Committee on Energy and Natural Resources. I would like to advise my colleagues that we had an oversight hearing in June on the MMS oil valuation issue. The results of that hearing indicated that we should initiate a dialogue with the principals. That dialogue was entered into. I felt gratified that we were making progress relative to this complex issue and was chagrined to find at a later date that the advances we thought we were making simply had been overturned by the policymakers of the Department of the Interior and the administration.

As a consequence, this conversation about corporate welfare, big oil, and big business is incorrect because we are talking about small companies in many cases. The oil and gas industry has lost a quarter of a million jobs. This is an industry that now finds itself moving overseas where there is a favorable climate for exploration and production.

As evidence of that, Mr. President, in 1973 and 1974, we were 37-percent dependent on imported oil; today, we are 52-percent dependent. The Department of Energy suggests we are going to be 66-percent dependent in the year 2004 or 2005.

The amendment offered by Senator DOMENICI and Senator HUTCHISON during committee markup would delay the implementation of the final rules on Federal oil valuation until October 1999, or until a negotiated rule can be achieved.

The oil and gas industry is struggling in a declining market. This is an industry where we have lost a quarter of a million jobs. We are talking about implementation of regulations that would drive this industry out of the United States and make us more dependent on imported oil. It is unconscionable. The taxes paid by this industry and mortgage payments made by industry employees in their communities are contributions being overlooked in this general climate of "well, throw it out—because somehow big business is cheating," if you will. And that is simply unconscionable, Mr. President.

As Senator DOMENICI and Senator HUTCHISON indicated, they personally met twice with Interior Department officials and industry executives to resolve what amounts to a handful of issues concerning the rulemaking. It is rather interesting, because if you look at the MMS proposal, it attempts to set the oil royalty away from the lease; that is, downstream, almost near the burner, not as required by law, and set it on the value added by the companies

through their extraordinary efforts to market the product. And by denying the companies an allowance for reasonable marketing costs, MMS unnecessarily and artificially raises the price of oil on which the royalty is based. That is what they are doing here.

So, Mr. President, do not be misled by these generalities that somehow this is corporate welfare. This is an effort to help an industry be competitive. The policy of the Department of the Interior to mandate royalty valuation, through rulemaking, would be detrimental and not resolve the issue, and would leave many unanswered questions relative to the industry's ability to be internationally competitive. It is beyond me, Mr. President.

I thought when the Interior officials met, they were going to meet in good faith. It appears that Interior did little more than pay lipservice to that effort. The rule is just as unfair now as it was when discussions of it took place. Only now, Interior is trying to put its spin on the issue by saying, "We gave the industry its meeting. We addressed their concerns. Why do we need to have any further delay?"

Mr. President, it appears the Interior Department is going to continue to base its oil royalty on market factors away from the lease. Any attempts to strip the Domenici amendment away should be opposed. And there are three specific reasons. Then I will conclude.

First, contrary to what Interior claims, the amendment was scored by CBO as having zero effect on the current baseline. Interior's claim that it will save \$65 million a year is simply puffery and nothing more.

Second, with world oil prices depressed, we do not need to add what amounts to a new tax on this industry, particularly the independents, the small oil companies. Do not talk to me about big business.

Third, delaying oil valuation rules is nothing new. Congress did it in 1987. Delay will allow better public policy to be formulated.

So I urge my colleagues to join in opposing the removal of the oil valuation amendment from the Interior appropriations bill.

I yield the floor to Senator THOMAS.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise in strong opposition to the Boxer amendment. Contrary to what we have heard over there about withdrawal and cheating and all these things, there are some real issues here, issues that many of us, particularly those of us who live in public land States, have been working on for a very long time.

That is the question—how do you have regulations that extract one-eighth of the value of Federal oil into the Federal Treasury? Nobody objects to that. That is the law. Nobody argues with that. There are some real issues here.

For instance, what is the value in Chugwater, WY, as compared to Oklahoma City? What is the value when you are close to a collection point as opposed to having to carry the oil for a very long time? Where do you apply the value? Do you have to pay for the transportation to where it is going in order to have one-eighth of it? There are some real issues here, and we have not been able to come together with the bureaucracy to have a satisfactory solution. And that is why this amendment is there—to have a moratorium on time so that this can, indeed, be resolved.

I have been involved in some of these meetings here in which we have tried to find a solution. I, by the way, have not seen any of my friends from the other side of the aisle there participating in trying to find a solution. All they do is come up and complain. I am, frankly, a little offended at the idea that seems to be promoted that somehow if you are not for this it is because you may have gotten a contribution from an oil company. I am offended by that.

People believe in what they are doing here. They believe it is important to their communities and to their States. They believe there ought to be jobs. They believe we ought to have a domestic oil industry. These are beliefs. I do not hear anyone saying they are where they are because the environmentalists are having TV ads to support their candidacy. I suppose you could say that. I do not think that is a great idea.

What we have is some real confusion. Let me give you a little example. We had an independent who was brought back before the agency because they did what someone in the agency told them to do. They did what the employee told them to do. And the director of MMS says, "Well, you can't go by that because that might not be what the Assistant Secretary meant to happen." Give me a break. You mean a citizen who goes to an employee of an agency cannot rely on the information they get there because it might not be consistent with what someone said who is Assistant Secretary? That is the kind of thing we are dealing with here and the kind of thing we need to get resolved.

We have met with MMS on a number of occasions. I must tell you, I have been working with this since I was in the House 4 years ago, where I suggested, and would suggest again, that the States do the actual collection of the mineral royalty and share it with the Feds. We are duplicating it now.

MMS is one of the most inefficient agencies we have in this Government in terms of their cost. It is not clear what it is that they are doing. It is clear that it is not a workable situation. When you take the NYMEX and apply it to a place in Oklahoma City, and out in Wyoming, that is not a workable way to determine what the market value is. We need to do something about that.

Mr. President, I do not think we ought to be fooled by arguments of the proponents that they are not getting a fair share of the royalties. This amendment is not about reasonable valuation, collection. This amendment is not about schoolchildren. This amendment is quite simply one that wants to attack the oil industry by those who are critical of business, those who think that this is some kind of an environmental question. And it is not.

It is important that the MMS rule be understood, that it does not only impact large petroleum producers. If that were the case, why would the independents be involved? Why would the independents be interested in bringing some kind of court action? It is because they are very much impacted.

We have also heard over the last several days that the Governors are not for this. I just bring to the attention of my colleagues a letter by the Governor of Wyoming.

... I strongly object to Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill. ... The amendment would allow the Department to implement new and untested federal royalty crude oil pricing regulations.

And it goes on, in opposition to that.

Minerals Management has proposed rules that are complicated, that are unworkable, that result in hardship to the producer, result in a loss of jobs, a loss to the economy of our State of Wyoming, and I think a security issue to this country when we have 55, nearly 60 percent of our oil imported. We have an opportunity here.

Simply put, this valuation rule is a job killer. We ought not to go forward without having some time to make it work.

I think the current language in the appropriations bill is fair and reasonable. Instead of taking reckless actions and getting up in broad generalities and talking about the evils of business, we ought to craft some rules that work. We can, in fact, do this.

Again, I urge my friends in the Senate to vote against the Boxer amendment and continue to resolve the question in a way that is workable and a way that really deals with some regulations that will cause us to be able to collect these royalties, as we are all willing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, as we agreed before, I will speak 5 minutes now and then I will yield 20 minutes to Senator DORGAN.

There were many misstatements made here, but I will start from the top. The Senator from Wyoming said that he didn't see me or any Members on this side at some closed-door meetings that were held between oil companies, the Department of Interior, and Members of the Senate.

A, I was never invited to even one of those meetings. B, had I been invited, I wouldn't have gone, because I don't

think it is right for Senators to meet with regulators and companies that are being regulated by those regulators. A, I wasn't invited; and B, I wouldn't have gone, and I would have expressed my opinion as to why I declined the invitation.

There were comments made by the Senator saying those of us who oppose the rider in this bill are antibusiness. I want to make something clear: 95 percent of the oil companies are doing right by the American people. They are paying their fair share of royalties. I applaud that. As a matter of fact, Atlantic Richfield has stepped away from the big oil companies and said, "You know what? We will be a good corporate citizen. We are going to pay the right royalty based on the market price."

So, please, let no one say that this Senator is antibusiness when I support 95 percent of the oil companies in this particular matter.

I also want to point out that we have a letter addressed to Senator BINGAMAN, which I ask unanimous consent to have printed in the RECORD, from a number of commissioners of public land, including New Mexico, Texas, Arkansas, South Dakota, Montana, North Dakota, Colorado, and Robert Hight from California, who support the Boxer amendment, as well as a letter to Senator GORTON.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WESTERN STATES
LAND COMMISSIONS ASSOCIATION,
September 4, 1998.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We, the undersigned Lands Commissioners who are members of the Western States Lands Commissions Association, urge your support for Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill, S. 2237, to allow the Department of Interior to implement new federal royalty crude oil pricing regulations. The Department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision which continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers \$5 Million per month.

The state agencies that are members of the Western States Land Commissioner's Association have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The member states of the Association share in the revenues collected by the Department of Interior. The failure of the oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department's Mineral Management Service (MMS) has been eminently fair in proposing its new regulations. MMS has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, MMS has revised its proposed regulations a number of times to take into account industry's suggestions and

criticisms. For example, MMS has revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain Area.

The proposed MMS regulations are very reasonable. If oil companies sell royalty crude on arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil on arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Oil companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies less than the market value of those crudes. In contrast, the market prices proposed by MMS to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

MMS' proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) Arco, since the early 1990's, uses spot prices as the basis of payments of royalties throughout the country;

(3) The recent State of Texas Chevron and State of Texas Mobil settlements rely on the use of spot prices for royalty valuation purposes.

Mobil recently settled for \$45 million a case brought by The United States Department of Justice that Mobil had underpaid federal royalties throughout the United States.

The Department's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. MMS, numerous states and more recently the General Accounting Office (GAO) have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases which produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than are presently generated.

Thank you for your consideration.

Sincerely,

Ray Powell, Commissioner of Public Lands, New Mexico State Land Office; Curt Johnson, Commissioner, South Dakota Office of School and Public Lands; Jeff Hasener, Administrator, Montana Department of Natural Resources & Conservation; Robert C. Hight, Executive Officer, California State Lands Commission; Garry Mauro, Commissioner, Texas General Land Office; Charlie Daniels, Commissioner, Arkansas Commissioner of State Lands; Robert J. Olheiser, North Dakota Commissioner of University and School Lands; John Brejcha, Deputy Director, Colorado State Board of Land Commissioners.

DEPARTMENT OF NATURAL RESOURCES,
Olympic, WA, September 3, 1998.

Hon. SLADE GORTON,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GORTON: I'm writing to urge your support for Senator Barbara Boxer's amendment to the Department of the Inte-

rior's Appropriations Bill, S. 2237, to allow the Department of the Interior to implement new federal royalty crude oil pricing regulations. The department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision that continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers \$5 million per month.

The members of the Western States Land Commissioners Association, of which the State of Washington is a member, have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The association's member states share in the revenues collected by the Department of the Interior. The failure of oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department of the Interior's Mineral Management Service has been eminently fair in proposing its new regulations. The service has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, the service revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, the service revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain area.

The proposed Mineral Management Service regulations are very reasonable. If oil companies sell royalty crude by means of arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil by arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Many companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies and are set at a level lower than the market value of those crudes. In contrast, the market prices proposed by the Mineral Management Service to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

The service's proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) ARCO, since the early 1990s, uses spot prices as the basis of payments of royalties throughout the country; and

(3) The recent State of Texas/Chevron settlement relies on the use of spot prices for royalty valuation purposes.

The Department of the Interior's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. The Mineral Management Service, numerous states, and, more recently, the General Accounting Office, have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases that produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than is presently

generated. In addition, it makes sense to evaluate the results of the current Mineral Management Service demonstration program before requiring an approach nationwide to locations that are likely to lose money.

The bottom line for states is: These are assets that belong to the beneficiaries of the states' trust lands and they should be fairly compensated when those assets are sold. Thank you for your consideration of my position on Senator Boxer's amendment.

Sincerely,

JENNIFER M. BELCHER,
Commissioner of Public Lands.

Mrs. BOXER. Mr. President, I also will read into the RECORD the groups that support the Boxer amendment: American Association of School Administrators, American Bioenergy Association, Americans for Clean Energy, American Wind Energy Association, Arkansas State Lands Commission, California State Lands Commission, California State Superintendent of Public Instruction, Colorado State Board of Land Commissioners, Council of Chief State School Officers, Friends of the Earth, Global Biorefineries, Inc., Montana Department of Natural Resources and Conservation, National Association of State Boards of Education, National Education Association, National Parent-Teachers Association—the PTA—National School Boards Association, The Navajo Nation, National Trust for Historic Preservation, New Mexico State Lands Commissioner, Project on Government Oversight, Public Citizen, Safe Energy Communication Council, South Dakota State Lands Commissioner, SUN DAY Campaign, Taxpayers for Common Sense, Texas State Lands Commissioner, U.S. Public Interest Research Group, The Wilderness Society, and the Washington State Lands Commissioner.

Later, after Senator DORGAN has finished and colleagues on the other side have had a chance to speak, I want to read what the States are saying as to how they view this rule and how they support the fact that there is a process going on to make sure that the largest of the oil companies—5 percent—pay their fair share of royalty payments so that the taxpayers get what is due them.

Those who are supporting the Boxer amendment are standing with the taxpayers. That is very, very clear. I am very honored to have been able to offer this amendment.

Again, I want to thank Senator GORTON for his indulgence in allowing us to have adequate time to debate this amendment.

I yield up to 20 minutes to Senator DORGAN.

Mr. DOMENICI. Senator BOXER, I thought when I proposed that we go next, that I had little statements, not 20-minute ones, and three of them could go because they were short.

Mrs. BOXER. If Senator DORGAN would yield—I thought it was only two.

Mr. DOMENICI. I wanted Senator BURNS to discuss his 5-minute statement.

Mrs. BOXER. I ask unanimous consent, when Senator BURNS completes

his statement, Senator DORGAN get 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Montana is recognized.

Mr. BURNS. I thank my friend from New Mexico. I will not be long, I say to my friend and neighbor from North Dakota.

I want to put some things in perspective. Yes, the lands belong to the United States of America and are held in trust for the citizens of this country. But the citizens of this country and the taxpayers in this country do not participate in the expense of drilling the well. There is no argument on the eighth that is the royalty that goes to the surface owner. After all, the oil companies did buy the leases. They paid hard money for those leases. If there is a resource—in this case, oil—under the ground, they go and find it.

That is not to say that every well they put in the ground is successful. We have more dry wells than we have wells producing. The American people did not make any investment in drilling that so-called dry hole, and they didn't even participate in footing the bill; the expense of putting the well down is a producer's.

There is no argument with the eighth. I can simplify this very easily. "In kind" would be right. If you want to participate in the value added to compute your royalty, as the chairman of the Energy Committee said is being attempted by MMS, then MMS should participate in the transportation and the cost of the value added. That is only fair.

Now, if that is not fair, then I suggest that the Interior Department go out to the well site, take their truck, and every eight buckets of oil that come out of the ground, they get the eighth one, put it in their truck, and do with it whatever they want to do with it—go on open markets, like the independents or even the big companies do. It doesn't make any difference. That is their eighth. They have been paid. The market goes up, the market goes down; the risk is the same for the surface owner as it is for the one who is bringing it up. That is very simple. No argument with the eighth.

What we are saying is: Fair is fair. If you want to collect the royalty on the value-added product, then there has to be expense incurred by those who want to participate in that part of the process of getting oil to gasoline and the energy that we need in this country.

Senator DOMENICI brought up the point a while ago that people are paying more for their bottled water in the grocery store than they are for their gasoline. There is another aspect of this—and I think Senator DORGAN from North Dakota will agree with this—in this economy today, nobody who produces a raw product is making any money. Our farmers understand that. I will give my old "F-U" line here, old farmers union line they call it: Go and

price Wheaties at the grocery store at \$3.75 a pound and the farmer can't even get \$1.75 for a 60-pound bushel of wheat.

Something is out of whack here. So we are not arguing about the eighth. We are arguing where do you take the eighth and what our investment or our part of the expense should be. You can't let everybody else pay all the expenses and you just participate in the harvest of those dollars. It is a very, very simple thing. There is nothing difficult about understanding that. But I think that is what we ought to do. Yes, we are worried about children in schools. I sure am. I am worrying about the children of those folks who work awfully hard in the oil patch to feed their families, participate in their communities, and take care of the obligations they have as citizens of the United States of America.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate.

Mr. DOMENICI. Mr. President, if the Senator will yield briefly, I ask unanimous consent that the next speaker on our side be Senator NICKLES and he be allowed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate that likely will get very little attention, given the proclivity of the press to cover other things going on in our country these days.

I rise today to support the amendment offered by Senator BOXER. There is a charming quote from Abraham Lincoln that came during his debates with Douglas. At one point, very exasperated because he simply could not get Douglas to understand a point he was making, Lincoln turned to Douglas and said, "Tell me, how many legs does a cow have?" Douglas said, "Four, of course." Lincoln said, "Now, assume that the tail were a leg; how many legs would the cow have?" Douglas said, "Five." Lincoln said, "You see, that's where you are wrong. Just calling it a leg doesn't make it a leg at all."

As I heard members discuss this amendment on the floor of the Senate, saying this amendment affects independent oil companies, I thought it was easy to say, but it was totally removed from the facts. This bill has no impact on independent oil companies. It does not have an impact on independent oil companies. It has nothing to do with the fact that commodity prices are collapsing which is true on the farm and true for energy companies. It has nothing to do with that either. In fact, the lower the price for oil, the less royalty fee would be required to be paid by the oil industry. So that is not what this issue is about.

A lot of folks want to confuse the issue. It is not about that. It is not

about independent oil companies who are not affected, and not about the price of oil. When the price of oil goes down, royalty fees go down.

Let me describe what it is about. It is very simple. The companies who drill for oil on Federal lands pay a 12-percent royalty to the American people for the privilege of doing that on the oil that they bring up out of those lands and sell. They are required, because they are drilling on lands that are owned by the American people, to pay a royalty fee. That is fair. I suppose some think they ought to drill and keep all the money. But it is fair.

Over many years, we have decided that if they are going to get something the public has, they will pay a fee. That is the 12-percent royalty fee. A fair portion of that fee that goes to the States is used for education. That is an important part of the revenue base of our States. A large part, no, but an important part. How much do we get from these royalties? When someone wants to produce oil on public lands, how much do we get from the royalties of 12 percent? Well, it is 12 percent of the price of the oil. What is the price of the oil with respect to the independent oil companies that produce it and sell it? That sale price is the price of the oil. They are then required to pay a royalty fee on the price of the oil. So an arm's length transaction between a willing buyer and a willing seller establishes the market price for oil. That is not a problem. That is not a matter of contention.

But what about a company that is a large integrated company that produces oil and then, as a producer, sells it to itself as a wholesaler or a retailer and it produces the oil and prices it and sells it to itself? What about that company? What then is the price of the oil, and how much in royalty payments do the American people get from that transaction? The answer is, the price of that oil in a large integrated oil company is whatever the company says the price of the oil is.

What if they say, gee, well, the price of our oil is \$4 a barrel, and you get 12 percent of that? Are we being cheated if, in fact, oil is selling for \$12 a barrel and they say, "Ours is only worth \$4 because we are selling it to ourselves, and we have artificially priced it because we want to avoid paying your fees, avoid paying our fair share to the American people?"

Are we being cheated? Of course we are being cheated. The question is, Who cares about that in here? Does anybody care? Does anybody care if the American people get taken to the cleaners by somebody that wants to underprice something they sell to themselves and, as a result, pay the American people something less than they were supposed to pay? Does anybody care about that? A few of us do. We will have a vote on it to see who cares.

So what is the royalty fee we get? It is 12 percent times the value of the oil. Who establishes the value of the oil? In

most cases—95 percent of the cases, with all of the independents and some others—it is the fair market value, a willing buyer and a willing seller in an open market transaction, which establishes a price upon which a 12-percent royalty payment is made.

This amendment isn't even a close call, by any standard. I want to use this example to talk about two other things that relate exactly to this, which give me as much concern as this does. In fact, this is not a very large issue. It is an issue of \$66 million a year; \$66 million is a lot of money, but in the construct of a trillion dollars, or a trillion and a half—the \$1.6 trillion budget that we have, and the \$135 billion of revenue here and there—I mean, it is not that big an issue. Yet, they are waging a fight; the major integrated oil companies are waging a fight, and you would think you were taking away their last oil truck.

Let me tell you about an exact replica of this debate. We lost it on the floor of the Senate. We have the exact same issue on taxation—corporations, especially foreign corporations, but domestic as well, that sell to themselves and then tell us at what price they sell the product to themselves, a wholly owned subsidiary, and therefore how much profit they made and how much income tax they will pay to the Federal Government. And 65 percent of the foreign corporations doing business in this country, most of whose names you will recognize, do tens of billions of dollars of business in America and pay zero in income tax—not a penny. Zero. How do they do that? Let me give you one example. A company sells a piano to its affiliated subsidiary and prices it at \$50. Would you like to buy a piano for \$50? It is exactly the same thing we are talking about with pricing oil you sell yourself—undervalue it and pay a tax, or in this case, a royalty, based on evaluation that is artificially low so you can avoid paying the royalty, or as in the case I described, avoid paying the income tax.

How about a tractor tire? I don't know if anybody in here buys and sells tractor tires. Probably not, but \$7.60 is the price of a tractor tire in a transaction between a corporation—a foreign corporation—and its wholly owned subsidiary in the U.S. Why \$7.60? The company artificially prices it low so that it doesn't pay income taxes in the U.S. We voted on that. We voted on something that corrects that problem. We have people in this Chamber, sufficient numbers, who have said, "We don't want to correct that. We don't even want to debate whether it is cheating. We don't want to deal with it because big business doesn't want that to be changed."

We don't intend to change it. It is the same principle here. Big, integrated oil companies sell to themselves, underprice what they are selling to themselves, and, therefore, cheat the American people out of royalty payments that they ought to be making.

Then members come to the floor of the Senate and say to us, "Gee, you are being unfair." We are not being unfair. We are required to stand up for the interests of the American people. They own that land. They own that land on which drilling takes place. They are owed the 12-percent royalty based on a fair computation of the price of that oil.

I will tell you one more story. I served in State office before I came here. In our State, we assess a tax on railroads. It is exactly the same principle we are talking about here today. We assess a tax on railroads. When I assumed office as Tax Commissioner, which was an elective office, and assumed responsibility for that tax, I asked one of the folks who were responsible for that tax—which is an ad valorem property tax on the railroad system—"How do you do that?" He said, "Sit down and I will show you." He said, "Because the railroads aren't bought and sold, you look at all of the stocks and all of the debt. Assuming you bought all of their stock and debt, that is the value of the railroad." I said, "Tell me a little more about that." He said, "Here is the stock. I sell you this railroad. Here is the stock." I said, "Gee, what price are you using, par value?" "Par value," he said.

Remember, we have been doing that for 25 years. The railroads indicated to us that that is the value. Using the par value, of course, is absolutely ridiculous. Par value has nothing to do with the value of the railroad stock. But the industry had convinced the people in our State who value railroads to use an artificially low, absurd value for the railroad stock. They were fat and happy for dozens of years underpaying their taxes. They loved it. The minute I decided to change it, they said "Holy cow. What are you doing to us? Why on Earth are you being unfair to us?" I said, "I am not being unfair. I am asking you to do what every other American does—pay your fair share of the taxes."

That is the principle and the issue on which we will be voting. The principle and the issue here is not about ma and pa. It is not about independents and not whether you support the oil industry. I do. I have cast a lot of votes on behalf of the independents, and support the majors as well, because I think they play an important contributing role for this country in providing energy for our future. But in cases like this where you have integrated companies who are undervaluing their oil so they can underpay the royalty fee they owe to the people of the United States, I say let's correct it.

Some of my colleagues say that underpayment is not happening.

Let's take a look at the rates. Alaska settled with the oil companies for over \$2.5 billion. Is that because somebody was making arithmetic errors? I don't think so. California, \$350 million; Texas, \$17.1 million.

My point is that the States have been plodding their way through this issue with respect to royalties owed to the States. Can we not have the strength to stand up here and say to the integrated oil companies, "You have a responsibility to be fair to the people of the United States? We are not asking for more than you owe. Your oil prices have declined. Therefore, you should pay the new price." We understand that. "We are not asking for more than you owe; not a penny more. We are asking you on behalf of the people of this country to pay your fair share."

What is happening today—and in this bill that came to the floor of the Senate—is an attempt to intercept a rule that will require these folks to pay their fair share of royalties. And a bunch of folks here in the Senate stand up and say, "No, no, no. We want to protect the old order." The old order is to let people sell oil to themselves, to underprice it, undervalue it, and avoid paying the American people what they owe them in royalty fees. That is what is wrong.

If we turned out the lights and voted on this, people in this Chamber would express that view. I hope when we have a vote on this we will all decide that there is a right and wrong answer. The right answer is to just ask the integrated majors who sell oil to themselves to price it fairly and abide by the new MMS rules. They have been studied and worked on and they are fair. Do this the right way.

The Senator from California is not on the floor trying to attack an industry. The Senator from California is not offering an amendment that in any way affects the independent oil producers. Ninety-five percent of the oil producers in this country will be unaffected by this amendment, 95 percent of them. In fact, some of those who have been unaffected have been convinced to send us letters saying that they are going to be affected by it. I assume they have been convinced by their bigger cousins, or bigger uncles. But the fact is, it is wrong. Calling a tail a leg doesn't make it a leg at all, as Lincoln said. Saying this affects independents doesn't make it affect independents. It does not. It is a very simple, direct approach to say to the integrated oil companies who sell oil to themselves that they have a responsibility to price oil fairly so that the American people get what they deserve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. DOMENICI. Mr. President, will Senator NICKLES yield for an inquiry?

Mr. NICKLES. Certainly.

Mr. DOMENICI. Mr. President, I would like to state for anybody who would like to speak in opposition to the Boxer amendment that we have a few minutes left. I would like to ask unanimous consent that on our side, when appropriate, that the following

order for our speakers be the order: Following Senator NICKLES, who will speak for 10 minutes, the Senator from Louisiana will speak for up to 5 minutes; then Senator HUTCHISON for 25 minutes. That will leave some additional time for additional Senators, or for me. We would like to do it in that order pursuant to the rotation from one side to another.

I ask unanimous consent that be the order.

Mrs. BOXER. Mr. President, may I ask the Senator? That sounds fine to me. In other words, all of your three speakers will include Senator HUTCHISON, and we will finish up with our time. Is that what the Senator is suggesting?

Mr. DOMENICI. I don't want to do that. I said that Senator NICKLES will go next. If you have somebody, they will be next. If you don't, Senator LANDRIEU will go next, and back and forth. But our times are now set for three Senators. As Republicans are recognized, they will speak in that order.

Mrs. BOXER. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to compliment my colleague, Senator DOMENICI, as well as Senator HUTCHISON, for their leadership on this issue.

Mr. President, I want to correct what I hear from my colleagues, the proponents of this amendment, and make a couple of statements that I think are factual.

One, I think I heard somebody say on the other side—Senator DURBIN—that there were not any hearings. We had a hearing. I conducted the hearing. I don't conduct hearings very often, but when this issue came up, I knew a hearing was needed. Some people have demagogued this issue and tried to use it for whatever purposes, political or otherwise. I wanted to know the facts. I am chairman of the relevant subcommittee in the Energy Committee so we scheduled a hearing. We had the hearing, I believe, in June of this year.

There are just a couple of points that I would like to make. One, in testimony before the House subcommittee, the director of MMS said the purpose of the regulations were not to raise money. She said, that the regulations are to be revenue neutral. I hear all of the list of the groups who are supposedly proponents of the Boxer amendment—schoolboards and so on—thinking they are going to get a lot more money. The proposed regulations are supposed to be revenue neutral. It is not supposed to raise any money. Proponents are saying, "Oh well. If we don't pass this amendment, the schoolboard is going to be out of some money," and so on. That is false. It is not the case. It is contrary to what the director of MMS has testified to.

I don't happen to agree with the director of MMS, or the Assistant Sec-

retary of the Interior in proposing this oil valuation regulation. I think they have gone too far. I happen to like Mr. Armstrong. But I don't think their regulation makes sense. That is one of the reasons we had hearings.

One of the things we don't do enough of in the Senate and House is we don't have oversight over our various agencies. A lot of times the agencies propose rules and regulations, and sometimes those rules and regulations don't make sense. They may be well intended, and they may have stated goals of simplicity, clarity, and definability, but they may do just exactly the opposite.

Unfortunately, the regulations that MMS has come up with—at least according to the people who work in the industry—the regulations won't clarify anything. They won't even raise the Government any money—maybe not as much money as they are raising right now. What they will raise is litigation. That doesn't help anybody. That doesn't help the Government. That doesn't help the schoolboard. That doesn't help the tribes. That doesn't help the States or anybody, except for maybe the lawyers who are involved in the litigation.

Some of us have looked at this. This is one of the regulations that we need to review. I mentioned that we had a hearing. Several of us have had meetings with members of the administration, the Department of the Interior, and MMS proponents of this regulation, and people who work in the industry. We tried to pull them together.

Both Senators from Louisiana, both Senators from New Mexico, Senator HUTCHISON from Texas, and myself have met with MMS and said, "Can't we figure this out? Can't we come up with workable, definable, clearly understandable regulations on how to determine royalty evaluations?" We have had interesting meetings. But, unfortunately, sometimes it appears that MMS is not really listening to some of the complaints and really hasn't made the necessary changes to the regulations to make them workable.

I would take issue with some of my colleagues who said, "Well, these big oil companies, they are cheating, they are selling to an affiliate, and they lowball the price, and they make more money, and the Government is being cheated."

I do not think that is the case. If it is the case, the government has every right to take the company to court, and maybe they can win.

What we want to do is have clarity. We want to have definability. We want people to pay exactly what they owe in royalties—not a dime more, not a dime less. And that is our objective. It is easier said than done. And the MMS came up with some proposed regulations. They said, "Oh, well, we will put out some prices that are on the exchange, and that will be what the royalty will be based on, on that given date."

But wait a minute. What if there is an arm's length transaction where somebody actually bought and sold? Maybe they didn't buy or sell at the same price posted on the exchange. Market valuation on some exchanges is based on some transactions, but you have some transactions below it and some above it; you have some transactions that might be a little higher because of a little different weight of oil or different grade of oil or a transportation problem or a little different sulfur content. There are lots of variables in the equation.

So to have some bureaucrat say, well, I am going to pick this market index or this posted price somewhere and that will be the value of what the Federal Government will be paid on instead of the actual value of an arm's length transaction, that doesn't make sense. I will tell you, in my own State we have several different prices on different types of oil. We have Texas crude; we have Oklahoma sweet, Texas sweet; we have Cushing prices; we have a lot of different prices, posted prices, and so on.

So I just mention to my colleagues, I don't think the oil companies are trying to cheat anybody. I think the proposed regulations are not clear; they need to be clarified. We need to work with MMS to try to come up with better regulations that are clear and work. They haven't done it yet. And their proposal leaves a lot to be desired. Their proposal would result in more litigation, and that is not going to help any schoolboard in the country.

And so I think we have the responsibility in Congress as maybe the countervailing branch of Government, the branch of Government that listens to our constituents when we find a regulatory agency that is not listening, that is not working, that is not promulgating regulations that will work, to get their attention. We have an obligation to make them work with us to come up with something that is reasonable and sound. And if they continue to come up with regulations that will not work, that do not make sense, then we should stop that. This is called checks and balances. It is called balance of power. We cannot allow regulatory agencies to run amok.

And so I think we have a constitutional responsibility to try to make some progress in this area. If we find regulatory agencies that are not doing what they are supposed to be doing, we should hold them in check. That is what this provision, that the Senator from California is trying to strike, strives to do. This provision doesn't say that MMS cannot go further on their proposed regulations. It basically says let's put out regulations that are reasonable and sound. And many of us have tried to facilitate meetings to make that happen.

My colleagues on the other side said that this proposed rule exempts 95 percent of the companies. Independents are not covered. Independents tell me

they are covered. The regulations are written for all oil producers; 100 percent of all oil producers are covered by these regulations. Some of my colleagues have said: Oh, no; it just applies to those companies who are selling to marketing affiliates. Guess what. More and more companies today are selling into a company that maybe they have a little piece of or something—a natural gas marketing company, an oil marketing company, and so on. They are banding together in these types of organizations. And so this regulation certainly reaches, I would say—I don't know what percentage, but according to the independent petroleum producers—I happen to think they would know more about it than anybody else—it says 100 percent. The independent producers say in a memo, "Percentage of oil producers impacted by the proposed oil royalty rule, 100 percent." I happen to think they know what they are talking about.

And so again I compliment my colleagues, Senator HUTCHISON and Senator DOMENICI, for including this provision in this bill. I think they are right in doing so. I think MMS needs to work with Congress and with the affected parties to make sure that every company pays exactly what they owe—no more, no less.

If colleagues are interested in trying to raise money, they should try to raise the royalty rate, and we can have a debate on that. That is certainly within their rights. I don't think they will be successful, but they have the right to try that. But to try to raise the royalty rates by changing the regulations or trying to change the regulations in a way so that they will raise money is a tax increase by a regulatory agency, I reject that emphatically. Congress has the power to raise taxes, not some unelected bureaucrat in the Minerals Management Service.

To all the arguments that our colleagues from California and others made, that this proposed regulation is going to raise so much money and it is going to help schools, and so on—no; what we have to do is make sure that every company pays exactly what they owe—no more, no less. The current system is not correct. It needs to be improved. However, the regulations proposed by the MMS do not fit the bill. They need to be revised. We are trying to get their attention so they will revise those rules in a workable, definable, understandable way that is clear, so that everyone will know exactly what should be paid and will pay that much and no more.

Mr. President, again I thank my colleagues for their efforts, and I urge my colleagues to support our effort to defeat the amendment of our colleague from California.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California.

Mrs. BOXER. I would like to yield 10 minutes to my colleague from Arkan-

sas, Senator BUMPERS, but I want to just make a point on the comments of Senator NICKLES.

We have here a chart that shows how many meetings were held before this rule was put into place. I want to make sure that colleagues understand there were actually many, many months of proposals. That it is a fact that the purpose of this rule is not to raise additional revenue. But, if companies pay their fair share, the Mineral Management Service has shown us, if they do in fact pay the royalty payment on the market price rather than a made-up price when a company sells to its own affiliate, taxpayers will receive \$66 million in additional revenue. That is why all these various schoolboards are for it and many state land commissioners.

I wanted to point out, when the rule was beginning, there were very, very favorable comments from Louisiana, Wyoming, New Mexico, Alaska, and there is a reason for it. We see that these States have had to sue in the past, I say to my friend from Oklahoma, for the fair share of the royalty payments that they believed they were owed. And I think that the States are saying to us: "We don't want to go this route. We don't want to be litigious. We don't want to be in court every day. We want a fair rule." I know my friend from Oklahoma wants a fair rule. The issue is, How do you go about it? Do you go about it by shutting down the ability of the Interior Department to proceed on what many in the States are saying is fair, even New Mexico? The Tax Revenue Department said, "The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties."

We can see that the oil companies settled for \$2.5 billion in Alaska; in New Mexico, \$8 million; in California, \$350 million; in Texas, \$17.5 million. The fact is, oil companies are settling because they are not in a strong position. When you pay a royalty payment based on a made-up price and not a market price, you open yourself up to lawsuits.

I also wanted to point out that if you really look at the companies that are affected by this—and we have put this in the RECORD—they make in the billions of dollars, and these royalty payments are a tiny percent. As a matter of fact, what we have learned is that one of the companies, Shell Oil, which would see the greatest increase in their royalty payment, that great "increase" is equal to 7–100ths of 1 percent of Shell Oil's revenue every year.

So, we are not talking about huge sums of money to these giant oil companies. What we are really fighting about here is the principle, the issue that they should pay their fair share. And even if \$66 million does not look like a lot of money to some of my colleagues, it is a lot of money when it goes into various States and into classrooms.

I yield 10 minutes to Senator BUMPERS at this time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I thank the Senator from California for yielding to me.

Mr. President, just to put this thing in perspective, I call on all of my colleagues to recall the number of times they have appeared before their local chamber of commerce and Rotary Clubs and told them that, once they get to the U.S. Senate, or even the House of Representatives, it is going to be a new day. They are going to protect the people's rights. They are going to take care of their money. We have pledged: "I will treat your property and your money as though it were my own."

I have made that speech, and I dare say 99 other Senators have made it as well. So I say, we have to ask ourselves, are we fulfilling our commitment and our solemn vow to the people back home? Ask yourself this question: If you had an oil well, and you discovered that your lessee was selling your oil to an affiliate or a wholly-owned subsidiary, and they were selling it at a price considerably less than published spot prices of that oil—would that be acceptable to you as a private landowner? Let's assume your lessee is selling your oil to an affiliate for \$12 a barrel, but the spot price of that oil is \$14 a barrel—if you were the royalty owner, wouldn't you question that? Would you tolerate it?

I read a story in USA Today from which I quote:

States, native American tribes and landowners are suing for the full, open-market price fees, and a few oil companies have begun to cut settlement deals from Alabama to New Mexico, rather than face trial. According to the Watchdog Project on government oversight, there is more than \$2 billion in uncollected Federal royalties at open-market prices, and the total grows by \$1 million every week.

When you vote against Senator BOXER's amendment, are you keeping faith with the people back home who own this oil? It does not belong to the U.S. Senate, it belongs to the taxpayers of America. When the Secretary of the Interior signs a lease with Exxon, Mobil, or whoever, the lessees agree to pay a royalty, usually 12.5 percent, on the oil they take from the Federal land. However, having agreed to that, they now are not paying that. While I appreciate that oil prices are currently low, that does not provide justification to cheat the taxpayers of America out of the fair royalty on their oil.

If this case did not have any merit, why did Mobil recently settle with the U.S. Government for \$45 million on this very issue? They have essentially agreed to the very same thing Senator BOXER is saying they owe. Why are Native Americans suing for royalties? Why are States collecting big, big settlements with the oil companies? Precisely for the very reason Senator BOXER brought this amendment up. All she is saying is let's collect on the

lease for what the oil brings, not for some fictitious price created by selling to yourself, by selling to an affiliate. If you are going to treat the taxpayers' money as though it were your own, ask yourself what would you do? Why, you wouldn't tolerate this for 10 seconds, would you, if you found out that the oil company that had the lease on your land had been selling oil to a wholly-owned affiliate at \$2 under the spot price for which they could have sold it?

This reminds me of a coal case. We found out that Ohio Power Company, a utility company in Ohio, had been buying coal from one of its wholly owned affiliates for 100 percent more than they could have bought it on the open market. You talk about a cozy relationship. This was a slightly different situation, but I am just telling you, these things happen. So, if you vote against Senator BOXER's amendment, don't go home and tell people how you are treating their property as if it was your own, because you wouldn't tolerate it for a second.

Mr. President, the Minerals Management Service is the agency we depend on to manage royalties on Federal lands leased for oil and gas. We expect them to get the most for it they can get. Congress has set the royalties on oil here. We say the Secretary of the Interior cannot lease it for less than 12.5 percent, and then say to the Minerals Management Service, "But if you catch the oil companies pulling she-nanigans, don't do anything about it"? If Senator BOXER's amendment fails, that is what we are saying.

So I regret that the price of oil is low, and the Senator from Texas has made that point a number of times; oil prices are low. Most of you know I have spent 9 years trying to make the Federal Government make the hard rock mining companies pay royalty on the land we give them for \$2.50 an acre. I faced it. I am leaving here at the end of this year. I don't know what will happen after that, but I can tell you one thing, I tried for 9 years. I stood where I have been standing right now for 9 years and squealed like a pig under a gate, saying the same thing I am saying now: You are cheating the American taxpayers.

You think about us giving away 3.2 million acres of land in this country for the last 130 years for \$2.50 an acre, land that had billions and billions of dollars of minerals under it, and what did the taxpayers get back? They got 557,000 abandoned mine sites that are going to cost them \$70 billion to reclaim. Royalties? Zip. Nothing. Not a dime. I lose it every year, and the people who vote against me go back to the Chamber of Commerce and say, "Oh, I'll treat your property just as though it were my own." If you believe that is the truth, you ought to be in a mental institution. If that is your idea of treating property the way you would treat it if it were your own, you need a guardian. The situation here is essentially the same thing.

The other day when I tried to raise another issue, just an environmental issue on how we are going to mine these hard rock minerals, I lost. I got 40 votes. I knew I was going to lose. The same people who voted against me will go back home and say they are environmentalists, even though they do not want the Interior Department to regulate how we mine and how we reclaim the land after we mine. I just got killed on it, 58 to 40. As I say, I am leaving, so the other side won. I know a couple of people here who I think will take it on, and it will be in capable hands, but I forewarn you: "It ain't an easy battle." That is the most egregious case I have ever run across in my life—billions in gold and palladium and silver taken off the land over the years and taxpayers don't get a nickel for it. All they get is a big environmental Superfund site.

Mr. President, in this case I will plead with my colleagues, the States favor this. I understand Wyoming has kicked the traces over, but the rest of them favor this amendment, and they are cutting deals with the oil companies right now. Senator HUTCHISON said no, the United States is not going to cut a deal; if the Indian tribes and the States want to, that is their business, but oil prices are low, and we are just not going to bother with it.

Gold prices are low, too, and I know that.

Mr. President, I will close by simply reminding my colleagues that I have heard in the last 24 hours that one of the principal candidates planning to run for President says he is reconsidering because he doesn't know whether he wants to subject his family to what goes on up here.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. He says he doesn't want to subject his family to the kind of things to which politicians are being subjected. There are two sides to that story, and I understand that.

When I ran for Governor 28 years ago—I won the Democratic primary almost 28 years ago today—I had a slogan: "Let's get our State together." We had been bickering and nothing was happening in the State. I said, "Let's get our State together," and when I was Governor, I called people together, Republicans and Democrats, and we worked well together. We had 4 great years, if you will pardon a self-serving statement.

I always said politics is a noble profession. My father said it a long time before Jack Kennedy did. He believed it. He served in the legislature. He wanted his two sons to go into politics. How long has it been since a parent has said they want their son or daughter to go into politics?

In any event, he didn't say all politicians are noble, he said public service is an honorable, noble profession. I have always believed that. I think it

still is. I think what a tragedy it is that the country is in the situation it is right now and the effect that has on people and their willingness to serve and their wanting to serve as I did. I think about us voting on things here where it is obvious to me—I don't want to seem arrogant about this, but this is not even a debatable amendment about what is fair and what is right. We all know what it is. So I plead with you, do your duty. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. DOMENICI. I ask the Senator if she will yield for 2 minutes.

Ms. LANDRIEU. Yes, I yield.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BUMPERS, in particular I speak of the last 2 minutes of his statement. I commend him for what he said and his concerns about the condition of our country, and in particular—I use a different word—but the cynicism that is generating by leaps and bounds about politicians and people in public life. We can't have our democracy and have that continue indefinitely. It will go right to the heart of it.

Having said that, I was going to say something a little bit more jovial and just suggest that your eloquence is going to be greatly missed, but the fact that you keep losing, could it mean that you happen to be wrong? I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I say to my wonderful colleague from Arkansas before I get into the substance of my remarks, I have tremendous respect for him for his tremendous fight over such a long period of time on issues like this. Yesterday, we were together in our arguments because we have very similar feelings, which I think is shared by many in this body, about paying the taxpayer their fair share when it comes to minerals. I say to Senator BUMPERS, he is going to be missed. I am going to pick up the fight, as I told him before, on hard rock mining, but there are some big differences between what we talked about on mining yesterday and what we are speaking about today.

One of those big differences is in hard rock mining there are no royalties paid. It is a system that cries out for reform and change. In this instance—and I know you say, "Well, there is LANDRIEU; she's from an oil and gas State. We knew she was going to say this." Trust me, when this issue first came up, I didn't know what I was going to say, for a number of reasons. Maybe I should say something about that first.

Before you came here, you were a Governor, but I was a State treasurer and I managed a billion dollars that

came from the Outer Continental Shelf. Because we are a poor State, because we haven't managed our resources as well as we could have in the past, and because of other issues—we didn't have computers in the classrooms—I managed that money more carefully than I manage my own. It came from these royalties, and I treasured every single penny, because with every dime, we could then hire a new teacher or put a computer in a classroom or buy software for kids. I am there with you on that 100 percent. We had that billion dollars, and it is growing every day and we are happy for it in Louisiana.

I believe as deeply as I can express that we want the taxpayers to receive their absolute fair share to the penny because these dollars can be put to good use, and I hope they will be put to better use, because the other point I want to make is I am getting ready to introduce—I hope with Senator BUMPERS and others and Senator HUTCHISON from Texas—a bill that will help redistribute these royalties that we get and have been getting since 1955 to the tune of \$120 billion, which the Federal Government has received from these royalties; to redistribute it in a better way; to invest it in our environment; to invest it in the expansion of our national parks; to invest it for the expansion of our urban parks; to prevent species from becoming endangered, a real investment in our environment, a real payback in the right and noble sense to the taxpayer.

I am 100 percent on the record for just royalties being paid, for substantial royalties being paid when appropriate, so I don't want there to be a question—and I so much respect the Senator for his fight—but this issue is about really litigation and lawsuits and unclear regulations. It is not necessarily an environmental or antienvironmental issue, and it shouldn't be a drilling or a nondrilling issue.

It is about whether we should adopt a rule that is either going to stop the litigation, or we are going to adopt this new rule that isn't going to stop the litigation. The rule that we have to consider for which we are now asking for a suspension is not going to do anything, as much respect as I have for Senator BOXER, in stopping the litigation.

To put this in perspective, let me say to my colleagues that last year, Minerals Management Service received \$6 billion from royalties. At issue here is \$66 million, which is less than 1 percent of the total. This isn't about oil companies not wanting to pay royalties. I say to the distinguished Senator from California, they sent to the Federal Treasury \$6 billion last year, and the year before it was \$4 billion, and since 1955 it has been \$120 billion. They are not opposed to sending their fair share, but because the regulations are complicated, they are difficult—the oil industry is reorganizing itself, driven by

technology and the pressures—may I have 2 more minutes?

Mr. DOMENICI. I yield 2 more minutes.

Ms. LANDRIEU. The oil industry is reorganizing itself in such a way that all it is asking for, I say to the Senator from California and others, is a fair rule that is clearly understood so that they can pay their fair share, get out of the courtrooms, cut their cost of their lawyers and accountants, pay the taxpayers their fair share, and get on with their business.

It is in nobody's interest for this to continue in this way—not for business, not for jobs, not for the taxpayer. That is what this argument is about, with all due respect to everyone who has said, I think, very tough things about oil companies wanting to cheat.

Most of the oil companies I know do not want to cheat. Most of the oil companies are happy to pay their tab, they just would like a clear signal about what tab it is that they owe. And they do not want to spend their time in court.

I am afraid if we let this rule go through, we are going to spend more time in court, waste more taxpayer money and not move us 5 feet down the ballfield on this subject. So that is why I am opposing Senator BOXER's amendment and supporting to give us additional time to work out some language so that everybody can pay their fair share, and the taxpayers can benefit, and we can all get out of the courtrooms and get on to running our businesses.

Thank you so much.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Thank you very much.

I thank my dear colleague from Louisiana for giving us her perspective from her State. And I greatly respect it. I want to pick up on something she said. She said, "It's in nobody's interest to continue in this way." And what is "this way"? This way is lawsuit after lawsuit after lawsuit. And she is right, we should not continue in this way.

We have seen Louisiana sue the oil companies and collect \$10 million because the oil companies are cheating on their royalty payments. They settled. The oil companies would not have settled for these large sums were they not cheating. Alaska settled for \$2.5 billion; California \$350 million so far; New Mexico, \$8 million so far; private royalty interests \$15 million so far; and Texas \$17.5 million so far.

In other words, given the current status, without a change in the rule, which Interior is trying to put into place, we will continue in this way—lawsuit after lawsuit. And no one can say—I mean, you would have to be born on another planet to say that oil companies would settle for over \$2.5 billion

if they had not been making a mistake on their royalty payments which they send to the taxpayers of this great Nation.

I think the issue here is: Do we want to continue in this way, which is what the rider does? It keeps us for another 12 months, for a total delay of 15 months, in this way of litigation and lawsuit and aggravation and all the rest.

What we are saying with our amendment is: It is time to change the way we do things. And my friends are saying, "Oh, all we need to do is meet and we'll fix it up," and so on. "Everything will be fine. We know we can resolve this. We can negotiate it."

This rule started back in December of 1995. We are headed toward the end of 1998. There were 14 public hearings, 5 solicitations for comment, all sorts of things, to resolve this matter. The basic issue is this: Companies that sell to their affiliates are paying a royalty on a made-up price, a phantom price, rather than paying it on the fair market price—which 95 percent of the oil companies are doing.

Just 5 percent of the oil companies are involved in this and will have to pay a fair share. It is not the mom and pop folks. It is a list here, a page and a half long, compared to 34 pages long of those unaffected. Shell makes \$29 billion a year in total revenue, Exxon \$134 billion. We are talking about the biggest corporations who, in fact, themselves are admitting by settling all these myriad of lawsuits, that they have not paid their fair share to the States or to the Federal Government.

The PRESIDING OFFICER. The Senator has used her 3 minutes.

Mrs. BOXER. I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Here is where we are. Here is the market price, the real price. You know, this is a capitalistic system. I am stunned by my friends on the other side of the aisle. I used to be a stockbroker, so I know what supply and demand means. A market price is supply and demand. It is the fair price. When the market price goes down, the royalty payment goes down. When the market price goes up, the royalty payment goes up.

But they are not paying on the market price, these 5 percent of the companies who own their affiliates and sell to their affiliates. They make up the price and they pay a royalty on that price. How would you like to be able to do that in your life? It is a pretty sweet deal; and it is wrong. I think that the various States are saying, thank you very much to the Minerals Management Service for moving forward. All of them here are saying: We commend you. "The Minerals Management Service must be complimented," said Wyoming's Governor in 1997. Louisiana said it, Alaska said it.

I withhold for the remainder of the debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 25 minutes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator from Texas permit me to use a minute off our time?

Mrs. HUTCHISON. Of course.

Mr. DOMENICI. Not off your time; off the bill.

Mr. President, let me just say, immediately after Senator LANDRIEU spoke, I wanted to get up, but I did not time-ly, so Senator BOXER spoke. But I commend her. I think she made a very brief statement today, but I think it was right on point. For those who are looking for a succinct wrap-up of what this issue is about, that 5 minutes is a very good summary.

The issue is whether the new set of rules is going to solve the problem of litigation and of making things clear and reasonable and easy to understand, or is it going to invite more litigation? And I think the industry, small and large, come down on the side that it is too complex, leaves too much to the subjectivity of the Mineral Management Service, and has a number of rules that are so arbitrary and onerous that this is not going to help us out of the mess we are in. I am saying it my way; I think Senator LANDRIEU said it her way. But before we are finished, we will talk about that some more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to answer some of the arguments that have been made earlier in the debate. First, it keeps being said that the oil companies are not paying their fair share, that they are in lawsuits about it, and that they have been settling the lawsuits and therefore they must be guilty. All of this is totally separate from the amendment before us today.

There is a disagreement between the oil companies and several States about how the valuations under the present regulation have been made. I want the oil companies to pay their fair share. So does the Senator from California, so does the Senator from New Mexico, so does the Senator from Louisiana. These matters are in court, and they will be settled in court. They have nothing to do with the amendment before us today. In fact, as the Senator from New Mexico and the Senator from Louisiana have said, the oil royalty valuation process is very complicated.

The new MMS proposal is very complicated. In fact, I would make the case that we do not change anything in the process as far as making it clear what is owed. It is just a matter of the Mineral Management Service raising the rates on oil companies at a time when oil prices are at an all-time low. That is the issue.

A second argument has been made that this only affects big oil companies. I would just say that I have re-

ceived a memo from the Independent Producers Association of America that represents the small independent oil producers. And what they say is: "Percentage of oil producers impacted by proposed oil royalty rule—100 percent." Because everyone who is in this industry knows that whatever is the standard for royalties on public lands is also the standard throughout the industry.

So to say that we are only talking about 5 percent of the large oil companies in America is absolutely untrue. We are talking about small producers, independent producers, and we are talking about marginal producers. Those are the ones that are drilling 15 barrels or less a day. They are operating at very low margins. With the oil prices at 11- and 12-year lows, they are not even making a profit in many instances. So we are affecting oil jobs in our country.

Now, it was said by the Senator from Illinois that the amendment delaying the rule was put on an emergency supplemental appropriations bill. That is true. It was put on an emergency supplemental appropriations bill and passed by both Houses of Congress and signed by the President. The reason it was put on is because the Bureau of Mineral Management Services announced they were going to finalize a rule without going through the congressional process that they had been told they must do. There was no alternative but to immediately stop that. Otherwise, they were going to implement a rule without reporting to the appropriate congressional committees.

Of course, Congress exercised its prerogative to say no, that is not what we told you to do. After all, we do make the laws and the policies of this country. Raising taxes is the prerogative of Congress for a very good reason—because we are accountable to the people. If we are going to set the policies of this country, we must consider many things. We must consider jobs, we must consider crises, we must consider security, how much of our oil needs to be imported, is there a security issue in our country. The reason that elected representatives make policy is because we are accountable. We look at other factors such as how much of our oil we are importing, how many jobs are going to be affected, and what is the overall situation in the economy of our country.

I want to talk about the first part of a policy decision that Congress considers, and that is jobs. Oil prices are at a 12-year low in this country. I refer to a chart for the jobs at risk in our country if we now raise the cost of drilling on oil companies. Let's take some examples: In California, 115,000 jobs are at stake; in Missouri, 31,000 jobs are at stake; in Montana, over 9,000; New Hampshire, over 3,000; New Jersey, almost 30,000; Nevada, over 7,000; Ohio, 54,000; Pennsylvania, 48,000; Texas, 253,000; Virginia, almost 30,000.

Now, those are the jobs at stake.

Let me just read to Members recent articles that talk about the job layoffs

that are occurring right now because, of course, the industry is on its knees.

August 28, 1998:

J. Ray McDermott, a builder of offshore petroleum platforms, has laid off 41 employees in Houston [Texas], cutting about 10 percent of that office's staffing.

[McDermott] left open the possibility that more layoffs could result if the oil market remains in a slump.

August 29, 1998, Halliburton lays off 100:

The state of the oil industry is being blamed for the layoffs of about 100 employees at Halliburton Energy Services [in Oklahoma.]

August 12, 1998:

Schlumberger laid off several hundred people in the second quarter and plans further cuts, as falling oil prices lower demand for its services and products.

Schlumberger's news comes as a number of oil-field-service companies have been cutting staff in recent months. The industry is struggling with some of the lowest crude oil prices in 12 years.

Oil and Gas Journal, August 3, 1998:

Triton Energy Ltd., Dallas, laid off 65 employees from its Dallas office as a part of a corporate restructuring and cost-reduction plan. The move cuts Triton's Dallas staff by more than one third.

August 18, 1998:

Low prices particularly hurt small producers who rely on marginal, or stripper, wells producing less than 10 barrels of oil a day. Some 74 percent of New Mexico's 24,000 wells are considered marginal.

Some small producers have cut back or eliminated new drilling projects. . . .

Others have shut-in wells—stopping pumping, a solution intended to be temporary but which often results in permanent loss of production.

Tom Dugan of Dugan Production Corp. in Farmington [New Mexico], said, "Essentially our income has been cut in half within the last six or seven months."

Dick Frank, the state Department of Labor's area director in Lea County [New Mexico], said the unemployment rate in the oil rich county has been climbing, reaching 6.7 percent in June.

Oil and Gas Journal, July 20, 1998:

An independent Petroleum Association of Mountain States survey has found that the plunge in oil prices is forcing marginal well shut-ins in the U.S. Rocky mountains. Twenty producers have shut in more than 200 marginal wells. . . .

Big U.S. Independent Union Pacific Resources said it will slash its rig count from 49 to 18 for the balance of the year, further depressing an already shaking North America land rig market.

Oryx Energy batted down the hatches, July 28, saying it will cut its 1,000-worker payroll costs 20 percent, or \$14 million a year, and sell another 35 million of properties in response to continued weak oil prices.

I think it is very important that we look at the impact on people, on their families, their lives, on States that are not going to have sales tax revenue if people don't have jobs in States that will have to start paying unemployment compensation because people don't have jobs.

Yesterday, in the debate on the mining bill, Senator Harry REID from Ne-

vada said, "These are the best blue-collar workers in America," and he was talking about gold prices being the lowest in years. I can make the same arguments today. The Senate voted for keeping the mining industry intact yesterday. As Senator BUMPERS said, he lost his argument.

The same arguments apply today. We have oil prices at their lowest in 11 years and we have the best blue-collar jobs in America. In fact, oil and gas jobs are among the highest paid in our economy. In Montana, for example, the average oil and gas jobs pay \$32,380 compared to \$20,500, which is the average of jobs in Montana. Every oil industry job creates an average of 2.3 service-related jobs.

This is a very important issue for jobs in our country. As you can see, almost every State is affected. It not only creates jobs in the industry, but over two jobs in the service industry are related to oil production in our country. What could be bad about that? Yet, we are talking about raising fees and taxes on the companies that are on their knees, with low prices, that are laying people off as we speak. It doesn't make sense.

The other side has said, "We are losing \$5.5 million a month." In fact, I thought Senator LANDRIEU made a very important point. We are talking about \$6 billion in revenue to the Federal and State Governments, and they want to tear it down, saying they are going to add \$5 million a month. You would jeopardize a steady stream of revenue from an industry that is on its knees, that is shutting down wells as we speak, to try to gain \$5.5 million a month. Even if you thought you were going to get \$5.5 million a month, you would have to assure that the companies are going to stay in business.

If they go under, you are not going to get \$5.5 million a month; you could lose \$5.5 million a month, and those are jobs that we now have in place. Why would we jeopardize those and risk losing revenue, when you hope they will stay in business and gain revenue? That is not a very good hope when the industry is on its knees.

Let's talk about the policy of raising taxes. In fact, we have shown, both in Congress and in 13 States, that lowering the taxes on the oil and gas industry have actually increased revenues. In fact, the Congress passed the Offshore Drilling Deep Water Royalty Relief Act in 1995. They gave tax relief, they gave tax breaks, lowered taxes, to companies that would go out and do the expensive drilling in the water, especially the Gulf of Mexico. For doing this, the Government has received \$3.1 billion in bids on those leases in the gulf. This has created over 3,500 direct jobs to manage the increased activity. In fact, it has created \$3 billion in revenue. So we have shown that when we lower revenue, we increase the amount that comes into the Federal Government.

When we lower taxes, we increase revenue. This has been duplicated in

my State of Texas, where they have given tax relief to drill the marginal wells which are less than 15 barrels a day in Texas. Or if someone goes in and unplugs a plugged well, they will get a tax break. Here is what that has done in Texas: 6,000 wells were returned to production; \$1.65 billion came into the Texas economy; 10,000 direct and indirect jobs were created every year; and \$22 million more went into the Texas treasury—\$22 million by giving a tax break. Thirteen States have inactive well recovery programs that are doing the same thing.

Yet, the amendment before us today would go in exactly the opposite direction. It would increase the amount that the oil companies would have to pay, putting many of these small producers in jeopardy because that will be the industry standard, creating a loss of jobs and, I submit, a loss in revenue.

I have a chart that shows the economic effect of the abandonment of marginal wells just in 1997. The lost revenue to California was \$45 million; Kansas, \$24 million; Louisiana, \$8 million; New Mexico, \$19 million; Oklahoma, \$29 million; Texas, \$97 million. These are lost revenues because marginal wells went under. They had to plug the wells. This doesn't even address the lost jobs or the lost sales tax revenue to these States.

So I think we have the evidence that raising taxes is going to cost revenue to the Federal Government, not raise revenue to the Federal Government, because so many of the wells in this country are marginal; they produce under 15 barrels a day. So if they go under, these States are not going to get more money for their school-children, they are going to get less. That is what the amendment before us would do.

Let's talk about another policy issue that Congress must address when we increase taxes on an industry. We import over 50 percent of the oil that we need in this country—the oil we need to drive our cars to work, the oil we need to operate our plants, the oil we need to produce fuel for every home in America. Fifty percent is imported. This is a national security issue. It is an economic issue.

Does anybody remember what it was like when we had the severe oil shortage several years ago and people had lined up for 5 hours to get gas for their cars? They could not fill them up; they were limited. They were limited in the amount or the number of gallons they could put in because we had an oil shortage.

This country cannot depend on imports if we are going to have control of our own economy. How could we be talking about shutting down wells and causing our dependency to become greater? It does not make sense. It would be highly irresponsible of this Senate to do something that would jeopardize every person driving a car in this country, every plant that operates, and every home that depends on

oil or gas for its energy. We should not be even considering something so irresponsible.

I have letters of support from many organizations. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 10, 1998.

Hon. _____,
U.S. Senate
Washington, DC.

DEAR SENATOR: On behalf of the 600,000 members of Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service (MMS) proposed new oil valuation rules that would eventually raise taxes on producers. The rulemaking effort has involved several revisions to the original proposal, but remains ambiguous, unworkable, and would create even greater uncertainty and unnecessary litigation.

Passage of this provision in the Interior Appropriations Bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides. The taxpayers have a vested interest in this issue, because the rule proposed by the MMS would lead to an unnecessary administrative burden for both the government and the private industry as auditors, accountants, and lawyers attempt to resolve innumerable disputes over the correct amounts due.

Please take this opportunity to prevent the current proposed rule, which benefits no one, from being implemented. We urge you to oppose any amendment to strike the provision for delay of final valuation rule in the Interior Appropriations Bill as it reaches the floor for debate in the full Senate this week.

It is my hope that you give this suggestion serious consideration. If I can be of further assistance, please do not hesitate to contact me.

Regards,

COUNCIL NEDD II,
Director, Government Affairs and Grassroots.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, September 11, 1998.

DEAR SENATOR: I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to S. 2337, the Interior Appropriations bill. This amendment allows the Executive branch to operate unchecked in its efforts to legislate through regulation.

Our members have long opposed the reckless regulating that is consuming some federal agencies. Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities. Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the federal government operate within the bounds of the law, and it will have the ultimate effect of increase the cost of oil and gas for every American. The appropriators have attempted to support sensible environmental policy through the appropriations process. The Boxer amendment will reverse their sensible policies.

As the Senate considers S. 2337, I ask you to consider the effect the Boxer amendment

will have on consumers and their wallets and vote to defeat the Boxer amendment.

Sincerely,

MATT KIBBE,
Executive Vice President.

NATIONAL BLACK
CHAMBER OF COMMERCE,
Washington, DC, June 10, 1998.

Re Oil Royalties.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: The membership of the NBCC wants to applaud you for your courageous stand taken against the Minerals Management Service attempt to totally control the method (or madness) of collecting oil royalties. Your leadership is certainly pro-business and ensures us of a continued prosperous economy.

The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should certainly be involved as they truly represent the people, not bureaucrats.

Thank you for your strong position and consider us your ally on this issue.

Sincerely,

HARRY C. ALFORD,
President and CEO.

PEOPLE FOR THE USA,
Pueblo, CO, September 4, 1998.

Hon. _____,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We understand that when the full Senate debates the Interior Appropriations bill next week, there may be an effort to remove the provision which prevents the Minerals Management Service (MMS) from issuing a new ruling on oil royalty valuations until Oct. 1, 1999. On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.

We feel very strongly that this provision will be critical to helping devise a royalty collection system that is truly fair to the federal government and the oil industry. The provision requires the MMS to take the time to develop a more workable rule and not undermine Congress by changing yet another law through bureaucratic regulation.

The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. Please oppose any amendment that would strip this provision out of the Interior Appropriations bill. Our members and their communities are counting on you.

Respectfully yours,

JEFFREY P. HARRIS,
Executive Director.

Mrs. HUTCHISON. First is Citizens Against Government Waste. In part, they write:

On behalf of the 600,000 members of the Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service proposed new oil valuation rules that would eventually raise taxes on producers.

They go on to say:

Passage of this provision in the Interior Appropriations Bill will provide the time

necessary for MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides.

Here is a letter from the Citizens for a Sound Economy:

I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to the Interior Appropriations bill. . . . Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities.

Of course, it makes sense that if we are going to raise the rates that producers have to pay, it is going to raise the price of every gallon of gas that you buy at the pump.

Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the Federal Government operate within the bounds of the law, and it will have the ultimate effect of increasing the cost of oil and gas for every American.

This is in a letter from the National Black Chamber of Commerce:

The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should certainly be involved as they truly represent the people, not bureaucrats.

This is from the People for the USA:

The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. . . .

On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.

Mr. President, we are talking about tax policy in this country. If you vote for the amendment before us today, we are saying that the Mineral Management Service can walk away from Congress and the congressional intent and congressional mandate that they report to us about any kind of fees or increases.

If they do this—and if we allow them to do this—we will shut down marginal wells throughout our country, which we have already seen happening because of the low prices. Thousands of people will be out of jobs. We will lose revenue in our States and our Federal Government, hurting the schoolchildren of our States when they are not able to have that income stream that is now steady—\$6 billion worth of steady income stream—which will become shaky from marginal producers because they cannot make ends meet. They are laying off people every day because of the low price of oil.

This is not the time to raise prices. We should not let unelected bureaucrats do it, and we should not jeopardize the energy independence of our country by allowing a bureaucracy to raise taxes when that is the prerogative of Congress.

Thank you. Mr. President, I thank Senator DOMENICI for his leadership, along with the bipartisan group that is trying to make sure we keep jobs and energy independence and gasoline pumps filled throughout our country.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time does Senator BOXER have and how much time do I have?

The PRESIDING OFFICER. The time remaining for Senator BOXER is 7 minutes 15 seconds. The time remaining for the Senator from New Mexico is 13 minutes 10 seconds.

Mr. DOMENICI. Thank you. Mr. President, I thank Senator BOXER for agreeing to this unanimous consent. I very much appreciate it for some personal reasons.

I ask unanimous consent that when all debate time is consumed, or yielded, that the amendment be set aside until the hour of 5:50; and, at that time, there be 10 minutes for debate for closing remarks prior to the vote on the motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, since I have considerably more time than the distinguished Senator from California, I would like to make a few remarks and then save a few minutes for Senator GORTON, the manager of the bill.

Mr. President, fellow Senators, first of all, there has been a lot of talk about lawsuits that are out there that have been going on for years on end. Essentially, fellow Senators, the reason that a new set of regulations and rules were supposed to be adopted was so we wouldn't have all of that litigation; so that we have a more clear-cut definition of what is market value for oil and gas, rather than leave so much to subjectivity, to arguments and disputes.

Let me suggest, if that is the case, that I can almost promise the U.S. Senate that if the rules that the Minerals Management Service is proposing to adopt are adopted that they will all be back in court over and over again, because they are unintelligible. They leave many opportunities for the Minerals Management Service to second-guess. They leave at times many opportunities to go back in an audit and even undo the market value as determined by a company upon the advice of people from the MMS.

Mr. President, when I was a Senator in the middle of the Iranian-prompted crisis where we had lines—Senator HUTCHISON's statement was that they even shot at each other in New York in one of those lines early in the morning because somebody thought one car was moving ahead of them. You might have been Governor, I say to the occupant of the Chair, when that happened. You may remember that.

During that period of time, a gentleman in my State, who is currently one of the most successful and marvelous businessmen in the retail marketing of oil and gas products in my

State, was down in a little office where his business was beginning. He begged me to come and see him. I went to see him. And a grown man was on the brink of falling apart. Whenever he would talk, he would cry, because the then-U.S. Government Energy Department had been told by Congress to enforce some very vague rules about gouging.

Here comes auditors to that man's office. He can't give them enough. They come back month after month, and his business is floundering. And they want more information. They want to go back further in time. They want him to bring in his customers and let them talk to the enforcing agency about the various arrangements.

I pledged to him right then that, not knowing the facts, I would see that he was treated fairly. He was. He succeeded in getting around that, and is surviving, as I have just indicated, bountifully.

Mr. President, what we don't want to let happen is we don't want a new set of regulations that permit a bureaucracy, however much we must rely on them—the MMS—to go into American energy producers in the manner that I have just described for my good friend down in Artesia, NM.

I contend that is what is going to happen, because, pursuant to congressional requests, some of us, Democrats and Republicans, sat down at the table with the MMS and the industry. And it is absolutely a cinch based upon the disagreements that occurred around that table and the failure on the part of the MMS to consider what many of us thought to be a very reasonable request; that if we let these get adopted, we haven't seen anything yet with reference to tying up this money in litigation and arguments. As a matter of fact, there is even a position in these new rules where the MMS can actually contend that a company would sell below market value to avoid the 12.5-percent royalty. Does that make sense to anyone? When you sell below market and give something away, you are giving away 12.5 percent to the Government, but you are keeping 87.5 percent of your own money. Right? But there is something in here to make sure they don't sell below market. There are so many nuances. I am not sufficiently expert. Again, I think I know when I see something that isn't going to work.

Let me conclude. Industry is not to blame for the current rule. The MMS wrote it. All producers are affected by it—not 5 percent. Under current law, MMS can collect the royalties that are fair market value. Nothing is stopping them. Anybody thinking we are going to stop collecting royalties is mistaken. We are going to keep on collecting them under a set of rules that are very unreasonable and complicated. But why substitute another set that we think is going to do equally as bad and maybe move even more arbitrarily against the producers of energy in this country? There is a con-

cept within it that you are guilty until proven innocent. There is, as I said before, a notion that producers will sell cheaply to avoid a royalty. Why would anybody do that? I just explained that to the Senate.

There is extensive opportunity for second-guessing. The scourge of the regulated is to have regulators second-guess. That is the scourge. You have one answer and you thought you were abiding by it. But they second-guess it and you get audited. And there is another set of rules. These rules are unworkable. One well, 10 different valuation calculations for on-shore oil; one well, 8 different valuation calculations for off-shore.

For whatever has been said here today about who we are working for in opposing the Boxer amendment, actually what I believe is happening is we are saying to a bureaucracy of the U.S. Government that we have had a good view of how you make rules, we think you are doing it in an unreasonable manner, and we would like you to do it better, so we are not going to give you any money to enforce what you have proposed to do.

Essentially, all the arguments have been made about how important gas and oil production is for our Nation. We understand that. But this is not an issue about anybody cheating. It is an issue about whether a new set of rules is better than the old ones when we firmly believe they are not.

I reserve the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes 15 seconds.

Mrs. BOXER. I would like to ask my friend if it is OK if when we come back I close the debate with 5 minutes. Would that be all right with the Senator from New Mexico?

Mr. DOMENICI. We each get 5 minutes.

Mrs. BOXER. Yes. I would like to close. I ask unanimous consent that I get to close the debate.

Mr. DOMENICI. When we do our 5 minutes each.

Mrs. BOXER. Yes.

Mr. DOMENICI. Of course.

Mrs. BOXER. I thank the Senator so much. I just want to say to my friends, Senator DOMENICI and Senator GORTON, again, how much I appreciate their courtesies. This is a very important issue.

Mr. President, I ask if you would advise me when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will advise the Senator when she has used all but 2 minutes of her time.

Mrs. BOXER. Mr. President, I have really enjoyed this debate. I was saying to Senator GORTON I thought it was very important to have it because when it was raised in committee, it was a truncated debate. This has given us a chance to really show both sides.

I think another reason I have enjoyed the debate is because it goes to the

heart and soul of why I want to be in the Senate; and that is to look out for real people, the real people who make this country go, who get up every day and go to work and save to get a car and hopefully save to get a condominium or a home and to get the American dream.

I think there is another part of that American dream that sometimes gets overlooked, and that is our heritage; that we have much more as Americans than our personal possessions, important though they are. We own the parks. We own the waters, the coastal waters. And others cannot destroy those because they belong to us.

I think it is important for us to note that we are talking about the most powerful oil companies—5 percent of oil companies, some of which make in the many billions of dollars. And I pointed this out before. For example, Exxon, in 1996, generated \$134 billion in revenue from oil and gas. And the vast majority of the oil companies impacted by this rule are huge. The impact on Exxon, for example, would be one one-hundredth of 1 percent of their revenue.

My friend from Texas says that is going to cause a disaster. Well, the one good thing about royalty payments, as they are owed to the hard-working Americans of this country, because it is, in fact, oil drilled on their land which they own, that we all own as Americans, is that the royalty payments go down with the price of oil. So it is very fair. And here you see, again, the lease that is signed by the oil companies wherein they promise to pay a fixed royalty which is a percentage of the value of the production, and therefore when oil prices are up, the American people get more. It is a rent that is basically paid on a floating basis depending on the market price of oil.

Now, my friend from New Mexico, for whom I have the greatest respect and admiration, says it is very complicated to figure out what is the market price of oil. And as I said before, I was a stockbroker in a former life, and I know that oil prices are posted and listed every day. I would place into the RECORD this publication, "Platts Oil Price Report." If you look at it, you will see every single day, every single market. The market price listed here reflects the price of oil. So when my colleague worries that the Interior Department is off on the wrong track, I would say I agree with the New Mexico Tax Revenue Department which said:

The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties. They should also be commended for recognizing an issue and following through with it to resolution, in an environment where litigation abounds, unfounded criticism is made public and political mechanisms are used to mandate positions.

You cut through that and what they are saying is very clear, that the MMS is, in fact, working hard to come up with a solution to this problem.

Now, I showed before, I think, the most telling chart of all. Mr. President, this is where we are. The oil companies sign a lease with us, the American people, promising to pay rent, in essence, for drilling on Federal lands. It is supposed to be based on market price, and here you see with ARCO in the west Texas market, the market price very clearly shown and the ARCO posted price, which is their, in essence, made-up price.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mrs. BOXER. I thank you, Mr. President. I will take another 30 seconds and withhold. What we are going after is this difference. We think the taxpayers deserve to have the fair royalty payment paid. That is why I raise this issue.

I will reserve the remainder of my time to close this debate.

Mr. DOMENICI. I yield 3 minutes to Senator GORTON and the remaining time to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I have been in the Chamber through most of this debate as I am the manager of the bill under discussion now. I believe that I am the only one, at least on this side of the issue, who has no immediate constituent interest in the subject. But I do have certain observations from listening to the debate on the part of others.

The Senator from Oklahoma, Mr. NICKLES, mentioned at one point that the Minerals Management Service had said that this was a revenue-neutral proposal, although in fact it seems not to be that case. The proponents of this amendment emphasize that there is a lot of money involved here for schools and for parks and for other purposes.

It occurs to me that if this is a debate over revenues to the Federal Government, we are in effect talking about a tax, a tax on certain companies engaged in the oil business. And if we are speaking about a tax, it seems to me we ought to be deciding that question here in the Congress of the United States. Under our Constitution, taxes are not levied by regulatory agencies of the Government. They are determined and they are levied by the Congress.

If, in fact, this amendment will produce tens of millions of dollars for various governmental purposes, then it is inevitable that someone is going to pay for those purposes. One of two things is going to happen, it seems to me. And one of my colleagues can correct me if I am wrong. Either it will be reflected in the price of gasoline and other petroleum products that every consumer in the United States pays and will be in effect an increase in the gas tax, or if these companies can simply import more and produce less domestically, it will simply drive American producers out of business because their cost of business will be increased.

But one of those two consequences seems to me to be inevitable. Either

this is going to be a tax on the American people by increasing the cost of their gasoline, or it is going to increase our dependence on foreign oil and drive American producers out of business. I think that conclusion is absolutely inevitable. I think that is a policy decision that should be made by the Congress of the United States and not by an obscure Federal agency, and for that reason I oppose the amendment.

Mr. DOMENICI. Mr. President, I send a letter to the desk and ask unanimous consent it be printed in of the RECORD from the Revenue Department of New Mexico indicating they support the oil moratorium.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
TAXATION AND REVENUE DEPARTMENT,
Santa Fe, NM, July 20, 1998.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for giving me the opportunity to comment on your appropriation rider placing a moratorium on MMS oil valuation regulations. After careful consideration, we have determined that the moratorium would allow MMS and the industry more time to reach a consensus, therefore we are in favor of the moratorium.

If I can be of further assistance, please contact me.

Sincerely,

JOHN J. CHAVEZ,
Secretary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. I congratulate my colleagues, especially my dear colleague from New Mexico and my fellow Senator from Texas, for doing an outstanding job. I think anybody who has listened to the debate, and who started the debate with an open mind that was not totally empty, would conclude that you are right and this amendment should be tabled.

My opposition to the amendment is very simple. Congress should make decisions about collecting fees and imposing taxes. Article I, section 8, clause 1 of the Constitution says, "The Congress shall have the power to lay and collect taxes, duties, imposts and excises."

We should not be granting our constitutional powers to faceless bureaucrats who have agendas that may not reflect the will of the American people. If our colleagues wanted to mandate by law that we raise royalty fees, that would be one thing. But to simply set a process in place where bureaucrats are going to effectively raise taxes, I think, is fundamentally wrong. So I want to urge my colleagues to reject this amendment, and I want to especially congratulate those who I believe have made an excellent case in opposition to the amendment.

I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. There is little time remaining. I just want to say again what

the USA Today editorial said, because I think it sums it up beautifully and it doesn't come up with the same conclusion that the Senator from Texas, Mr. GRAMM, comes up with. It comes up with another conclusion, and that is, "Industry's effort to avoid paying full fees hurts taxpayers and others."

Since 1920 when Congress passed the Mineral Leasing Act, the MMS has been acting to set the rules that guide the payments of royalties. So, now, all of a sudden we have a move to say this is wrong. I think is kind of interesting, all of a sudden it is wrong, something that has been in place since 1920. This is what the MMS is supposed to do. So I think this editorial really says it.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure that nothing threatened to change that cozy arrangement.

And they basically say, "Taxpayers have been getting the unfair end of this deal for far too long."

Mr. President, I say to Senators, we have an opportunity to end this cozy deal today. I know some of my colleagues feel they need more time, they want to work on a more fair way to collect these royalties. I cannot imagine, as someone who knows supply and demand—I am an economics major, I was a stockbroker—it is pretty simple. You have the market price. Pay the royalty based on the market price. This is a capitalistic system. We do not have industry executives sitting in and deciding what the market price is in the dead of night in the back of their corporate headquarters. These 5 percent of oil companies, the oil giants, are the ones who are getting away with thievery. Let's end it now. Support this amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, has all time now been used on this amendment?

The PRESIDING OFFICER. All but 8 seconds.

Mr. GORTON. We yield back that 8 seconds.

What now is the order before the Senate?

The PRESIDING OFFICER. The amendment is set aside until 5:50, at which time there will be 10 minutes equally divided between the parties for debate.

AMENDMENT NO. 3581

Mr. GORTON. Then what is the matter before the Senate at this point?

The PRESIDING OFFICER. The matter before the Senate at this time is the Daschle amendment to S. 2237.

Mr. DASCHLE addressed the Chair.

QUORUM CALL

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER (Mr. THOMAS). Objection is heard.

The assistant legislative clerk continued to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. SANTORUM). Objection is heard.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Allard	Frist	Leahy
Ashcroft	Gorton	Lott
Baucus	Gramm	Lugar
Bond	Gregg	McCain
Boxer	Hagel	McConnell
Burns	Harkin	Mikulski
Conrad	Hutchinson	Murkowski
Craig	Inhofe	Reed
Daschle	Jeffords	Roberts
Domenici	Kempthorne	Santorum
Dorgan	Kennedy	Smith (OR)
Faircloth	Kyl	Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—94

Abraham	Bond	Cleland
Akaka	Boxer	Coats
Allard	Brownback	Cochran
Ashcroft	Bryan	Collins
Baucus	Burns	Conrad
Bennett	Byrd	Coverdell
Biden	Campbell	Craig
Bingaman	Chafee	D'Amato

Daschle	Inhofe	Murray
DeWine	Inouye	Nickles
Dodd	Jeffords	Reed
Domenici	Johnson	Reid
Dorgan	Kempthorne	Robb
Durbin	Kennedy	Roberts
Enzi	Kerrey	Rockefeller
Faircloth	Kerry	Roth
Feingold	Kohl	Santorum
Feinstein	Kyl	Sarbanes
Ford	Landrieu	Smith (NH)
Frist	Lautenberg	Smith (OR)
Glenn	Leahy	Snowe
Gorton	Levin	Specter
Graham	Lieberman	Stevens
Gramm	Lott	Thomas
Grams	Lugar	Thompson
Grassley	Mack	Thurmond
Gregg	McCain	Torricelli
Hagel	McConnell	Warner
Harkin	Mikulski	Wellstone
Hatch	Moseley-Braun	Wyden
Hutchinson	Moynihan	
Hutchison	Murkowski	

NAYS—1

Breaux

NOT VOTING—5

Bumpers	Hollings	Shelby
Helms	Sessions	

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, the Senate has been on this Interior bill now for 6 session days and has not really scratched the surface of the bill. This is the 11th appropriations bill that the Senate has considered in preparation for the end of the fiscal year, which is September 30.

Members will recall last week we spent most of our time on the campaign finance reform issue. This week there have been farm amendments as well as other amendments that are unrelated to Interior that are waiting in the wings. It looks like it will be very hard to keep focused on the Interior appropriations bill itself and get it completed. And, of course, that will affect the next two appropriations bills.

AMENDMENT NO. 3581

I offered a consent agreement to debate the pending amendment for 2 hours. That is the amendment that Senator DASCHLE offered, with no action occurring, and then lay aside the amendment to consider a Kempthorne amendment relative to the Endangered Species Act. I understand some discussions are still going back and forth on the ESA amendment. That agreement has not been worked out and there are various reasons that it has been objected to.

Therefore, I ask for the yeas and nays on the pending amendment, 3581.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CHILD CUSTODY PROTECTION
ACT—MOTION TO PROCEED

Mr. LOTT. I now call for regular order with respect to the child custody bill.

The PRESIDING OFFICER. Pending is a motion to proceed postcloture.

Is there further debate?

Mr. LOTT. Mr. President, our manager is on his way to proceed with this.

QUORUM CALL

Mr. LOTT. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER (Ms. COLLINS). Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). In the Chair's capacity as the Senator from North Carolina, I object.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. BENNETT). The Senator objects to the quorum call being rescinded?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham	Campbell	Enzi
Akaka	Chafee	Faircloth
Baucus	Coats	Feingold
Bennett	Collins	Ford
Boxer	Daschle	Frist
Breaux	Dodd	Gorton
Bryan	Dorgan	Gramm
Byrd	Durbin	Gregg

Hagel	Kerry	Rockefeller
Harkin	Lautenberg	Roth
Inhofe	Leahy	Santorum
Inouye	Lott	Specter
Kempthorne	Mack	Stevens
Kennedy	Reed	Torricelli

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLINGS) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—97

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Ford	McConnell
Ashcroft	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Chafee	Harkin	Roberts
Bumpers	Hatch	Rockefeller
Burns	Hutchinson	Roth
Byrd	Hutchison	Santorum
Campbell	Inhofe	Sarbanes
Chafee	Inouye	Sessions
Cleland	Jeffords	Shelby
Coats	Johnson	Smith (NH)
Cochran	Kempthorne	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
D'Amato	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lott	
Enzi	Lugar	
Faircloth		

NAYS—1

Breaux

NOT VOTING—2

Helms

Hollings

The motion was agreed to.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

SUPERFUND RECYCLING EQUITY
ACT

Mr. LOTT. Mr. President, over the past three decades, concern for our en-

vironment and natural resources has grown—as has the desire to recycle and reuse. You may be surprised to learn that one major environmental statute actually creates an impediment to recycling. Superfund has created this impediment, although unintended by the law's authors.

Because of the harm that is being done to the recycling effort by the unintended consequence of law, the distinguished Minority Leader, Mr. DASCHLE, and I introduced The Superfund Recycling Equity Act (S. 2180). This bill removes Superfund's recycling impediments and increases America's recycling rates.

We had one and only one purpose in introducing the Superfund Recycling Equity Act—to remove from the liability loop those who collect and ship recyclables to a third party site. The bill is not intended to plow new Superfund ground, nor is it intended to revamp existing Superfund law. That task is appropriately left to comprehensive reform, a goal that I hope is achievable in the 106th Congress.

While the bill proposes to amend Superfund, Mr. President, it is really a recycling bill. Recycling is not disposal and shipping for recycling is not arranging for disposal—it is a relatively simple clarification, but one that is necessary to maintain a successful recycling effort nationwide. Without this clarification, America will continue to fall short of its recycling goal.

S. 2180 was negotiated in 1993 between representatives of the industry that recycles traditional materials—paper, glass, plastic, metals, textiles and rubber—and representatives of the Environmental Protection Agency, the Department of Justice, and the national environmental community. Similar language has been included in virtually every comprehensive Superfund bill since 1994. In fact, the original agreement, upon which the bill is based, has remained intact for five years. With over 40 Senate cosponsors, support for the bill has been both extensive and bipartisan. The companion House bill has almost 300 co-sponsors.

Mr. President, since Senator DASCHLE and I introduced S. 2180, some have argued that we should not “piece-meal” Superfund. They argue that every part of Superfund should be held together tightly, until a comprehensive approach to reauthorization is found.

I generally agree that keeping popular, non-controversial provisions in an omnibus bill makes the more controversial provisions easier to swallow. And given the broad-based support for the recycling piece across both parties, some think it should be held as a “sweetener” for some of the more difficult issues. Superfund's five-year history suggests, however, that the recycling provisions—as sweet as they are—have done little, if anything, to help move a comprehensive Superfund bill forward. Rather, “sweeteners” like brownfields and municipal liability are what keep all parties at the table.

Holding the recyclers hostage to a comprehensive bill has not helped reform Superfund, and continuing to hold them hostage will not ensure action in the future. What it does ensure is that recycling continues to be impeded and fails to attain our nation's goals.

Mr. President, this recycling fix is minuscule compared to the overwhelming stakeholder needs regarding Superfund in general, but so significant for the recycling industry itself. It is easy to see why this bill has achieved such widespread bi-partisan support among our colleagues.

S. 2180 address only one Superfund issue—the unintended consequence of law that holds recyclers responsible for the actions of those who purchase their goods.

Therefore, S. 2180 does not address the very contentious and important issues of cleanup standards or natural resource damages.

It does not deal with orphan shares or municipal liability. The goal of this bill is to remove the liability facing recyclers, not to establish who should be responsible for those shares if the unintended liability is removed.

It does not deal with municipal liability specifically, but if municipalities ship materials for recycling, they would be treated the same as any other recycler. Thus, municipalities are provided some relief under S. 2180 for recycling transactions.

It does not deal with owner/operator liability because such liability was intended by Superfund. Any changes in owner/operator liability should be considered within the context of comprehensive Superfund reform.

Likewise, issues of relief for generators who ship for disposal, rather than for recycling, are not addressed by S. 2180. Waste disposal—indeed proper, environmentally sound waste disposal—is a basic tenet of Superfund. Reforms should be considered within the context of comprehensive Superfund revisions.

Senator DASCHLE and I have heard from various parties who want to add minor provisions outside the scope of the bill. Although many have presented interesting and often compelling arguments, I find that none of these parties has been able to demonstrate the broad base of support that has made the Superfund Recycling Equity Act so unique. No group has been able to demonstrate the support of the broad-based, truly non-partisan group that has long recognized the need for recycling reform. I will continue to ask that any party wishing to enlarge the narrow focus of S. 2180 show support on both sides of the aisle, as well as from the Administration and the environmental community.

Mr. President, much time, energy and expertise went into crafting an agreement where few thought it was possible. That agreement has been maintained through three separate Congresses where all sorts of attempts to modify it have failed. Congress

should accept this delicately crafted product.

S. 2180 shows Congress' commitment to protect and increase recycling.

S. 2180 repeats what we all know and support—that continued and expanded recycling is a national goal.

S. 2180 removes impediments to achieving this goal, impediments Congress never intended to occur.

Mr. President, the 40+ Senators who have already co-sponsored this bill recognize the need to amend Superfund for the very important purpose of increasing recycling in the public interest. Let's act this year.

TRIBUTE TO VIVIAN DUBREUIL

Mr. LOTT. Mr. President, a constituent of mine, Vivian Dubreuil from Jackson, MS, passed away this morning. Vivian worked for Senator Jim Eastland for more than 22 years. She also worked for the Secretary for the Majority's Office and the Secretary of the Senate. After a long and successful career in the Senate, she retired to care for her mother in Jackson. She was very much a lady who performed many kindnesses for all who came in contact with her. She will be missed by her friends here in Washington and her family and friends in Jackson.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I join baseball fans everywhere in congratulating Mark McGwire of the Cardinals and Sammy Sosa of the Cubs on already breaking the single season home run record this year. I hope that the House will soon pass the bill that we named for another extraordinary man, who once wore number 21 for the Cardinals. Coincidentally, Curt Flood wore number 21, which is Sosa's uniform number, and played for the Cardinals, which is the team for which McGwire now plays. The Curt Flood Act, to end what is left of baseball's antitrust exemption has passed the Senate and is awaiting action by the House. Baseball's resurgence is being fueled by the outstanding efforts of a number of players should be aided by enactment of our legislation.

I came to the Senate floor in early July to note the possibility that the single-season record for home runs might be broken this year. I noted that at this year's All-Star break, Mark McGwire had 37 homers, Ken Griffey, Jr. 35 and Sammy Sosa 33, as they headed toward Roger Maris' record 61. I urged the Senate to find inspiration in the outstanding seasons that these and other players and teams were having and to improve the Senate's effort in meeting its responsibilities with respect to judicial vacancies.

I went on to compare the Senate's pace in confirming much-needed federal judges to Mark McGwire's home run pace. It is time for an update. Today, McGwire's season total stands at 63. Over the weekend Sammy Sosa

thrilled Chicago and baseball fans everywhere by passing the marks set by Babe Ruth and Roger Maris and totaling 62. Ken Griffey, Jr., now leads the American League with 52 homers, making this first season in major league baseball history in which three players have hit as many as 50 home runs.

Unfortunately, the Senate confirmation total is stalled at 39. As recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session. As Chief Justice Rehnquist correctly observed in his year-end report last year: "The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994."

The Senate has not even kept up with normal attrition over the past two years, let alone made a real difference in filling longstanding judicial vacancies. Both the Second Circuit and the Ninth Circuit have had to cancel hearings due to judicial vacancies. Chief Judge Winter of the Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their 3-judge panels. Recently, he has had to extend that certification of emergency.

Yet in spite of that emergency, the Senate continues to stall the nomination of Judge Sonia Sotomayor to the Second Circuit. Her nomination has been stalled on the Senate calendar for over six months. Chief Judge Winter's most recent annual report noted that the Circuit now has the greatest backlog it has ever had, due to the multiple vacancies that have plagued that court.

For a time Judge Sotomayor's nomination was being delayed because some feared that she might be considered as a possible replacement for Justice Stevens, should he choose to resign from the Supreme Court. Perhaps now that the Supreme Court term has ended and Justice Stevens has not resigned, the Senate will proceed to consider her nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay.

When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit. Just as Sammy Sosa is a source of great pride to the Dominican Republic and to Latin players and fans everywhere, Judge Sotomayor is a source of pride to Puerto Rican and other Hispanic supporters and to women everywhere.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in

New York. She is strongly supported by Senator MOYNIHAN and Senator D'AMATO.

Ironically, it was Judge Sotomayor who issued a key decision in 1995 that brought an end to the work stoppage in major league baseball. If only the breaking of the single season home run record could signal the end of the work stoppage in the Senate with respect to her nomination.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unexplained and anonymous "holds" become regular order.

I began this year challenging the Senate to maintain the pace it achieved in the last nine weeks of the last session when 27 judges were confirmed. Instead, the Senate has confirmed only 39 judicial nominees in 24 weeks in session. Had the Senate merely maintained the pace that it set at the end of last year, the Senate would have confirmed 72 judges—not 39 judges—by now.

Last week *The Washington Post* included an editorial critical of the Senate for holding nominees without a vote on the Senate calendar. It was right to do so. We have 12 qualified nominees on the Senate calendar awaiting action. Including those still pending before the Committee, we have a total of 45 judicial nominations awaiting action, some of whom were first received over three years ago.

The Senate continues to tolerate upwards of 74 vacancies in the federal courts with more on the horizon—almost one in 10 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future. The Judiciary Committee needs to do a better job and the Senate needs to proceed more promptly to consider nominees reported to it.

Unfortunately, the only record that the Senate is on pace to set this year with respect to judicial nominations is the record for the amount of time it takes to be confirmed once the nomination is received by the Senate. For those few nominees lucky enough to be confirmed as federal judges the average number of days for the Senate confirmation process has continued to escalate. In 1994 and 1995 judicial nominees took on average 86 or 87 days from nomination to confirmation. In 1996, that number rose to a record 183 days on average.

Last year, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, the time is still growing and the average is still rising to the detriment of the administration of justice. The average time from nomination to confirmation for judges confirmed this year is 259 days. That is three times the time it took before this partisan slowdown began in earnest.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfill this constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

The federal judiciary's workload was at least 60 percent lower than it is today when the Reagan-Bush administrations took office. The federal court's criminal docket alone is up from 28,921 cases in 1980 to 50,363 last year. That is an increase of over 70 percent in the criminal case filings in the federal courts.

During the Reagan and Bush administrations, Democratic and Republican Senates promptly considered and confirmed judges and authorized 167 new judgeships in response to the increasing workload of the federal judiciary. While authorized judgeships have increased in number by 25 percent since 1980, the workload of the federal courts has grown by over 60 percent during the same period. That is why the prolonged vacancies being perpetuated by delays in the confirmation process are creating such strains within the federal courts.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

In the early and mid-1980's, vacancies were between 25 and 34 at the beginning of each session of Congress. By the fall of 1983, the vacancies for the entire federal judiciary had been reduced to only 16.

With attrition and the 85 new judgeships created in 1984, vacancies reached 123 at the beginning of President Reagan's second term, but those vacancies were reduced to only 33 within two years, by the fall of 1986. A Democratic Senate in 1987 and 1988 reduced the vacancies still further to only 23 at the end of the 100th Congress.

It was not until additional judgeships were created in 1990 that the next significant increase in vacancies occurred and then, again, the Democratic Senate responsibly set about the task of helping fill those vacancies with qualified nominees. Although President Bush was notoriously slow to nominate, the Democratic Senate confirmed 124 nominees in President Bush's last two years and cut the vacancies in half.

With respect to the question of vacancies, it is also important to note that in 1997 the Judiciary Conference of the United States requested an additional 53 judgeships be created and the Republican Congress has refused to consider that workload justified request. My bill to meet that request, S. 678, the Federal Judgeship Act of 1997,

has received no attention since I introduced it over a year ago. Had those additional judgeships been created, as they were in 1984 and 1990 under Republican Presidents, current judicial vacancies would number 127 and total almost 14 percent of the federal judiciary.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 39 confirmations could be seen as an improvement. The President has been doing a better job of sending the Senate scores of nominees more promptly. Unfortunately, qualified and capable nominees are still being delayed too long and stalled without action.

In commending Mark McGwire, Sammy Sosa and the others major league players who have inspired the nation with their achievements, I pledge to continue to work for comparable achievements by the Senate in connection with judicial confirmations.

NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER

Mr. THOMAS. Mr. President, I rise to discuss a project that is extremely important to the city of Casper and the State of Wyoming. The National Historic Trails Interpretive Center, located in Casper, is a unique project designed to showcase the importance of Wyoming as a center for a number of historic trails in the West. The site selected for the Center overlooks the place where the Oregon, California, Mormon and Pony Express Trails cross the North Platte River. In addition, the head of the Bridger Trail and a fork of the Bozeman Trail can be seen from the spot.

The city of Casper and the State of Wyoming have been working very hard to build an interpretive center that will attract visitors from throughout the nation and provide them with a quality recreational and educational experience. The facility will showcase the important role historic trails played in the development of the West and the incredible hardships faced by settlers as they migrated to all of the western states. The project is strongly supported throughout Wyoming and would be funded through a unique "public/private" funding program using local, state and federal sources.

Wyoming's congressional delegation has been working on obtaining federal funds for the Historic Trails Center for many years. Throughout my time in the Senate, as well as my years serving as Wyoming's only Congressman, I have worked hard to obtain planning and architectural money for the Center and requested assistance from the Appropriations Committee in obtaining the roughly \$5 million in federal funds needed to complete the project. Unfortunately, construction funds have never been included in the appropriations bill.

This year, the House of Representatives has included \$2.6 million in the fiscal year 1999 Interior appropriations bill for completion of the National Historic Trails Center. Although this is only half of the money necessary to complete the project, I am extremely pleased the House took this action and recognized the importance of constructing this facility. Currently, the Senate version of the Interior appropriations bill does not include funds for the Trails Center. I understand the difficult funding choices faced by the Interior Appropriations Subcommittee as this bill was crafted, but I am extremely disappointed that the Senate version of this legislation did not provide funds for the Center.

As the Senate completes its work on the Interior appropriations bill and this legislation moves to a conference with the House, I plan to do everything I can to ensure that funds for the Historic Trails Center are included in the final bill. Clearly, this project has merit and would be a valuable addition to our nation's cultural and historic landmarks. Over the coming days, I plan to work with Senators GORTON and BYRD to ensure that the House funding level is protected during the conference on this legislation.

The National Historic Trails Interpretive Center is a worthy project. I urge the Senate to recede to the House language on this important measure and begin the process of completing this outstanding facility.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 15, 1998, the federal debt stood at \$5,511,724,391,342.63 (Five trillion, five hundred eleven billion, seven hundred twenty-four million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents).

One year ago, September 15, 1997, the federal debt stood at \$5,375,122,000,000 (Five trillion, three hundred seventy-five billion, one hundred twenty-two million).

Five years ago, September 15, 1993, the federal debt stood at \$4,388,003,000,000 (Four trillion, three hundred eighty-eight billion, three million).

Ten years ago, September 15, 1988, the federal debt stood at \$2,598,251,000,000 (Two trillion, five hundred ninety-eight billion, two hundred fifty-one million).

Fifteen years ago, September 15, 1983, the federal debt stood at \$1,354,786,000,000 (One trillion, three hundred fifty-four billion, seven hundred eighty-six million) which reflects a debt increase of more than \$4 trillion—\$4,156,938,391,342.63 (Four trillion, one hundred fifty-six billion, nine hundred thirty-eight million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents) during the past 15 years.

CHILD CUSTODY PROTECTION ACT

Mr. COVERDELL. Mr. President, I rise today in support of S. 1645, the Child Custody Protection Act. This bill makes it a federal offense to knowingly transport a minor girl across state lines to circumvent her home state's parental consent or notification laws and obtain an abortion. This bill sends an important message that we will support those states that have tried to protect minors from making a decision of this magnitude without the involvement of the parents. We should do everything we can to ensure that parents are able to exercise the responsibilities of guiding and protecting their children, and I applaud Senator ABRAHAM for his leadership on this issue.

A few of my constituents raised some concerns about S. 1645 that I would like to address. First, the bill imposes no burden on the right to an abortion, and it adds no new provisions or restrictions on state laws. S. 1645 is designed merely to preserve the integrity of parental involvement laws in states that have chosen to enact them. Second, the legislation does not violate the constitutional right to travel. Like the recently enacted Deadbeat Parents Punishment Act, the Child Custody Protection Act only punishes travel that is undertaken with the intent of dodging legitimate state laws. Third, in cases where teenagers are afraid to tell their parents, there are judicial bypass procedures to address these situations. A study performed by the American Journal of Public Health of these bypass procedures found that only 1 out of 477 girls was denied judicial authorization. Fourth, S. 1645 recognizes the role of states in ensuring that legal abortions are safe—to allow valid state laws to be avoided is to undermine the safety of the procedure and endanger the health of those minors. Fifth, parental involvement laws enjoy the support of 74 percent of Americans according to a 1996 Gallup poll. While S. 1645 does not alter any state's laws regarding abortion, it does ensure that states that do have these popular laws have a more realistic chance of enforcing them.

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.)

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1996—PM 157

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1998.

MESSAGES FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2993. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 3445. An act to establish the Commission on Ocean Policy, and for other purposes.

H.R. 3898. An act to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4002. An act to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania, as the "Freeman Hankins Post Office Building".

H.R. 4003. An act to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

H.J. Res. 117. Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

The message also announced that the House disagrees to the amendment of

the Senate to the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mr. LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAULO, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4194) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. DELAY, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. WICKER, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. SABO, Mr. TORRES, Mr. OLVER, Mr. PASTOR, Mr. CRAMER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KOLBE, Mr. WOLF, Mr. ISTOOK, Mrs. NORTHUP, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. MCDADE, Mr. HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4103) mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. MCDADE, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. MURTHA, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKEY, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. YOUNG of Florida, Mr. CUNNINGHAM, Mr. WAMP, Mr. LATHAM, Mr. LIVINGSTON, Mr. SERRANO, Mr. FAZIO of California, Mr. HOYER, and Mr. OBEY as the managers of the conference on the part of the House.

At 5:57 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4300. An act to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

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-6942. A communication from the Special Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities" (Docket R-0982) received on September 15, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-6943. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing Coverage of Federal Sector Labor Relations Laws to the Executive Office of the President" received on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 12-420 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6945. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of two rules governing electronic filing by presidential candidates (11 C.F.R. 9003.1 and 9033.1) received on September 14, 1998; to the Committee on Rules and Administration.

EC-6946. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in the Southeastern States; Increased Assessment Rate" (Docket FV98-953-1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6947. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; Increased Assessment Rate" (Docket FV98-927-1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6948. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Regulatory Program" (No. AR-030-FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC-6949. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (No. ND-032-FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC-6950. 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 "Last-In, First-Out Inventories" (Rev. Rul. 98-48) received on September 14, 1998; to the Committee on Finance.

EC-6951. 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 "Interest on Bonds to Finance Certain Exempt Facilities" (Rev. Rul. 98-47) received on September 14, 1998; to the Committee on Finance.

EC-6952. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation Equity Act for the 21st Century; Implementation of Guidance for Discretionary Program Funds for National Scenic Byways" (RIN2125-ZZ03) received on September 14, 1998; to the Committee on Environment and Public Works.

EC-6953. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Guidance for Fiscal Year 1999 Interstate Discretionary (ID) Funds" (RIN2125-ZZ02) received on September 14, 1998; to the Committee on Environment and Public Works.

EC-6954. 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 regarding Pennsylvania's enhanced I/M SIP revision (FRL6160-8) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6955. 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 "Georgia: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6161-5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6956. 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 "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL6160-6) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6957. 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 regarding requirements for standards of performance for new fossil-fuel fired steam generation units (FRL6159-2) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6958. 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 "State of Alaska Petition for Exemption From Diesel Fuel Sulfur Requirement" (FRL6159-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6959. 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 "Control of Emissions of Air Pollution From Nonroad Diesel Engines" (FRL6155-3) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6960. 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 "National Emissions Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production" (FRL6157-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6961. 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 "Propyzamide; Pesticide Tolerances for Emergency Exemptions" (FRL6022-5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6962. 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 "Myclobutanil; Pesticide Tolerances for Emergency Exemptions" (FRL6025-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6963. 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 "Desmedipham; Ex-

tension of Tolerances for Emergency Exemption" (FRL6026-4) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6964. 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 "Trichoderma Harzianum Strain T-39; Exemption from the Requirement of a Temporary Tolerance" (FRL6022-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6965. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Geographic Partitioning and Spectrum Disaggregation for the 220-222 MHz Service" (Docket 93-252) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6966. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding the Commission's Finder's Preference Rules" (Docket 96-199) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6967. 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 "Designated Critical Habitat; Green and Hawksbill Sea Turtles" (I.D. 110797B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6968. A communication from the Director of the Office of Executive Assistance Management, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations" (RIN0605-AA09) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6969. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Inc., Piston Pins Installed on Teledyne Continental Motors Reciprocating Engines" (Docket 97-ANE-37-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6970. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 97-NM-54-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6971. 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 2000 Series Airplanes" (Docket 97-NM-144-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6972. 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 ATR72-212A Series Airplanes" (Docket 98-NM-159-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6973. 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; Fitchburg, MA" (Docket 98-ANE-93) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6974. 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; Bennington, VT" (Docket 98-ANE-94) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6975. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines" (Docket 98-ANE-44-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6976. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines" (Docket 97-ANE-50-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6977. 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 PW4000 Series Turbofan Engines" (Docket 98-ANE-02-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6978. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10 Sailplanes" (Docket 93-CE-24-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6979. 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; Bowman, ND" (Docket 93-CE-24-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6980. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Withdrawal of Radiation Protection Program Requirement" (RIN2137-AD14) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6981. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Low Stress Hazardous Liquid Pipelines Serving Plants and Terminals" (RIN2137-AC87) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6982. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model G-V Series Airplanes" (Docket 98-NM-230-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6983. 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

4101 Airplanes" (Docket 98-NM-167-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6984. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98-NM-01-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6985. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped with Rolls-Royce Model RB211-535E4/E4B Engines" (Docket 98-NM-183-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6986. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 98-NM-242-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6987. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Expansion of Restricted Area R-6002, Poinsett-Sumter, SC" (Docket 94-ASO-9) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6988. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29322) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6989. 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 DC-9-80 Series Airplanes and Model MD-90-30 and MD-88 Airplanes" (Docket 98-NM-10-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6990. 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; Johnson City, TX" (Docket 98-ASW-33) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6991. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; San Antonio, Kelly AFB, TX" (Docket 98-ASW-35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6992. 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; Morgan City, LA" (Docket 98-ASW-36) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6993. 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; Cameron, LA" (Docket 98-ASW-37) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6994. 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; Pascagoula, MS" (Docket 98-ASW-38) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6995. 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; Refugio, TX" (Docket 98-ASW-34) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6996. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B, 269C, 269D, and TH-55A Helicopters" (Docket 96-SW-10-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6997. 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 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6998. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98-NM-18-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6999. 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; Goodland, KS" (Docket 98-ACE-35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7000. 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; Crosby, ND" (Docket 98-AGL-42) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7001. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction of Class E Airspace; Akron, CO" (Docket 98-ANM-10) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7002. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB20 and TB21 Airplanes" (Docket 95-CE-64-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7003. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Sheboygan River, WI" (Docket 9-98-003) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7004. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; City of Clarksville Riverfest; Cumberland River Mile 125.5 TO 127.0, Clarksville, TN" (Docket 8-96-058) received on September

15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7005. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Rising Sun Regatta; Ohio River Mile 505.0-507.0, Rising Sun, IN" (Docket 8-98-051) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7006. 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; Prairie Du Chien, WI" (Docket 98-AGL-32) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7007. 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; Theodore, AL" (Docket 98-ASW-39) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

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-542. A petition from a citizen of the State of Texas relative to a proposed term limits Constitutional Amendment; to the Committee on the Judiciary.

POM-543. A petition from a citizen of the State of Texas relative to the processing of petitions and memorials addressed to the United States Senate; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. GRAHAM): S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

By Mr. GORTON:
S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:
S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

By Mr. LEAHY:
S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 2482. A bill to amend the Internal Revenue Code of 1986 to designate certain entities organized to participate in States workmen's compensation assigned risk insurance plans as tax-exempt entities; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2485. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

By Mr. KERREY:

S. 2486. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2487. A bill to amend The Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Mrs. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID):

S. Res. 278. A resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Con. Res. 118. A concurrent resolution authorizing the use of the Capitol Rotunda on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Mandela; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

CIVIL SERVICE LONG-TERM CARE INSURANCE BENEFIT ACT

• Mr. GRASSLEY. Mr. President, today I introduce the Civil Service Long-Term Care Insurance Benefit Act. This legislation is an important first step in helping Americans prepare for their long-term care needs.

I am pleased to have my colleague Senator GRAHAM of Florida join me as a cosponsor of this legislation, which has also been introduced in the House of Representatives by Representative JOHN MICA.

The Civil Service Long-Term Care Insurance Benefit Act will establish a program under which long-term care insurance may be obtained by current and former employees of the federal government. The premiums will not be subsidized by the government and will be paid for entirely by the employee or retiree. However, this legislation will make long-term care insurance more affordable to by using the government's purchasing power to negotiate volume discounts.

It is my belief that the participation of a large employer such as the federal government in the long-term care insurance market will act as a catalyst to encourage other large employers to offer similar plans. This legislation will establish a larger market for long-term care insurance and help ensure the availability of competitively priced, high quality insurance products.

This measure will encourage Americans to be pro-active and prepare for their long term care needs by making insurance more widely available and affordable. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2477

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 "Civil Service Long-Term Care Insurance Benefit Act".

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.

"9001. Definitions.

"9002. Availability of insurance.

"9003. Participating carriers.

"9004. Administrative functions.

"9005. Coordination with State laws.

"9006. Commercial items.

"§ 9001. Definitions

"For purposes of this chapter:

"(1) EMPLOYEE.—The term 'employee' has the meaning given such term by section 8901, but does not include an individual employed by the government of the District of Columbia.

"(2) ANNUITANT.—The term 'annuitant' means—

"(A) a former employee who, based on the service of that individual, receives an annuity under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government (disregarding title XVIII of the Social Security Act and any retirement system established for employees described in section 2105(c)); and

"(B) any individual who receives an annuity under any retirement system referred to in subparagraph (A) (disregarding those described parenthetically) as the surviving spouse of an employee (including an amount under section 8442(b)(1)(A), whether or not an annuity under section 8442(b)(1)(B) is also payable) or of a former employee under subparagraph (A);

but does not include a former employee of a Government corporation excluded by regulation of the Office of Personnel Management or the spouse of such a former employee.

"(3) ELIGIBLE RELATIVE.—The term 'eligible relative', as used with respect to an employee or annuitant, means each of the following:

"(A) The spouse of the employee or annuitant.

"(B) The father or mother of the employee or annuitant, or an ancestor of either.

"(C) A stepfather or stepmother of the employee or annuitant.

"(D) The father-in-law or mother-in-law of the employee or annuitant.

"(E) A son or daughter of the employee or annuitant who is at least 18 years of age.

"(F) A stepson or stepdaughter of the employee or annuitant who is at least 18 years of age.

"(4) GOVERNMENT.—The term 'Government' means the Government of the United States, including an agency or instrumentality thereof.

"(5) GROUP LONG-TERM CARE INSURANCE.—The term 'group long-term care insurance' means group long-term care insurance purchased by the Office of Personnel Management under this chapter.

"(6) INDIVIDUAL LONG-TERM CARE INSURANCE.—The term 'individual long-term care insurance' means any long-term care insurance offered under this chapter which is not group long-term care insurance.

"(7) QUALIFIED CARRIER.—A carrier shall be considered to be a 'qualified carrier', with respect to a State, if it is licensed to issue group or individual long-term care insurance (as the case may be) under the laws of such State.

"(8) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

"§ 9002. Availability of insurance

"(a) IN GENERAL.—The Office of Personnel Management shall establish and administer a program through which employees and annuitants may obtain group or individual long-term care insurance for themselves, a spouse, or, to the extent permitted under the terms of the contract of insurance involved, any other eligible relative.

“(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

“(1) the only insurance protection provided is coverage under qualified long-term care insurance contracts; and

“(2) the insurance contract under which such coverage is provided is issued by a qualified carrier.

“(c) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(8), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

“(d) COVERAGE NOT REQUIRED FOR INDIVIDUALS WHO WOULD BE IMMEDIATELY BENEFIT ELIGIBLE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be immediately benefit eligible.

“§ 9003. Participating carriers

“(a) IDENTIFICATION OF PARTICIPATING CARRIERS.—The Office of Personnel Management shall, before the start of each year—

“(1) identify each carrier through whom any long-term care insurance may be obtained under this chapter during such year; and

“(2) prepare a list of the carriers identified under paragraph (1), and a summary description of the insurance obtainable under this chapter from each.

“(b) APPLICATION REQUIREMENTS, ETC.—In order to carry out its responsibilities under subsection (a), the Office shall annually specify the timetable (including any application deadlines) and other procedures that must be followed by carriers seeking to be allowed to offer long-term care insurance under this chapter during the following year.

“(c) INFORMATION TO PERMIT INFORMED DECISIONMAKING.—The Office shall in a timely manner before the start of each year—

“(1) publish in the Federal Register the list (and summary description) prepared under subsection (a) for such year; and

“(2) make available to each individual eligible to obtain long-term care insurance under this chapter such information, in a form acceptable to the Office after consultation with the carrier, as may be necessary to enable the individual to exercise an informed choice among the various options available under this chapter.

“(d) POLICY OR BENEFIT CERTIFICATE.—The Office shall arrange to have the appropriate individual or individuals receive a copy of any policy of insurance obtained under this chapter or, in the case of group long-term care insurance, a certificate setting forth the benefits to which an individual is entitled, to whom the benefits are payable, and the procedures for obtaining benefits, and summarizing the provisions of the policy principally affecting the individual or individuals involved. Any such certificate shall be issued instead of the certificate which the insurance company would otherwise be required to issue.

“§ 9004. Administrative functions

“(a) IN GENERAL.—Except as provided in section 9003, the sole functions of the Office of Personnel Management under this chapter shall be as follows:

“(1) ENROLLMENT PERIODS.—To provide reasonable opportunity (consisting of not less than one continuous 30-day period each year) for eligible employees and annuitants to obtain long-term care insurance coverage under this chapter.

“(2) WITHHOLDINGS.—To provide for a means by which the cost of any long-term care insurance coverage obtained under this

chapter may be paid for through withholdings from the pay or annuity of the employee or annuitant involved.

“(3) CONTRACT AUTHORITY RELATING TO GROUP LONG-TERM CARE INSURANCE.—To contract for a qualified long-term care insurance contract (in the case of group long-term care insurance) with each qualified carrier that offers such insurance, so long as such carrier submits a timely application under section 9003(b) and complies with such other procedural rules as the Office may prescribe.

“(b) LIMITATIONS ON AUTHORITY.—Nothing in this chapter shall be considered to permit or require the Office—

“(1) to prevent from being offered under this chapter any individual long-term care insurance under a qualified contract therefor; or

“(2) to prescribe or negotiate over the benefits to be offered, or any of the terms or conditions under which any such benefits shall be offered, under this chapter.

“§ 9005. Coordination with State laws

“(a) IN GENERAL.—The provisions of any contract under this chapter for group long-term care insurance may include provisions to supersede and preempt any provisions of State or local law described in subsection (b), or any regulation issued thereunder.

“(b) DESCRIPTION.—This subsection applies with respect to any provision of law which in effect carries out the same policy as section 5 of the long-term care insurance model Act, promulgated by the National Association of Insurance Commissioners (as adopted as of September 1997).

“§ 9006. Commercial items

“For purposes of the Office of Federal Procurement Policy Act, a long-term care insurance contract under this chapter shall be considered a commercial item, as defined by section 4(12) of such Act.”

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

“90. Long-Term Care Insurance 9001”.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect beginning on the first day of the first applicable pay period beginning on or after January 1, 2000.●

● Mr. GRAHAM. Mr. President, I am pleased to join my colleague, Senator GRASSLEY, today in introducing legislation that will give many Americans a better chance of financial security in retirement, and make the Federal Government a role model for American companies.

The issue is long term care insurance. When starting to work on this legislation, several facts seemed most important:

In 1995 the average cost of nursing home care in the United States was \$37,000 per year. In some urban areas of the country, that cost can reach \$70,000 per year. Medicare provides short-term care coverage, but the average nursing home stay is two and one-half years. In fact, Medicare paid for only five percent of national nursing home costs.

Not all long term care occurs in nursing homes—85 percent of nursing home care is non skilled care. Again, Medicare does not cover non skilled care, so

all of these costs must be covered by the patient and his or her family members.

Medicaid will provide nursing home and some non skilled care coverage, but an individual must be extremely low income, or become low income, to qualify for Medicaid. This program currently pays for over half of nursing home expenses in the United States. But who wants to see their lifetime savings, and their children's inheritance, wiped out to pay for the cost of a catastrophic long term illness.

Unfortunately, many of us will face this circumstance. It is estimated that the majority of women and one-third of men who reach the age of 60 will need nursing home care before the end of their life. Many of the baby boom generation are already facing this issue as they deal with their parents' needs.

Long term care is one of the most important retirement security issues facing us today. According to a 1997 survey sponsored by the National Council on the Aging, more Americans (69 percent) were worried about how to pay for long term care than were worried about how they would pay for their retirement (56 percent). This level of concern was true for all age groups and income levels among those surveyed.

Although many companies are considering offering this insurance to their employees, as of 1996 only 13.2 percent of long-term care plans were employer-sponsored.

Today, Senator GRASSLEY and I are moving the Federal Government into a leadership role by creating a model long term care insurance program for Federal employees. I am very pleased to be working, once again, with Senator GRASSLEY to develop another proposal in our ongoing efforts to improve retirement security for all Americans.

We are introducing today the Civil Service Long-Term Care Insurance Benefit Act, a companion to the legislation by our colleague in the House, Representative JOHN MICA of Florida.

We will offer private companies the opportunity to compete to provide long-term care insurance to Federal employees. Our plan will not be at a high cost to taxpayers; premiums will be fully paid by Federal employees—however, by pooling the numbers of workers in the federal government, lower group rates are achieved.

Only plans qualified under the Health Insurance Portability and Accountability Act of 1996 may offer this insurance to Federal workers through our legislation, but beyond that, we will let the marketplace determine the cost and services of plans employees may purchase. Flexibility is important in this relatively young industry as insurance companies are still in the process of determining how to most effectively provide this product. Competition among the various carriers, group discounts and volume of sales will keep these premiums affordable.

Eleven million individuals, including employees and retirees, their spouses,

parents, and in-laws would be eligible under our proposal. This bill is just a first step, but an important one. In encourage your support as we continue to improve retirement security, in all of its aspects, for all Americans.●

By Mr. GORTON:

S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

MOUNT BAKER SNOQUALMIE NATIONAL FOREST
LEGISLATION

● Mr. GORTON. Mr. President, in recent years, I have become increasingly frustrated with the inability of the Forest Service to complete work on several small hydroelectric projects located on the Mount Baker/Snoqualmie National Forest in my State. The Service's inability to make important decisions on these renewable energy resources is based on an inaccurate interpretation of the President's Northwest Forest Plan ("ROD") which has stopped these projects from going forward.

The President's Northwest Forest Plan states clearly that multipurpose uses of the federal forests are not precluded, and that the plan must follow existing law applying to such uses. Yet, since its adoption in 1994, the Forest Service has and continues to paralyze the development of small hydroelectric projects by ignoring laws applying to multipurpose. This inaction has delayed and stifled review of such projects by the Federal Energy Regulatory Commission—the agency responsible for issuing federal licenses for hydroelectric projects.

Forest Service interpretation of the ROD intrudes directly on the ability of the Commission to perform its hydroelectric licensing function of balancing development and nondevelopment issues. Both the Commission, when determining consistency with the purpose of a national forest under Section 4(e) of the Act, and the Forest Service, when determining whether to issue a special use permit, must apply existing law fairly. Forest Service inaction on pending projects (some of which have been under review for over a decade) prevents FERC from completing its licensing responsibilities.

In terms of federal forest management, the six small hydroelectric projects proposed for the Mount Baker/Snoqualmie National Forest are virtually inconsequential. All are located well above areas affecting anadromous fish, and would occupy a total of 10 to 40 acres each, with most of the sites being untouched except for the portions needed for project facilities. Adverse impacts to fish, wildlife or other environmental resources are subject to mitigation by FERC and the Forest Service.

Project proponents in my state have spent millions of dollars to secure approval of six projects located in the Mount Baker/Snoqualmie National

Forest, including project design and environmental analysis necessary to gain approval from the Forest Service and FERC. In spite of the fact that the 1994 ROD instructs the Forest Service to use "transition" provisions to approve pending projects, it has not done so, and continues to add project review requirements not allowed by the ROD or existing law. As a result, the Forest Service is stopping FERC from making timely licensing decisions on these projects. Shifting standards of review and delay by the Forest Service have deprived project proponents of their right to rely upon clear standards for project approval before expending funds in reliance on such standards.

Many aspects of these projects were found to be in compliance with prior forest regulations and other environmental laws, and are being subjected to duplicative and inconsistent review. Provisions of the ROD developed for application to extremely large-scale timber harvest are not meant to impact small-scale hydroelectric projects. Timber management regulations are totally disproportionate with the scale of any potential environmental impacts of small-scale hydroelectric facilities. In fact, the ROD itself explicitly recognizes that uses other than timber harvest do not require the same level of restrictions.

The Forest Service continues to use the ROD as a reason for imposing new study requirements, increasing mitigation demands, and ignoring agreements on project compliance with forest plan standards and FERC requirements. Each new requirement adds onerous financial burdens on project proponents, delays project approval, and undermines the regulatory need for an end to project review so a final licensing decision can be made by FERC.

Actions by the Forest Service have placed that agency in direct conflict with FERC, a result not intended by the ROD. FERC's jurisdiction over hydroelectric project licensing is unaltered by the ROD, which itself calls for increased interagency cooperation, not confrontation.

Mr. President, I have tried in recent years through my position as Chairman of the Senate Interior Appropriations Subcommittee responsible for funding the Forest Service's annual budget to get some answers from this agency as to why it was holding up these hydroelectric projects. In 1995, I inserted language directing the Forest Service to "conduct an expeditious review" of projects covered by the ROD. In subsequent hearings, I have continued to ask agency witnesses for a status report. To date, none of the responses from the Forest Service have satisfied my concerns or adequately addressed this issue.

For this reason, I am introducing legislation today that would expedite the hydroelectric project review process. It will require the Forest Service to convey to permit holders and license applicants for these projects at fair market

value the parcels of land necessary for development of these projects. While I would prefer and am still hopeful that this issue can be resolved in negotiations between the project proponents and the agency, clearly this process is broken and needs to be fixed. This legislation should serve as a catalyst for resolving outstanding hydroelectric project review issues. Project proponents deserve at least that much.●

By Ms. SNOWE:

S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

THE ADVANCEMENT OF WOMEN AND MINORITIES
IN SCIENCE, ENGINEERING AND TECHNOLOGY
DEVELOPMENT ACT

● Ms. SNOWE. Mr. President, today I am introducing legislation to create a commission on the advancement of women and minorities in science, engineering and technology development. The House version, H.R. 3007, introduced by my good friend, Congresswoman MORELLA, passed the House under suspension of the rules on Monday.

Six years ago, I testified before the House Education and Labor Committee in support of this legislation, as co-chair of the Congressional Caucus on Women's Issues. It was a priority for the Caucus in 1992, and it remains one of the top seven priorities for the Caucus this year.

Since the 102d Congress, when Congresswoman MORELLA first introduced this bill on behalf of the Caucus, we have learned more about the barriers facing women and minorities when they try to enter nontraditional jobs, such as engineering and research, but unfortunately the general facts haven't changed much.

For example, the National Science Foundation's 1996 report, "Women, Minorities and Persons with Disabilities in Science and Engineering," found that even those women who have obtained a degree and are teaching in science and engineering still face barriers to climbing up the ladder to success. The report found that a substantial salary gap exists between men and women with doctorates in science and engineering. It also found that among doctoral scientists and engineers, women are far more likely to be employed at 2 year institutions and, are far less likely to be employed in research universities, and are much more likely to teach part-time.

And the National Research Council's 1995 report, "Women Scientists and Engineers Employed in Industry: Why so Few?," found that women are still facing paternalism, sexual harassment, allegations of reverse discrimination, lower salaries and different standards for judging the work of men and women.

The purpose of the 11 member Commission created under this bill is to review the information on the problems

facing women and minorities in moving into the areas of science and engineering and make recommendations for changes in policy that would remove these artificial barriers which currently prevent women and minorities from entering and excelling in these fields.

We are all aware of the important role that technology plays in our economy today, and for the nation, a workforce possessing technological skills is more than just an earnings issue—it's an issue of meeting national employment needs. Today, experts agree that more than half of the new jobs being created require some form of technology literacy. And by the year 2000, six out of every 10 new jobs will require computer and networking skills currently possessed by only 22 percent of the labor force. We must bridge the gap between "skills demanded" and "skills known" if our Nation is to even fill the jobs that will be available just four years from today.

In order to meet those demands—which are crucial to the future economic growth of our country—we must ensure that women and minorities have access to, and are not kept from, jobs in the science, engineering and technology fields. The bill I am introducing today will help us find ways to level the playing field and take down artificial barriers that are keeping women and minorities from careers in these areas.●

By Mr. LEAHY:

S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE INVASIVE PEST CONTROL ACT OF 1998

● Mr. LEAHY. Mr. President, today I introduce legislation to prevent additional introductions of invasive pests. Last fall, the Northeastern states were startled by reports of an Asian longhorned beetle infestation in Brooklyn and Amityville, New York. This summer, we heard of additional infestations in Chicago and the beetle has been found in wood packing material in South Carolina, California, New Jersey and Texas. Although the beetle has been found primarily in port cities, the shipment of wood packing materials across state lines could lead to the spread of this insect into forested areas across the country.

This beetle is a serious pest of hardwood trees in its native environment in China, where it has few natural enemies. Here, it has none. If this pest becomes established in our forests, it could turn into the gypsy moth of the 21st century. And, as we learned from the spread of the gypsy moth along the East Coast, repeated introductions of the Asian Long-Horned Beetle and its spread could have a staggering economic and ecological impact on our forests.

It also seems that the beetle has a sweet tooth—attacking mostly Norway

and sugar maples. As Vermont and the Northeast begin the leaf peeping season this fall, the threat of an Asian longhorned beetle invasion has us all checking our trees for possible signs of the pest. Not only is the sugar maple the source of our world famous Vermont maple syrup, but it is also what turns our treasured Green Mountains brilliant yellow, orange and red each year. It is what attracts so many visitors to our state this time of year. The wood is also highly prized for furniture, paneling and wood flooring.

Without immediate attention, spread of this insect into forested areas of New York, Vermont and Massachusetts could threaten the important maple sugar and fall foliage industries of the Northeast. These things can chew trees into sawdust. The last thing I want to see in my backyard is one of these bark-eating, sap-sucking intruders from Asia.

What is even more alarming is that we do not yet have a way to treat this pest. The only way to get rid of it is by destroying all the infested trees. The best way to fight this pest, and similar non-native wood borers, is to make sure they do not get into our country in the first place. That is why I am introducing legislation today to prevent additional introductions of the beetle and other invasive pests into the United States.

The "Invasive Pest Control Act" will stiffen the requirements for treatment of imports that use solid wood products and wood packing material like pallets and crates. It will require that these imports either be debarked, kiln-dried or fumigated, depending on size, before they enter the United States. After five years, the use of these packing materials will be prohibited. This will give importers plenty of time to find alternative materials to ship their products. It will also give us a long-term insurance policy against future pest introductions.

I want to make clear that the Asian longhorned beetle is only one of many invasive pests that present a serious threat to our forests. Spruce bark beetle and Mediterranean pine engraver beetle are two other invasive pests that we should be concerned about. My legislation will help prevent all of these stowaways from sneaking into our ports and then into our forests.

This legislation is only a first step in preventing future introductions of these pests. We also need to increase funding for the Animal and Plant Health Inspection Service to increase the number of inspectors at our ports and improve shipping information on imports to track the source of these pests. We also need to launch a public awareness campaign to help detect any infestations within our country. In Vermont, we have beetle-identification cards to help the public spot the beetle in their backyards or sugarbushes. We need to do this in all the high-risk areas.

All of these steps will help protect our forests and forest economies from

the Asian longhorned beetle and other pests that could wreak havoc if they get their antennas in the door.

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. 2480

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 "Invasive Pest Control Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the importation of unprocessed logs, lumber, and other unmanufactured wood articles into the United States may result in the introduction of nonindigenous pests and pathogens to native North American forests;

(2) when environmental conditions are favorable, nonindigenous pests and pathogens may prey on and devastate native North American tree species, devastate habitat, disrupt other native species and the environment, and disrupt the economy of affected forest areas;

(3) the Comptroller General of the United States has reported that the potential economic disruption to communities affected by nonindigenous pests and pathogens entering the United States, including forest pests, costs an estimated \$41,000,000,000 annually in lost production and expenses for prevention and control;

(4) commercial forestry is estimated to lose forest products valued at \$4,000,000,000 each year due to infestations of nonindigenous pests and pathogens;

(5) once introduced into the United States on unprocessed logs, lumber, and other unmanufactured wood articles, nonindigenous pests and pathogens are unintentionally or unknowingly transported and introduced into inland forests and habitats by truck transport and train shipment to mills, consumers, and producers and by a variety of other means, including wind, water, and wildlife;

(6) examples of nonindigenous pests and pathogens infesting forests of the United States that have caused or have the potential to cause adverse economic and ecological effects include—

(A) Dutch Elm disease, which—

(i) was introduced into the United States in the 1920's with a shipment of European logs delivered to the Port of New York and then forwarded to the Midwest by train;

(ii) has spread throughout the United States, now to an estimated 1,000,000 trees; and

(iii) has decimated the American and other native elm species;

(B) the Gypsy Moth, which—

(i) has no natural predators in the United States;

(ii) spread rapidly and now infests Northeast forest in approximately 200,000 square miles, with smaller infestations occurring in several other areas from the Carolinas to British Columbia; and

(iii) feeds on hundreds of different tree species and during outbreaks can defoliate many hardwood and shrub species in their path, seriously weakening trees and stunting the growth of, and eventually killing, many of the trees;

(C) the Asian Long-Horned Beetle, which—

(i) is a new exotic pest that has been discovered at ports across the United States;

(ii) has no natural enemies and has attacked mostly Norway and sugar maples,

some of the most valuable trees in the Northeast; and

(iii) is considered a serious threat to the maple sugar industry, lumber industry, homeowner property values, and tourism in the Northeast; and

(D) more recent nonindigenous pests and pathogens that have become established in the forests of the United States and are causing economic and ecological degradation with respect to the natural forest resources of the United States, including the Port Orford Cedar Root Rot, the Pine Wilt disease, the Eurasian poplar rust fungus (discovered on the West Coast), and the pine shoot beetle (introduced in the Great Lakes area); and

(7) if preventive management measures are not taken in a timely manner throughout the United States to prevent nonindigenous pests and pathogens from entering the United States on unprocessed wood products or to control their entry, further introductions and infestations of nonindigenous plants and pathogens will occur.

SEC. 3. PURPOSES.

The purpose of this Act are—

(1) to prevent the unintentional introduction and dispersion of nonindigenous pests and pathogens into forests of the United States through the importation of unprocessed logs, lumber, and other unmanufactured wood articles;

(2) to preserve and protect the health of the forests of the United States, the forest-dependent economy of the United States, native North American tree species, and irreplaceable habitat from the potentially devastating effects of nonindigenous pests and pathogens;

(3) to coordinate federally conducted, funded, or authorized research, prevention, control, information dissemination, and other activities regarding forest pests and pathogens; and

(4) to understand and minimize the economic and ecological impact of nonindigenous pests and pathogens.

SEC. 4. DEFINITIONS.

In this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **TREATMENT.**—The term “treatment” means—

(A) in the case of—

(i) a wood article that is greater than 14 centimeters in diameter at the broadest point; and

(ii) wood chips, sawdust, wood mulch, and wood shavings; debarking and heating the wood article until the core reaches at least 71.1 degrees Celsius for at least 75 minutes; and

(B) in the case of a wood article that is less than 14 centimeters in diameter at the broadest point—

(i) fumigation with an effective fumigant;

(ii) kiln drying according to the Dry Kiln Operator's Manual, Agriculture Handbook No. 188; or

(iii) pressure treatment with an effective chemical preservative.

(3) **WOOD ARTICLE.**—The term “wood article” means a log, lumber, whole tree, cut tree or portion of a tree (not solely consisting of leaves), flower, fruit, bud, seed, bark, cork, lath, hog fuel, sawdust, painted raw wood product, excelsior (wood wool), wood chip, wood mulch, wood shaving, picket, stake, shingle, pallet, wood packing material, humus, compost, or litter, that is unprocessed or has received only primary processing.

SEC. 5. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, WOOD ARTICLES, AND MEANS OF CONVEYANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, wood article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dispersion of a nonindigenous pest, pathogen, or noxious weed.

(b) **IMPORTED WOOD ARTICLES.**—Each wood article (other than a pallet, solid wood packing material, or dunnage) to be imported into the United States shall be—

(1) subject to treatment not more than 24 hours prior to importation, in the exporting country or a hold aboard a ship during transport; and

(2) subject to treatment not later than 24 hours after importation at the United States port of entry.

(c) **PALLETS AND SOLID WOOD PACKING MATERIALS.**—

(1) **TREATMENT DURING INTERIM PERIOD.**—During the 5-year period beginning on the date of enactment of this Act, each pallet, solid wood packing material, and dunnage composed of wood used to import an article into the United States shall be—

(A) subject to treatment in accordance with its dimensions prior to first importation into the United States; and

(B) marked with an international symbol designating the treatment method.

(2) **PROHIBITION AFTER INTERIM PERIOD.**—Effective beginning on the date that is 5 years after the date of enactment of this Act, the importation into the United States of a pallet, packing material, or dunnage composed of wood is prohibited.

SEC. 6. PLANT HEALTH AND ECOSYSTEM PROTECTION TASK FORCE.

(a) **IN GENERAL.**—There is established a “Plant Health and Ecosystem Protection Task Force”.

(b) **MEMBERSHIP.**—The membership of the Task Force shall consist of—

(1) the Secretary of Agriculture or a designee;

(2) the Administrator of the Animal and Plant and Health Inspection Service;

(3) a representative of each Federal agency with responsibility for managing natural resources (as determined by the President), appointed by the head of the agency, including—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service;

(E) the National Oceanic and Atmospheric Administration;

(F) the Agricultural Research Service;

(G) the Agricultural Marketing Service;

(H) the Natural Resource Conservation Service; and

(I) the Environmental Protection Agency;

(4) a representative of the agency of each State responsible for managing natural resources in the State, appointed by the Governor of the State;

(5) a representative of each nongovernmental organization with an interest or expertise in plant health and ecosystem protection (as determined by the President), appointed by the head of the organization, including representatives of—

(A) public interest environmental groups;

(B) affected industry representatives;

(C) ecologists; and

(D) scientists in relevant disciplines.

(c) **DUTIES.**—The Task Force shall develop criteria for establishing precautionary phytosanitary procedures to minimize the likelihood of the introduction or dispersion of nonindigenous pests and pathogens in the course of international or interstate commerce or travel.

SEC. 7. FEES.

The Secretary of the Treasury shall—

(1) require a person that imports a wood article into the United States to obtain a permit before the article may be imported into the United States;

(2) require the person to pay an application fee for the permit, in an amount determined by the Secretary of Agriculture; and

(3) transfer all fees collected under paragraph (2) to the Fund established under section 8.

SEC. 8. PEST REDUCTION IN WOOD ARTICLES FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Pest Reduction in Wood Articles Fund”, to be used in accordance with this section (referred to in this section as the “Fund”), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) **TRANSFERS TO FUND.**—There are appropriated to the Fund amounts equivalent to amounts collected as fees and received in the Treasury under section 7.

(c) **EXPENDITURES FROM FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary to support the costs of certifying treatment facilities and conducting research to develop appropriate technology for the control of the importation of nonindigenous species on unprocessed logs, lumber, and other unmanufactured wood articles.

(2) **ADMINISTRATIVE EXPENSES.**—An amount not exceeding 10 percent of the amounts in the Fund shall be available in each fiscal year to pay the administrative expenses necessary of carrying out this Act.

(d) **INVESTMENT OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.●

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

THE PUBLIC BUILDINGS REFORM ACT OF 1998

• Mr. BAUCUS. Mr. President, today I am introducing the Public Buildings Reform Act of 1998. Let me start by expressing my thanks to the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and the Chairman of the relevant subcommittee, Senator WARNER, for their support of this bill.

Mr. President, the Public Buildings Reform Act will go a long way to helping Congress make wise decisions on public buildings construction. It will help Congress achieve some discipline with respect to the cost of new Federal buildings and courthouses. Specifically, the bill will bring some sanity to the Federal building and courthouse construction program.

I have been working on Federal building issues for a number of years. And the more I have learned about the issue, the more concerned I have become. It is very important that we reform the Federal building and courthouse construction program. This bill will do just that.

Why do we need reform? Because of the amount of funding that is devoted each year to new courthouse and other Federal building projects. We need to spend this money wisely and only on those projects that are truly needed.

The Public Buildings Reform Act will help do just that. It accomplishes two major goals—prioritization of courthouse projects and other Federal buildings projects; and gaining control of the courthouse construction design guide.

The Public Buildings Reform Act of 1998 is similar to legislation I introduced a few years ago. At that time, the Environment and Public Works Committee unanimously passed this legislation—which then went on to pass the entire Senate.

However, the House failed to act on this legislation. So we find ourselves in the position of trying again. I and my colleagues introduce this legislation at this time so that the debate on public buildings reform will continue.

I have been pleased that GSA and the Administrative Office of the Courts have made numerous improvements to the public building approval process since 1995. But these improvements must be codified so that there is no question that they will be continued in the future. Also, there are further steps that need to be taken in the area of Federal Government asset management.

It is my hope that in the coming months, Congress will look hard at the public buildings approval process and will prepare legislation that can be enacted in the next Congress.

Working with GSA, the Courts and others, I am confident we can take the steps necessary to assure the taxpayers that there are appropriate cost controls in place. That is our job.

Mr. President, I ask unanimous consent that a copy 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. 2481

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 “Public Buildings Reform Act of 1998”.

SEC. 2. SITE SELECTION.

Section 5 of the Public Buildings Act of 1959 (40 U.S.C. 604) is amended by adding at the end the following:

“(d) CONSIDERATION OF COSTS.—In selecting a site for a project to construct, alter, or acquire a public building, or to lease office or any other type of space, under this Act, the Administrator shall consider the impact of the selection of a particular site on the cost and space efficiency of the project.”.

SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILDINGS PROJECTS.

(a) IN GENERAL.—Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended—

(1) in subsection (a)—
(A) by striking the last sentence;
(B) in the first sentence, by striking “In order” and inserting the following:

“(2) PREREQUISITES TO OBLIGATION OF FUNDS.—

“(B) APPROVAL REQUIREMENTS.—

“(i) CONSTRUCTION, ALTERATION, AND ACQUISITION.—In order”;

(C) in the second sentence, by striking “No” and inserting the following:

“(ii) LEASE.—No”;

(D) in the third sentence, by striking “No” and inserting the following:

“(iii) ALTERATION.—No”;

(E) by striking “SEC. 7. (a)” and inserting the following:

“SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED PROJECTS.

“(a) IN GENERAL.—

“(1) PUBLIC BUILDINGS PLAN.—

“(A) IN GENERAL.—Not later than 15 days after the President submits to Congress the budget of the United States Government under section 1105 of title 31, United States Code, the Administrator shall submit to Congress a public buildings plan (referred to in this subsection as the ‘triennial plan’) for the first 3 fiscal years that begin after the date of submission. The triennial plan shall specify such projects for which approval is required under paragraph (2)(B) relating to the construction, alteration, or acquisition of public buildings, or the lease of office or any other type of space, as the Administrator determines are necessary to carry out the duties of the Administrator under this Act or any other law.

“(B) CONTENTS.—The triennial plan shall include—

“(i) a 5-year strategic management plan for capital assets under the control of the Administrator that—

“(I) provides for accommodating the office space and other public building needs of the Federal Government; and

“(II) is based on procurement mechanisms that allow the Administrator to take advantage of fluctuations in market forces affecting building construction and availability;

“(ii) a list—

“(I) in order of priority, of each construction or acquisition (excluding lease) project described in subparagraph (A) for which an authorization of appropriations is—

“(aa) requested for the first of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the ‘first year’);

“(bb) expected to be requested for the second of the 3 fiscal years of the triennial plan

referred to in subparagraph (A) (referred to in this paragraph as the ‘second year’); or

“(cc) expected to be requested for the third of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the ‘third year’); and

“(II) that includes a description of each such project and the number of square feet of space planned for each such project;

“(iii) a list of each lease or lease renewal described in subparagraph (A) for which an authorization of appropriations is—

“(I) requested for the first year; or

“(II) expected to be requested for the second year or third year;

“(iv) a list, in order of priority, of each planned repair or alteration project described in subparagraph (A) for which an authorization of appropriations is—

“(I) requested for the first year; or

“(II) expected to be requested for the second year or third year;

“(v) an explanation of the basis for each order of priority specified under clauses (ii) and (iv);

“(vi) the estimated annual and total cost of each project requested in the triennial plan;

“(vii) a list of each public building planned to be wholly vacated, to be exchanged for other property, or to be disposed of during the period covered by the triennial plan; and

“(viii) requests for authorizations of appropriations necessary to carry out projects listed in the triennial plan for the first year.

“(C) PRESENTATION OF INFORMATION IN PLAN.—

“(i) FIRST YEAR.—In the case of a project for which the Administrator has requested an authorization of appropriations for the first year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a prospectus that meets the requirements of paragraph (2)(C).

“(ii) SECOND YEAR AND THIRD YEAR.—

“(I) IN GENERAL.—In the case of a project for which the Administrator expects to request an authorization of appropriations for the second year or third year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a project description.

“(II) GOOD FAITH ESTIMATES.—

“(aa) IN GENERAL.—Each reference to cost, price, or any other dollar amount contained in a project description referred to in subsection (I) shall be considered to be a good faith estimate by the Administrator.

“(bb) EFFECT.—A good faith estimate referred to in item (aa) shall not bind the Administrator with respect to a request for appropriation of funds for a fiscal year other than a fiscal year for which an authorization of appropriations for the project is requested in the triennial plan.

“(cc) EXPLANATION OF DEVIATION FROM ESTIMATE.—If the request for an authorization of appropriations contained in the prospectus for a project submitted under paragraph (2)(C) is different from a good faith estimate for the project referred to in item (aa), the prospectus shall include an explanation of the difference.

“(D) REINCLUSION OF PROJECTS IN PLANS.—If a project included in a triennial plan is not approved in accordance with this subsection, or if funds are not made available to carry out a project, the Administrator may include the project in a subsequent triennial plan submitted under this subsection.”.

(F) in paragraph (2) (as designated by subparagraph (B))—

(i) by inserting after “(2) PREREQUISITES TO OBLIGATION OF FUNDS.—” the following:

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator

may not obligate funds that are made available for any project for which approval is required under subparagraph (B) unless—

“(i) the project was included in the triennial plan for the fiscal year; and

“(ii) a prospectus for the project was submitted to Congress and approved in accordance with this paragraph.”; and

(ii) by adding at the end the following:

“(C) PROSPECTUSES.—For the purpose of obtaining approval of a proposed project described in the triennial plan, the Administrator shall submit to Congress a prospectus for the project that includes—

“(i) a brief description of the public building to be constructed, altered, or acquired, or the space to be leased, under this Act;

“(ii) the location of the building to be constructed, altered, or acquired, or the space to be leased, and an estimate of the maximum cost, based on the predominant local office space measurement system (as determined by the Administrator), to the United States of the construction, alteration, or acquisition of the building, or lease of the space;

“(iii) in the case of a project for the construction of a courthouse or other public building consisting solely of general purpose office space, the cost benchmark for the project determined under subsection (d); and

“(iv) in the case of a project relating to a courthouse—

“(I) as of the date of submission of the prospectus, the number of—

“(aa) Federal judges for whom the project is to be carried out; and

“(bb) courtrooms available for the judges;

“(II) the projected number of Federal judges and courtrooms to be accommodated by the project at the end of the 10-year period beginning on the date;

“(III) a justification for the projection under subclause (II) (including a specification of the number of authorized positions, and the number of judges in senior status, to be accommodated);

“(IV) the year in which the courthouse in use as of the date of submission of the prospectus reached maximum capacity by housing only courts and court-related agencies;

“(V) the level of security risk at the courthouse in use as of the date of submission of the prospectus, as determined by the Director of the Administrative Office of the United States Courts; and

“(VI) the termination date of any lease, in effect as of the date of submission of the prospectus, of space to carry out a court-related activity that will be affected by the project.”; and

(G) by adding at the end the following:

“(3) EMERGENCY AUTHORITY.—

“(A) OVERRIDING INTEREST.—If the Administrator, in consultation with the Commissioner of the Public Buildings Service, determines that an overriding interest requires emergency authority to construct, alter, or acquire a public building, or lease office or storage space, and that the authority cannot be obtained in a timely manner through the triennial planning process required under paragraph (1), the Administrator may submit a written request for the authority to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Administrator may carry out the project for which authority was requested under the preceding sentence if the project is approved in the manner described in paragraph (2)(B).

“(B) DECLARED EMERGENCIES.—

“(i) LEASE AUTHORITY.—Notwithstanding any other provision of this section, the Administrator may enter into an emergency lease during any period of emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5121 et seq.) or any other law, or declared by any Federal agency pursuant to any applicable law, except that no such emergency lease shall be for a period of more than 5 years.

“(ii) REPORTING.—As part of each triennial plan, the Administrator shall describe any emergency lease for which a prospectus is required under paragraph (2) that was entered into by the Administrator under clause (i) during the preceding fiscal year.”;

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCREASES IN COSTS OF PROJECTS.—

“(1) INCREASE OF 10 PERCENT OR LESS.—The”;

(B) by adding at the end the following:

“(2) GREATER INCREASES.—If the Administrator increases the estimated maximum cost of a project in an amount greater than the increase authorized by paragraph (1), the Administrator shall, not later than 30 days after the date of the increase, notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the amount of, and reasons for, the increase.”;

(3) in subsection (c), by striking “(c) In the case” and inserting the following:

“(c) RESCISSION OF APPROVAL.—In the case”;

(4) by striking subsection (d) and inserting the following:

“(d) DEVELOPMENT OF COST BENCHMARKS.—

“(1) IN GENERAL.—The Administrator shall develop standard cost benchmarks for projects for the construction of courthouses, and other public buildings consisting solely of general purpose office space, for which a prospectus is required under subsection (a)(2). The benchmarks shall consist of the appropriate cost per square foot for low-rise, mid-rise, and high-rise projects subject to the various factors determined under paragraph (2).

“(2) FACTORS.—In developing the benchmarks, the Administrator shall consider such factors as geographic location (including the necessary extent of seismic structural supports), the tenant agency, and necessary parking facilities, and such other factors as the Administrator considers appropriate.”.

(b) REPORTS TO CONGRESS.—Section 11 of the Public Buildings Act of 1959 (40 U.S.C. 610) is amended—

(1) by striking “SEC. 11. (a) Upon” and inserting the following:

“SEC. 11. REPORTS TO CONGRESS.

“(a) REPORTS ON UNCOMPLETED PROJECTS.—Upon”;

(2) in subsection (b)—

(A) by striking “(b) The Administrator” and inserting the following:

“(b) BUILDING PROJECT SURVEYS AND REPORTS.—

“(1) IN GENERAL.—The Administrator”;

(B) in the second sentence of paragraph (1) (as so designated), by inserting before the period at the end the following: “, and shall specify whether the project is included in a 5-year strategic capital asset management plan required under section 7(a)(1)(B)(i) or a prioritized list required under section 7(a)(1)(B)”;

(C) by adding at the end the following:

“(2) INCLUSION OF REQUESTED BUILDING PROJECTS IN TRIENNIAL PLAN.—The Administrator may include a prospectus for the funding of a public building project for which a report is submitted under paragraph (1) in a triennial public buildings plan required under section 7(a)(1).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by striking “Committee on Public Works and Transportation” each place it appears and inserting “Committee on Transportation and Infrastructure”.

(2) Section 11(b)(1) of the Public Buildings Act of 1959 (as amended by subsection (b)(2)) is further amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

SEC. 4. FEDERAL GOVERNMENT ASSET MANAGEMENT.

Section 12 of the Public Buildings Act of 1959 (40 U.S.C. 611) is amended—

(1) by striking “SEC. 12. (a) The Administrator” and inserting the following:

“SEC. 12. FEDERAL GOVERNMENT ASSET MANAGEMENT.

“(a) DUTIES OF ADMINISTRATOR.—

“(1) IN GENERAL.—The Administrator”;

(2) in subsection (a), by adding at the end the following:

“(2) REPOSITORY FOR ASSET MANAGEMENT INFORMATION.—The Administrator shall use the results of the continuing investigation and survey required under paragraph (1) to establish a central repository for the asset management information of the Federal Government.”;

(3) in subsection (b)—

(A) by striking “(b) In carrying” and inserting the following:

“(b) COOPERATION AMONG FEDERAL AGEN-

CIES.—

“(1) BY THE ADMINISTRATOR.—In carrying”;

(B) by striking “Each Federal” and inserting the following:

“(2) BY THE AGENCIES.—Each Federal”;

(C) by adding at the end the following:

“(3) IDENTIFICATION AND DISPOSITION OF UNNEEDED REAL PROPERTY.—

“(A) IDENTIFICATION.—Each Federal agency shall—

“(i) identify real property that is or will become unneeded, obsolete, or underutilized during the 5-year period beginning on the date of the identification; and

“(ii) annually report the information on the real property described in clause (i) to the Administrator.

“(B) DISPOSITION.—The Administrator shall analyze more cost-effective uses for the real property identified under subparagraph (A) and make recommendations to the Federal agency concerning the more cost-effective uses.”;

(4) in subsection (c), by striking “(c) Whenever” and inserting the following:

“(c) IDENTIFICATION OF BUILDINGS OF HISTORIC, ARCHITECTURAL, AND CULTURAL SIGNIFICANCE.—Whenever”;

(5) in subsection (d), by striking “(d) The Administrator” and inserting the following:

“(d) REGARD TO COMPARATIVE URGENCY OF NEED.—The Administrator”.

SEC. 5. ADDRESSING LONG-TERM GOVERNMENT HOUSING NEEDS.

(a) REPORT ON LONG-TERM HOUSING NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and the end of each 2-year period thereafter, the head of each Federal agency (as defined in section 13(3) of the Public Buildings Act of 1959 (40 U.S.C. 612(3))) shall review and report to the Administrator of General Services (referred to in this Act as the “Administrator”) on the long-term housing needs of the agency. The Administrator shall consolidate the agency reports and submit a consolidated report to Congress.

(2) ASSISTANCE AND UNIFORM STANDARDS.—The Administrator shall—

(A) assist each agency in carrying out the review required under paragraph (1); and

(B) prepare uniform standards for housing needs for—

(i) executive agencies (as defined in section 13(4) of the Public Buildings Act of 1959 (40 U.S.C. 612(4))); and

(ii) establishments in the judicial branch of the Federal Government.

(b) **REDUCTION IN AGGREGATE OFFICE AND STORAGE SPACE.**—By the end of the third fiscal year that begins after the date of enactment of this Act, the Federal agencies referred to in subsection (a)(1) shall, to the maximum extent practicable, collectively reduce by not less than 10 percent the aggregate office and storage space used by the agencies (regardless of whether the space is leased or owned) on the date of enactment of this Act.

SEC. 6. DESIGN GUIDES AND STANDARDS FOR COURT ACCOMMODATIONS.

(a) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts, shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that specifies the characteristics of court accommodations that are essential to the provision of due process of law and the safe, fair, and efficient administration of justice by the Federal court system.

(b) **DESIGN GUIDES AND STANDARDS.**—

(1) **DEVELOPMENT.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts and after notice and opportunity for comment, shall develop design guides and standards for Federal court accommodations based on the report submitted under subsection (a). In developing the design guides and standards, the Administrator shall consider space efficiency and the appropriate standards for furnishings.

(2) **USE.**—Notwithstanding section 462 of title 28, United States Code, the design guides and standards developed under paragraph (1) shall be used in the design of court accommodations.

SEC. 7. DESIGN OF FEDERAL COURTHOUSES.

The Act entitled "An Act establishing a Commission on Fine Arts", approved May 17, 1910 (36 Stat. 371, chapter 243; 40 U.S.C. 104), is amended by inserting after the second sentence the following: "It shall be the duty of the commission, not later than 60 days after submission of a conceptual design to the commission for a Federal courthouse at any place in the United States, to provide advice on the design, including an evaluation of the ability of the design to express the dignity, enterprise, vigor, and stability of the American Government appropriately and within the accepted standards of courthouse design.".

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

THE EARLY HEARING LOSS DETECTION, DIAGNOSIS AND INTERVENTION ACT OF 1998

• Ms. SNOWE. Mr. President, today I introduce the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998, which will serve as a companion bill to H.R. 2923, introduced in the House by Representative JIM WALSH. I am pleased to have, as the

lead cosponsor, my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired.

We have a tendency to associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the other end of the spectrum, however, approximately 1.5 to 3 out of every 1000 children—or as many as 33 children per day—are born with significant hearing problems. According to the National Institute on Deafness and Other Communication Disorders, as many as 12,000 infants are born each year in the U.S. with some form of hearing impairment.

In the last several years, scientists have begun to tell us that the first years of a child's life are crucial to their future development. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve. Currently, the average age of diagnosis of hearing loss is close to three years of age. Yet it is believed that speech and oral language development can begin as early as 6 months of age. Without early diagnosis and intervention, these children are behind the learning curve—literally—before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

There are many causes of hearing loss, and in many states a newborn child is screened only if the physician is aware of some factor that puts that baby in a risk category. Our four states—Rhode Island, Hawaii, Colorado, and Mississippi—currently require the screening of all newborns. In 16 other states, babies are screened only if they are believed to be a risk. This screening process, while important, detects only 50 percent—or half—of the hearing problems in young children.

Universal screening is not a new idea. As early as 1965, the Advisory Committee on Education of the Deaf, in a report of the Secretary of Health, Education and Welfare, recommended the development and nationwide implementation of "universally applied procedures for early identification." In 1989, former Surgeon General C. Everett Koop used this year 2000 as a goal for identifying 90 percent of children with significant hearing loss before they are one year old. And just last year, the National Institutes of Health convened an expert panel at the National Institute on Deafness and Other Communication Disorders, and the panel made a recommendation that the first hearing screening be carried out before three months of age to ensure that treatment can begin before six months of age.

It is time to move beyond the recommendations and achieve the goal of universal screening. In addition to the

four states that require screening, the Bureau of Maternal and Child Health, in conjunction with the Centers for Disease Control, is helping 17 states commit to achieving universal hearing screening by the year 2000. This plan will lead to the screening of more than 1 million newborns a year, but it still leaves more than half the states without universal screening programs.

The purpose of the bill I am introducing today is to provide the additional assistance necessary to help all the states in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get help. Specifically, the bill:

(1) Authorizes \$5 million for the Secretary of Health and Human Services to work with the states to develop early detection, diagnosis and intervention networks;

(2) Authorizes \$5 million for the Centers for Disease Control to provide technical assistance to State agencies and to conduct applied research related to infant hearing detection, diagnosis and treatment/intervention; and

(3) Authorizes \$3 million for the National Institutes of Health to carry out research on the efficacy of new screening techniques and technology.

A baby born today will be part of this country's future in the 21st century. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join me and Senator HARKIN in supporting the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998.

• Mr. HARKIN. Mr. President, I am pleased to introduce, along with my colleague, Senator SNOWE, the "Early Hearing Loss Detection, Diagnosis, and Intervention Act of 1998."

The Early Hearing Loss Act would help States establish programs to detect and diagnose hearing loss in every newborn child and to promote appropriate treatment and intervention for newborns with hearing loss. The Act also would fund research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

Every year, about 12,000 children in the United States are born with a hearing impairment. Most of them will not be diagnosed as hearing impaired until after their second birthday. The consequences of not detecting early hearing impairment are significant, but easily avoidable.

Late detection means that crucial years of stimulating the brain's hearing centers are lost. It may delay speech and language development. Delayed language development can retard a child's educational progress, minimize his or her socialization skills, and as a result, destroy his or her self-esteem and confidence. On top of all that,

many children are diagnosed incorrectly as having behavioral or cognitive problems, simply because of their undetected hearing loss.

In 1988, the Commission on Education of the Deaf reported to Congress that early detection, diagnosis, and treatment were essential to improving the status of education for people who are deaf in the United States. This Act is our opportunity to finally implement that common-sense recommendation.

Mr. President, this Act would help states develop programs that many of them already are working on; it would not impose a single federal mandate. Eight states already have mandatory testing programs; nine others have legislation pending to establish such programs. Other states have achieved universal newborn testing voluntarily. These programs can work; they deserve federal help.

One of the highlights of my Congressional career, indeed, of my life, has been working on policies and laws to ensure that people with disabilities have an equal opportunity to succeed in our society. This is especially meaningful to me, because my brother Frank became deaf as a child.

I watched Frank grow up, and I saw how few options and support services were available for people who were deaf. I remember the frustrations and challenges Frank faced, and I told myself early on that I would do all I could to break down the barriers in our society that prevented people who were deaf from reaching their potential. By supporting early screening, diagnosis, and treatment programs, this Act would go a long way toward accomplishing that goal.

I would like to thank Senator SNOWE for her hard work and support of this Act, and I hope our colleagues will join us in this worthy effort.●

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

SAFE SCHOOLS, SAFE STREETS AND SECURE BORDERS ACT OF 1998

Mr. LEAHY. Mr. President, today, joined by Senators DASCHLE, BIDEN, MOSELEY-BRAUN, MURRAY, and other Democratic Senators, I am introducing comprehensive crime legislation, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, to keep the crime rate in this country going down. Past Democratic anti-crime initiatives, such as the 1994 Violent Crime Control and Law Enforcement Act, have resulted in an historic decrease in crime rates in the United States. The FBI re-

ports that violent crime in 1996 was at the lowest level since 1989, and that the overall crime rate was lower than any year since 1984. Preliminary figures for 1997 show that serious crime dropped an additional four percent last year. These are very good numbers.

Yet, according to recent reports in the Los Angeles Times, people still feel that crime is the number one public policy issue that needs attention. Americans still feel vulnerable to becoming crime victims, and want policy makers to do more. Thus, even with the decrease in crime rates, this is not the time to stop working on additional ways to reduce crime. Senate Democrats want to do more. We must do more to ensure that the crime rates continue their downward trend next year, the year after, and the years after that.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 builds on the successful programs we have implemented in the 1994 Crime Law and addresses emerging crime problems. The bill is comprehensive. It is realistic. It is fully funded, without reaching into any cookie jars. It is designed to be enacted, without partisan or ideological controversy. In fact, the bill contains a number of initiatives that enjoy bipartisan support. We have tried to avoid the easy rhetoric about crime that some have to offer in this crucial area of public policy. Here is a chance to actually make a difference. It is a "Can Do" Act.

The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers in the battle against street crime, international crime and terrorism. The Act represents an important next step in the continuing effort by Senate Democrats to enact tough, common-sense and balanced reforms to our criminal justice system. That is why the International Brotherhood of Police Officers has endorsed this bill.

The bill has ten comprehensive titles to address crime in our schools, crime on our streets, and crime on our borders and abroad. I should note that the bill contains no new death penalties and no new or increased mandatory minimums. We can be tough without imposing the death penalty, and we can ensure certain punishment without removing all discretion from the judge at sentencing.

Title I of the bill deals with proposals for combating violence in schools and punishing juvenile crime. This title has four subtitles dealing with assistance to schools, reform of the federal juvenile system, assisting States on prosecuting and punishing juvenile offenders and reducing juvenile crime, and protecting children from violence, including violence from the misuse of guns.

Assistance to Schools. Americans are dismayed and grief-stricken at the re-

cent shootings at schools across the country. While homicides at American schools have remained relatively constant in recent years, the number of students who have experienced a violent crime in school increased 23 percent in 1995 compared to 1989. We need to make sure our children attend school in a safe environment that fosters learning, not fear.

The bill would provide COPS grants for school-based partnerships between schools and law enforcement to combat school-related crime. It contains a proposal developed by Senator BINGAMAN to establish a School Security Technology Center using expertise from the Sandia National Labs, and provide grants from the Safe and Drug Free Schools Program enabling schools to access technical assistance for school security.

Federal Prosecution of Serious and Violent Juvenile Offenders. The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bill, S. 10, is that it would—in the words of Chief Justice Rhenquist—"eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary." The Chief Justice has raised concerns about "federalizing" certain juvenile crimes and has urged that "federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts." The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Among other reforms, the Safe Schools, Safe Streets, and Secure Borders Act would allow federal prosecution of juveniles when the Attorney General certifies that the State cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug or firearm offense.

Prosecutors would be given sole, non-reviewable authority to prosecute as adults 16 and 17 year olds who are alleged to have committed the most serious violent and drug offenses. Limited judicial review is provided for prosecutors' decisions to try as adults 13, 14 and 15 year old juveniles, and 16 and 17 year olds, who are charged with less serious federal offenses. These juveniles are permitted under strict time limits to ask a judge for a "reverse waiver" and transfer to juvenile, rather than adult, status.

Assistance to States for Prosecuting and Punishing Juvenile Offenders, and Reducing Juvenile Crime. The bill would authorize grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent

of available money), providing graduated sanctions, reimbursing States for the cost of incarcerating juvenile alien offenders, and a pilot program to replicate successful juvenile crime reduction strategies.

Protecting Children from Violence. The bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Given the recent tragic shootings committed by children, Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, I certainly do not want to demonize guns or the legitimate use of guns for protection and security or for sport.

The bill would impose a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It would require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill would enhance the penalty for possessing a firearm during the commission of a crime of violence or drug offense and for violation of certain firearm laws involving juveniles. In addition, the bill would authorize competitive grant programs for establishment of juvenile gun courts and youth violence courts.

Title II of the bill addresses the problem of gang violence. We all share a concern about the growing gang problem in our cities and in rural areas of this country. More than 665,000 gang members belong to 23,000 youth gangs in the United States, and the numbers are growing.

This part of the bill would crack down on gangs by making the interstate "franchising" of street gangs a crime. It will also increase penalties for crimes during which the convicted felon wears protective body armor or uses "laser-sighting" devices to commit the crime. The bill also doubles the criminal penalties for using or threatening physical violence against witnesses and contains other provisions designed to facilitate the use and protection of witnesses to help prosecute gangs and other violent criminals. For example, the bill would clarify that the federal gratuity statute does not apply to cooperation agreements, contrary to the Tenth Circuit's recent Singleton decision. The Act also provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity.

Title III of the bill would set forth a number of initiatives in nine subtitles to combat violence in the streets. The Safe Schools, Safe Streets, and Secure Borders Act continues successful initiatives in the 1994 Crime Act by putting more police officers on our streets, providing for the construction of more prisons, preventing juvenile felons from buying handguns, and increasing the security of women and children against domestic violence. Specifically, the bill would extend COPS funding

into 2001 and 2002; increase the state minimum for Violent Offender Incarceration grants from .25 to .75 percent, establish a state minimum of .75 percent for Truth-in-Sentencing grants, and extend both these grant programs into 2001 and 2002; extend authorization for the Violence Against Women Act (VAWA) funding and local law enforcement grant programs.

A significant problem that arose this year was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Departments of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected officials and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, "I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard."

The Safe Schools Act provides a reasonable and limited protective function privilege so that in the future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state. This title of the bill includes a number of provisions to address the following matters:

Domestic violence: In addition to extending authorized funding for VAWA, the bill would punish attempts to commit interstate domestic violence, expand the interstate domestic violence offense to cover intimidation, and punish interstate travel with the intent to kill a spouse.

Protecting Law Enforcement and Judiciary: The Act recognizes that law enforcement officers put their lives on the line every day. According to the FBI, over 1,000 officers have been killed in the line of duty since 1980. The Safe Schools, Safe Streets, and Secure Borders Act contains provisions to protect the lives of our law enforcement officers by extending the Bulletproof Vest Partnership grant program through 2003. It also establishes new crimes and increases penalties for killing federal officers and persons working with federal officers, including in the prison context, and for retaliation against federal officials by threatening or injuring their family members. The Act enhances the penalty for assaults and threats against Federal judges and other federal officials engaged in their official duties.

Cargo/Property Theft: The bill also contains an important initiative proposed by Senator LAUTENBERG to deter cargo thefts.

Sentencing Improvements: This subtitle doubles the maximum penalty for

manslaughter from 10 to 20 years, consistent with the Sentencing Commission's recommendation, applies the sentencing guidelines to all pertinent federal statutes (such as criminal prohibitions in statutes outside titles 18 and 21 of the United States Code), and other improvements.

Civil Liberties: The bill includes the "Hate Crimes Prevention Act," which was originally introduced by Senator KENNEDY and has the strong bipartisan support of over twenty Members, and other initiatives designed to bolster support for enforcement of civil rights.

These program initiatives are funded by extending the Violent Crime Reduction Trust Fund for two more years—from downsizing the Federal Government and not from touching the projected Federal budget surplus.

Title IV of the bill outlines a number of prevention programs that are critical to reducing juvenile crime. These programs include grants to youth organizations and "Say No to Drugs" Community Centers, reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program suggested by Senator BINGAMAN to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) similarly to H.R. 1818, which passed the House by an overwhelming majority last year. This section creates a new juvenile justice block grant program and retains the four core protections for youth in detention, while adopting greater flexibility for rural areas and modifies the membership of the state advisory groups.

The Republican juvenile crime bill, S. 10, would gut these core protections for juveniles in detention. Republican sponsors of this bill have scrambled to change this bill since they refused to fix it during Committee mark-up, but even as revised this bill remains seriously flawed. A letter sent just last week from the National Collaboration For Youth (comprised of the American Red Cross, Big Brothers, Big Sisters, Boy and Girl Scouts of America, United Way, the YMCA and the YWCA, and other prominent voluntary health and social welfare organizations), criticized the revised S. 10 for being "ill-conceived" and for exposing youngsters "to increased risk." According to these experts who work intensively with children, S. 10 as revised "could ironically lead to more juvenile crime—not less—if enacted." The Democratic crime bill puts ideology aside, and follows the advice of these experts.

Title V of the bill contains six subtitles on combating illegal drug use. Illegal drugs are too often at the heart of crime. This Act would help break the cycle of drug use by criminals, requiring States to test prisoners for drugs

and to provide drug treatment programs, so that the convicts would not return to the streets still addicted, and still caught up in a cycle of crime. It would protect our children by increasing penalties for selling drugs to kids and drug trafficking in or near schools, and crack down on "club drugs." It would go a step further and encourage pharmacotherapy research to develop medications for the treatment of drug addiction, a proposal Senator BIDEN has urged. It would fund drug courts, which subject eligible drug offenders to programs of intensive supervision. This title also would reauthorize the Drug Czar/Office of National Drug Control Policy, as Senator BIDEN has recommended in legislation he has introduced with bipartisan support.

Title VI of the bill deals with criminal history records and the use of new technologies for law enforcement purposes. We can not underestimate the usefulness of criminal history records, which can help solve crimes and help prevent crimes. The bill contains the "Interstate Identification Index" (III) Compact to decentralize the FBI's maintenance of the national criminal history database and provide access to criminal history records for non-criminal justice purposes in accordance with state rules. This provision has bipartisan support and has already passed the Senate.

The compact is a reciprocal, voluntary system of sharing criminal history records (including juvenile records) for noncriminal justice purposes among the States and FBI that is efficient, more accurate than the current system, promises to save money, and allows each participating State to effectuate its own access policies.

In addition, this title contains the "Crime Identification Technology Act," to provide \$250 million each year for five years in grants to States for identification and communications systems and forensic labs. This legislation has strong bipartisan support and has also already passed the Senate and is pending in the House.

Title VII of the bill is intended to increase the right of victims who unfortunately become involved in the criminal justice system. The criminal is only half of the equation. We would guarantee the rights of crime victims. All States have some victims' rights laws on the books, but they lack the training and resources to make those rights a reality. This bill provides a model Bill of Rights for crime victims in the federal system, and makes available to the States grants to fund the hiring of State and Federal victim-witness advocates, training, and the technology necessary for model notification system. This bill would make victims' rights a reality.

Specifically, this title reforms federal law and evidence to enhance victims' participation in all stages of criminal proceedings by giving victims a right to notice of detention hearings, plea agreements, sentencing, probation revocations, escapes or releases from prison, and to allocution at hearings,

as well as grants for obtaining state-of-the-art systems for providing notice. In addition, this title would provide grant programs to study effectiveness of restorative justice approach for victims and to study crimes against persons with developmental disabilities and for development of strategies to combat such crimes.

Title VIII of the bill details provisions for combating money laundering. Crime increasingly has an international face, from drug kingpins to millionaire terrorists, like Usama bin Laden. The money laundering provisions of this bill hit these international criminals where they live - in the pocketbook.

These provisions would prove to be a key tool in winning the war on drugs. We must have interdiction; we must have treatment programs; we must tell kids to say "No" to drugs. But we have to do more, and taking the profit away from the drug lords is an effective weapon. This Democratic crime bill would strengthen these laws.

FBI Director Freeh recently testified at a hearing before the Judiciary Committee that enhanced money laundering provisions would be an important tool against the likes of international terrorists, such as bin Laden. FBI Director Freeh praised the following provisions set forth in this title of the bill.

Fugitive Disentitlement to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts at the same time they are evading our laws.

Immediate seizure of U.S. assets of foreign criminals, so terrorists and drug lords will not be able to keep their money one step ahead of the law enforcement.

Limits on Foreign Bank Secrecy to stop criminals from hiding behind foreign bank secrecy laws while they use U.S. courts.

These and other money laundering provisions in the bill should find bipartisan support for quick passage before the end of this Congress.

Title IX sets forth important proposals for combating international crime. In particular, the bill would punish violent crimes or murder against American citizens abroad, deny safe havens to international criminals by strengthening extradition, promote cooperation with foreign governments on sharing witnesses and evidence, and streamline the prosecution of international crimes in U.S. courts. Provisions include: giving the FBI authority to investigate and prosecute the murder or extortion of U.S. citizens and state and local officials involved in federally-sponsored programs abroad; providing for extradition under certain circumstances for offenses not covered in a treaty or absent a treaty; giving the Attorney General authority to transfer and share witnesses with foreign governments, and obtain and use foreign evidence in criminal cases; pro-

hibiting fugitives from benefitting from time served abroad fighting extradition; adding serious computer crimes as predicate offenses for which wiretaps may be authorized; and providing court order procedures for law enforcement access to stored information on computer networks.

Finally, Title X contains provisions to strengthen the air, land and sea borders of this country. The bill would punish violence at the borders, increase authority of maritime law enforcement officers at the borders, increase penalties for smuggling contraband and other products, strengthen immigration laws to exclude foreign fleeing felons, and persons involved in racketeering and arms trafficking. Specific sections include: punishing "port-running," which is driving or crashing through Customs entry ports; sanctions for not cooperating with maritime law enforcement officers by obstructing lawful boarding requests and commands to "heave to"; and denying admission into the U.S. of persons whom consular officials have reason to believe are involved in RICO acts, arms trafficking, or alien smuggling for profit, or are fleeing foreign prosecution.

The Safe Schools, Safe Streets, and Secure Borders Act is a comprehensive Act. Nothing in this bill is just for show or rhetorical flourish. Keeping our schools safe, keeping our streets safe, keeping our citizens safe when they go abroad, and keeping our borders secure are matters on which we can and should make progress. I look forward to working for passage of as many parts of this bill as possible in this Congress.

Mr. DASCHLE. Mr. President, today Democrats in the Senate are introducing a bill—The Safe Schools, Safe Streets, and Secure Borders Act of 1998, which builds on a legacy of success Senate Democrats have had in the area of anti-crime legislation.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 continues successful initiatives in the 1994 Crime Act, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, ensures the rights of crime victims, and provides valuable tools to law enforcement officers as they battle international crime and terrorism.

While this bill goes a long way to fight crime in our communities and protect our borders, today I want to speak about the horrific and tragic acts of violence that have occurred in no less than 14 of our nation's schools over the past 18 months, most recently as schools were preparing to close for summer recess, less than 100 miles from our Nation's Capitol—in Richmond, Virginia—and how this bill targets this school-based violent crime.

Over the past 18 months, 18 children and four adults have been killed as a result of school shootings.

When is it going to stop? The nation had seen enough when two students in Jonesboro, Arkansas, ages 11 and 13, began shooting during a false fire alarm. Four girls and one teacher died on that terrible day in March. Since then, 8 more have fallen prey to these school killings.

The number of students who have experienced a violent crime in school continues to rise, with a 23 percent increase between 1989 and 1995.

Mr. President, if we are looking for reasons why our schools erupted in gunfire this year, we need only look at the annual survey released recently by the PRIDE organization, a respected non-profit group that works with young people and their families and communities to create drug-free and safe environments. Their annual PRIDE surveys have been used by 5,500 schools, the Office of National Drug Control Policy's Performance Measures of Effectiveness, and this Congress to monitor student drug use.

The results of the latest PRIDE survey are appalling. Almost a million students—some as young as 10—carry guns to school.

Even worse, half the students carrying guns are also carrying grudges—over half said they had threatened a teacher, and almost two-thirds had threatened to harm another student.

What's more, these students are bringing other problems.

Nearly two-thirds are monthly users of illicit drugs, such as cocaine, heroin, marijuana, and methamphetamine. According to Dr. THOMAS J. Gleaton, one of the authors of the study, this means that, on average, for every classroom in every school building in America, one student showed up with a gun this year. Out of these students, two-thirds were using drugs regularly and carrying grudges. Add together this volatile mix of drugs, guns, and hostility, and the result is what we have seen this year.

If you are not moved by the statistics, look at the shootings. Look at the horror visited on those school children in Rhode Island, Oregon, Washington, Arkansas, Virginia, Kentucky, and Tennessee. Look at Texas, or Mississippi, Missouri or California, or the tragic events last year in Alaska. This is a national plight afflicting all our communities. As leaders of our nation, we should all be saddened and discouraged by our lack of attention to this critical problem.

How many more children must die before we face up to this crisis?

How can we provide our children with hope for tomorrow if they fear for their life today?

I can think of no other issue closer to the hearts and minds of the American people than the safety of our children.

Mr. President, we know some things work to prevent youth violence, and we have included these measures in our bill.

This bill will establish partnerships between schools and local law enforce-

ment agencies to put specially trained community-oriented officers in schools. We know from the success of the COPS Program that a positive relationship between the community and law enforcement is critical to successful crime prevention. This approach will also benefit schools by providing additional protection and adult supervision to curb violence in schools. In addition, this bill creates a School Security Technology Center to serve as a national resource to local schools trying to make their schools as safe as possible for students.

The PRIDE survey contained some hopeful news as well, Mr. President. While drug use is still dangerously high, this past school year, for the first time in seven years, the use of alcohol, tobacco, and other drugs by young people decreased across the board. Students who were heavily involved in after-school activities were more than twice as likely to stay away from drugs than students who never participated in these activities.

Mr. President, we should support after-school programs. Let's give our kids coaches and mentors now—and they won't need wardens and judges later.

Our bill will protect children from becoming crime victims by providing additional funding for proven prevention programs in crime-prone areas and creating after school "safe havens" where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training.

We recognized the importance of community involvement when we passed a bill that I joined my colleagues in introducing—the Drug-Free Communities Act. That bill recognized that the entire community must become involved to prevent the proliferation of drugs.

This year, let's increase our support and encouragement for prevention programs that include parents and children, law enforcement and teachers, mentors and coaches.

I wish the events of the last 18 months told a different story, but unfortunately it has become evident that some safeguards are needed. If you doubt that, look at what happened in Greensboro, North Carolina, just four months ago when Carlos Gilmer was accidentally shot and killed at his sixth birthday party after he and his four-year-old playmate found a loaded gun in a purse.

No new crime bill program, by itself, will solve this problem of youth violence. But, we can do something. We know some things that work.

How will we feel if there is another Jonesboro, or Springfield? How will we look at ourselves if we have not done everything in our power to prevent such a tragedy? Let us act now, so we won't have to face those questions. The Safe Schools, Safe Streets, and Secure Borders Act of 1998 will go a long way

to prevent future acts of school violence.

There is much that divides our two parties. But the issue of our children's safety is—or should be—one area on which we can agree. We must protect our children from violence and prevent our children from becoming violent.

• Mr. KERRY. Mr. President, I want to voice my strong support for the tough, common sense approach to fighting crime that is embodied in the "Safe Schools, Safe Streets, and Secure Borders Act of 1998". I want to urge every one of my colleagues—Democrat and Republican—to stand behind this bill and in the closing weeks of this Congress to pass these measures to protect Americans from the crime in our streets, in our schoolyards, and around the world. With lives on the line, there is no time to wait, no time to hesitate, and no time to be partisan.

Four years ago we came together and passed a crime bill that was tough on crime and smart on prevention. I am proud to have helped lead the fight four years ago to put 100,000 cops on the street, and now it's working. Crime is down 22% in Massachusetts and communities tell you it's because we've restored the notion of community policing. In Boston, juvenile crime is down to levels we haven't seen since the 1950's—and Mayor Tom Menino is proving that a combination of tough punishment and outreach to at-risk young people is a prescription for safety, a prescription for crime prevention. None of this would have been possible if this Senate hadn't come together to get serious about crime. Now in America we need to get serious again about crime prevention.

This crime bill continues to build on the achievements of the 1994 Crime Bill, focusing on the new epidemic of crime in our schools, flaws in the juvenile justice system, the crisis of gang violence, and the sale and use of illegal drugs. We wrote this bill keeping in mind both those we are fighting for and those who lead the fight in our streets—that's why it enhances the rights of victims and gives more tools to law enforcement officers as they take on international crime and terrorism.

From expanding the COPS Program, providing additional funds for prisons and jails, helping the fight against violence against women, and creating partnerships between schools and law enforcement agencies, this bill targets resources on the ground where they're needed the most. This bill is smart and tough when it comes to building a better juvenile justice system—giving federal prosecutors the authority to prosecute some juvenile criminals as adults when they commit the most heinous of crimes; banning gun purchases by juveniles who have been convicted of violent crime; and providing the badly needed funds for youth violence courts. These measures respond to the demand from those brave social workers, prosecutors, and police working on juvenile

crime at ground zero with inadequate resources.

This bill also represents a critical response to the crisis of international crime and terrorism. Mr. President, we are facing a threat that is global in nature: transnational crime organizations that closely resemble multinational corporations; terrorist organizations that have pledged to send more and more Americans home in bodybags. This bill does more than send the message that we won't tolerate terrorism—it makes it clear that we're going to give our law enforcement personnel the tools to stop terrorists dead in their tracks.

Mr. President, the clock is ticking on this Congress. But even louder is the ticking time-bomb of crime in our schools, violence in our streets, and terrorism abroad. This Senate has the chance to act decisively to pass the "Safe Schools, Safe Streets, and Secure Borders Act" to fight crime, to defuse the threats before this nation. We have no reason to stall. The time is now to move forward with measures that are smart, tough, and effective.●

● Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join my colleagues, Senators DASCHLE, BIDEN and LEAHY, in introducing the Safe Schools, Safe Streets, and Secure Borders Act of 1998. This comprehensive legislation, which will add to the success of the 1994 Crime Bill, is based on a tough, common-sense strategy: Put more police officers on the street, build more prisons for violent offenders, take guns out of the hands of felons, and protect families from the scourge of domestic violence.

In the wake of the historic 1994 Crime bill, we have seen a dramatic decline in crime rates across the nation. In 1996, we experienced the lowest violent crime rate since 1989. On the whole, the overall crime rate was lower than any year since 1984. And it appears that we will continue in this success: Preliminary figures released by the Federal Bureau of Investigation show that nationwide, serious crime dropped an additional four percent in 1997.

While these numbers are impressive, recent events have shown that there is still much that must be done in order to equip our nations law enforcement agencies and local communities with the tools they need to address the latest scourge of violence in our schools, in our nation's embassies around the world, and at our borders. This multifaceted legislation has many well-written, well-thought out proposals which I believe greatly help our nation continue winning the fight against crime and terrorism in our ever-changing world.

Among the many parts of this legislation, I am most excited about additional funding for continuing the fight against domestic violence. We first took up this issue with the historic passage of the Violence Against Women Act. This legislation, which improves on our commitment to fighting against

violence against women, will provide additional grants dedicated to the arrest and prosecution of batterers, shelter for 400,000 abused women and their children, and continued access to the National Domestic Violence Hotline. These initiatives are paramount in ensuring safety from crimes committed within the home.

And there are other parts of this legislation that I believe are especially poignant given the latest outbreak of violence in our nation's schools. This legislation finally brings the juvenile justice system up to date with the juvenile crime of the day, by giving Federal prosecutors sole, nonreviewable authority to prosecute 16 and 17 year olds as adults when they are alleged to have committed the most serious federal violent and drug offenses. It would also provide grants to States to incarcerate violent juvenile offenders, establish graduated sanctions, and encourage pilot programs to replicate successful juvenile crime reduction strategies. A proposal to further curb the threat of gang violence and crime and to reduce the drug-related crime has also been included in this bill. Finally, this legislation would provide grants for juvenile gun and youth violence courts, and for truancy prevention and comprehensive delinquency prevention activities.

I am most pleased, however, that this legislation contains two provisions that were included in my Safe Communities and Schools Act, which I introduced early this month. That legislation, which has been incorporated into this bill, will help put an additional 25,000 police officers on the street and create new grants under the COPS program for school and local law enforcement efforts against school-yard violence.

As you know, the COPS program has played a vital role in reducing our nation's crime rate. Since inception of the program in 1994, the Department of Justice has authorized an additional 76,000 police officers to walk the beat. These additional police officers have been instrumental in helping reduce crime and making people feel safe in their communities.

For example, in my home state of Illinois, the COPS program, which has put 4,113 police officers on streets across the state, has been extremely effective. Between the time that the Crime Bill was passed and the end of last year, serious crime fell by 17 percent. Recent statistics show that for the first six months of 1998, serious crime throughout Illinois is down 2.8 percent over 1997.

Despite the positive gains that have been made in the wake of the 1994 Omnibus Crime bill, the latest influx of violence in our nation's schools is evidence that there is still much work to be done. Although we are seeing record reductions in the incident of youth-on-youth crime, the extremely violent nature of crimes now being committed by juveniles is nothing short of stunning.

Extending the COPS program and making more funds available to communities to combat school violence will free the hands of local law enforcement and give them the opportunity to develop new and innovative ways of reducing youth crime.

Finally, this legislation seeks to place reasonable, Constitutional restrictions on gun purchases and gun ownership. It would ban prospective gun purchases by juveniles who have been adjudicated delinquent or convicted of violent crimes and would require gun dealers to make gun safety devices available for sale or have their licenses revoked. It would also impose tougher penalties for possession of guns during the commission of a crime of violence or drug offense.

Overall, this bill provides a holistic response to the varied nature of crime being committed at home and abroad against American citizens. It is a sensible approach to a devastating problem. I urge my colleagues to support this legislation, and to push for its immediate passage.●

● Mr. BINGAMAN. Mr. President, I rise in support of the Safe Schools, Safe Streets, and Secure Borders Act of 1998 introduced by my colleague, Senator LEAHY. I urge all my Senate colleagues to support it as well.

Mr. President, there no doubt are many issues that are on the minds of Americans. Certainly, crime, particularly juvenile crime, delinquency and drug and alcohol abuse, are issues that I hear most about when I am in my home state of New Mexico. Although recent crime statistics shows a clear downward trend in crime on our nation's streets, crime reduction must remain a priority at the federal level.

This bill comprehensively addresses the problem of juvenile crime, and it strikes a balance between the need to deal with serious juvenile offenders in a swift and meaningful way and the clear, practical necessity to prevent our youth from getting in trouble in the first place.

I am delighted that the managers of this bill have included two separate bills which I previously introduced, and I thank Senator LEAHY for his accommodation. The first, my Truancy Prevention and Juvenile Crime Reduction Act, deals with the problem of truancy, which long has been neglected as a root cause of juvenile crime. The second, my Safe Schools Security Act of 1998, addresses the problem of school violence and provides resources, such as technical expertise and security technology, to schools that are experiencing the most serious problems in their schools.

I first want to discuss truancy, which not many people realize is the top-ranking characteristic of criminals. High rates of truancy directly are linked to high daytime crime rates, including violence, burglary and vandalism. As much as 44 percent of violent juvenile crime takes place during school hours, and as much as 75 percent

of children ages 13 to 16 who are arrested and prosecuted for crimes are truants. It is startling to know that some cities report as many as 70 percent of daily student absences are unexcused, and the number of absences in single city can reach 4,000.

Moreover, society pays a very heavy social and economic price due to truancy. Only 34 percent of inmates have completed high school education, and we all are well aware of the staggering costs associated with incarcerating an individual. Sadly, as many as 17 percent of youth under the age of 18 that enter adult prisons have not completed eighth grade, 75 percent have not completed 10th grade.

Most studies indicate that when parents, schools, law enforcement and community leaders all work together to prevent truancy, to intervene at its early stages, and to create meaningful accountability, we can increase school attendance and reduce daytime crime rates.

One such program is the Daytime Curfew Program in Roswell, New Mexico, and the Truancy Intervention Project in Fulton County, Georgia, administered by Judge Glenda Hatchett. Another successful program included in this Act is the Grade Court, which is Farmington, New Mexico, administered by Judge Paul Onuska. All of these programs integrate parental involvement with schools, law enforcement, judiciary, and other community stakeholders in a collaborative effort to reduce truancy and juvenile crime. These are the kinds of programs I believe we should be encouraging, but unfortunately we in the Congress have not yet met the challenge.

This Act authorizes \$25 million per year targeted at building upon integral partnerships between local government, schools, law enforcement, and the courts. Without a doubt, \$25 million is a very small price to pay when you consider the dividends we expect when young people stay in school and out of trouble.

The Youth Law Center, the Children's Defense Fund, and the National Network for Youth, which has more than 500 community youth-serving organizations and personnel nationwide all agree with the importance of combating truancy and enthusiastically have voiced their support for this initiative.

The second provision of this bill I would like to discuss deals with the safety of our public schools. We spend a great deal of time here talking about improving academic achievement of our nation's school children, and I believe we are making great progress. I also believe, however, that we cannot expect a child to perform up to his or her potential in an environment in which they cannot feel safe and secure. Obviously, a learning environment has to be a safe environment. However, recent tragedies in Mississippi, Arkansas, Kentucky, Pennsylvania, and Oregon, for example, strongly suggest that we

can and should do much more to keep our school safe.

Recently, the Department of Education released the results of a comprehensive study called Violence and Discipline Problems in U.S. Public Schools: 1996-97. The study shows that 10 percent of schools surveyed had at least one serious violent crime during the 1996-97 school year. Also, during the 1996-97 school year, approximately 4,000 incidents of rape or other types of sexual battery were reported in public schools across the country. Additionally, there were approximately 11,000 incidents of physical attacks or fights in which weapons were used and approximately 7,000 robberies in schools that year.

As grim as the statistics are, we also must recognize the emotional effect that school crime has on our children. According to a separate study, 29 percent of elementary, 34 percent of junior high, and 20 percent of high school students say they are worried about becoming victims of crime at school. Seventy-one percent of children ages 7 to 10 say they worry they might get shot or stabbed at school. I cannot imagine how a child can be expected to achieve up to his or her potential if they are worried about their physical safety. Clearly, we must respond, and I believe this is an area in which we can make a significant difference, and we should take advantage of the resources we presently have to address this problem.

Many people are familiar with the fine work of our National Laboratories, which for decades have been leaders in energy and defense research and development. These Labs have many years of experience supporting and helping to protect high-risk facilities and assets for the Department of Energy, the Department of Defense, the Department of State, and many other federal agencies in some capacity, through the use of security technology. The result of this capability is that our nation's government facilities enjoy some of the finest security and safety programs in the world. This expertise should be fully utilized to improve the safety of our schools.

Alreacy Sandia Laboratories has taken the initiative. Two years ago Sandia began a pilot project at Belen High School in New Mexico, whereby Sandia security experts implemented a security regimen and installed a variety of security technology. Sandia is the first to admit that they do not know the first thing about running a public school, and Belen readily will admit to a lack of expertise in security. Nevertheless, the match was perfect. Working together, Sandia and Belen high school officials changed the school by utilizing a comprehensive security design and technology, including cameras, metal detectors, and sensors.

The results are very impressive. Since the pilot project was implemented at the school, on-campus violence is down 75 percent, truancy is

down 30 percent, theft from vehicles parked in the school parking lot is down 80 percent, vandalism is down 75 percent. These statistics are compelling, and with this level of success already demonstrated, the effort should be expanded to allow more schools to access the expertise and technology.

This technology is not cheap, and schools already are challenged to purchase basic educational materials and equipment. However, I believe that with the right technical assistance and technology, not only will this help schools become safe for the children, but schools will save money. Incredibly, the Belen school principal, Ron Marquez, reported to me that before the pilot went into effect, Belen high school had approximately \$50,000 per year in losses due to stolen school property. One year after the pilot, Belen has had only \$5,000 in insurance claims. The savings translates into, for example, less cost to repair vandalized property, or property that has been defaced by graffiti.

We must take advantage of this success and put this expertise to use where it certainly will have very positive results.

One other provision in this bill that I believe will make a tremendous difference to communities that are struggling to reduce juvenile crime is the provision that allows communities to replicate proven juvenile crime reduction strategies. Specifically, this bill provides resources to communities that collaborate with local, state, and federal agencies to address the juvenile crime problem. In my state of New Mexico, we are helping bring together community leaders, schools, judges, law enforcement agencies, prosecutors, and grass-roots community organizations in order to develop and implement the Boston Strategy to Reduce Juvenile Violence. As anyone would agree, when community leaders work and communicate with one another on a common problem, usually good things. The City of Boston has had great success in reducing its violent crime rate. For example, after being at or near the top of the list among cities in terms of homicide, Boston's juvenile homicide rate dropped to zero, and its overall homicide rate dropped by sixty percent between 1995 and 1997.

There is clear value to helping communities do the same kinds of things, and this bill helps in a substantial way.

I thank Senator LEAHY for his hard work to craft this important legislation and Senator DASCHLE for his leadership, and I am very pleased to support it. ●

By Mr. GORTON:

S. 2485. A bill to amend the title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

CHILDREN'S HEALTH EQUITY ACT

• Mr. GORTON. Mr. President, last year, Congress and the President agreed to provide \$48 billion over the next 10 years as an incentive to states to provide health care coverage to uninsured, low-income children. To receive this money, states must expand eligibility levels to children living in families with incomes up to 200% of the federal poverty level.

Washington State has a strong record of ensuring that its low-income kids have access to health care. Four years ago, my state decided to do what Congress and the President have just last year required other states to do. In 1994, Washington expanded its child Medicaid eligibility level to 200% of the federal poverty level (FPL) all the way through to the age of 18.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they should be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the \$230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of poverty. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels.

The bill I am introducing today, along with Senator MURRAY, corrects this technicality and is a top priority for the Washington State delegation as we near the end of the 105th Congress. Congresswoman DUNN has also introduced a companion measure in the House of Representatives that is cosponsored by the entire Washington delegation.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much-needed assistance to children currently at-risk. Rather than simply changing the effective date included in the BBA, this initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

This bill does not take money from other states nor does it provide additional federal subsidies for children the state is now covering, it simply allows Washington to continue to do the good work they have already started by focusing on new, uninsured children at low income levels first. •

• Mrs. MURRAY. Mr. President, I am pleased to join with my colleague Senator GORTON in introducing legislation

to improve access to health insurance for low income children in Washington State. This bill would amend the State Children's Health Insurance Program (SCHIP) to allow our State access to their allotment of federal funds to provide health coverage to an additional 90,000 eligible children.

This is not an effort to supplant state funds. This does not take funds from other states. It simply allows Washington to access their allotment of SCHIP funds to cover those children who currently lack any health security. Because of their lack of access to health insurance, these children have little or no access to health care and no access to preventive services.

These are children whose parents work hard but do not have access to health insurance or cannot afford the cost of premiums. These parents work hard and pay taxes, unfortunately they have little discretionary income to provide important health security for their children.

Last year, this Congress made a commitment to cover the 10 million uninsured children in this country. The Balanced Budget Act of 1997 included an expansion in children's health insurance benefits as a down payment on meeting the needs of these 10 million vulnerable children. This Congress took the right step in working to achieve the goal of guaranteeing every child in this country a healthy childhood. What we are attempting to do in this legislation that we are introducing today, is to honor this commitment to the children in Washington State.

In 1994 Washington State stood up for our vulnerable children. We implemented an expansion in our Medicaid program to cover children up to 200% of poverty. We knew at the time that it was a huge undertaking, but we recognized that investing in our children's health was a wise investment. Because of the final language adopted in the Balanced Budget Act, Washington could not access their SCHIP funds to cover newly enrolled children below the 200% of poverty threshold and above the federal Medicaid requirement.

As a result, Washington State was penalized for being a leader in children's health. We are here today proposing a technical fix that rewards Washington State and allows them to cover an additional 60,000 to 90,000 children. This is not done at the expense of other States, but rather by using Washington's existing allotment.

I can assure my colleagues that Washington State will honor our commitment to our children. But without access to these funds, enrolling these children will be almost impossible. If we all share the same goal of insuring these 10 million children, we must enact this legislation. The health care needs of low income children in Washington are just as great and just as important as they are for low income children in other states.

I am hopeful that we can act on this legislation. This technical remedy will

go a long way in meeting our shared goal of guaranteeing access to quality, and affordable health care for all children. •

By Mr. ASHCROFT:

S. 2487. A bill to amend the Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

EQUAL ACCESS IMPROVEMENT ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a bill that furthers an important object of government—promoting religious liberty and the free exercise of religion. Specifically, I rise to introduce the Equal Access Improvement Act, a bill that would ensure that benefits currently provided to non-curricular school groups and community groups be extended on a non-discriminatory basis to all groups without regard to the religious nature of the organization.

This bill reflects and reinforces an important principle that pervades the Supreme Court's decisions concerning religious liberty—the principle of non-discrimination. The Supreme Court has recognized again and again that neutral laws that provide benefits without regard to the religious nature of recipients do not run afoul of our constitutional traditions. What is more, laws that specifically exclude religious entities from a class of beneficiaries are inconsistent with our Constitution's guarantee of the free exercise of religion. Laws that discriminate against specific religions or against religious organizations in general are incompatible with our nation's founding document and with a fundamental respect for people of faith.

The bill would ensure that student prayer clubs are provided the same access to school facilities as other non-curricular school clubs. Our schools reflect many of the problems that plague our larger culture. Just as in the larger culture, prayer can play an inimitable role in dealing with violence, drugs, and the other challenges in the schools. Denying access to school facilities for student prayer groups, while similar groups are granted access, sends precisely the wrong message. Prayer is an answer. Prayer is not the problem. There is no reason to deny benefits to a group because they engage in prayer or because they have some other religious component.

Nothing in this bill provides any special treatment to religious groups. The bill removes discrimination against religious groups and religious activities. It does not introduce any new discrimination in favor of religious groups. The bill enshrines the principal of neutrality that is at the heart of the Constitution's guarantees of religious liberty.

The Equal Access Improvement Act builds on the work of the 98th Congress, which passed the original Equal

Access Act. The bill extends those provisions to reflect subsequent Supreme Court and lower court decisions and to reflect the experience we have had with the Equal Access Act in the last fourteen years. I have consulted with organizations and individuals who have litigated cases under the Equal Access Act and incorporated many of their suggestions for improving the law.

Specifically, the bill extends the existing law's provision ensuring equal access to meeting space to include equal access to school facilities, including expense reimbursement. Just as a school prayer club should not be denied access to a class room when it is open to the chess club, so too if the school pays to print a newsletter or pays for refreshments for one club, it should not discriminate on the basis of the religious content of the group's speech or activities. In the same way that the original Equal Access Act extended and reinforced the Supreme Court's decision in *Windmar v. Vincent*, 454 U.S. 263 (1981), beyond the public university context, this legislation would extend and reinforce the Supreme Court's decision in *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995).

The legislation also guarantees students a right to distribute literature without regard to the religious content of the literature. It guarantees access to community groups to school facilities on an equal basis without regard to the religious character of the group. Finally, the legislation extends equal access guarantees to intermediate school students.

Let me emphasize that this bill, like the original Equal Access Act, creates no obligation for a school to provide meeting space or other facilities to any non-curriculum based group or any community group. The legislation simply provides that if a school does make its facilities available to non-curriculum based groups or to community groups, then the school cannot discriminate against other groups on the basis of the religious content of their speeches or activities. What is more, the legislation expressly preserves the ability of schools to enforce content-neutral policies denying or limiting access to all groups.

Passage of this legislation would have many benefits. However, none more important than to reinforce the principle that nothing in the Constitution requires—or permits—the government to discriminate against groups on the basis of the religious nature of their speech or activities. As the Supreme Court recognized long ago, when the government accommodates religious practice and eliminates discrimination based on religion “it follows the best of our traditions.” *Zorach v. Clauson*, 343 U.S. 306, 314 (1952). I believe this bill also follows the best of our traditions, and I look forward to working toward its enactment.

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. 2487

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 “Equal Access Improvement Act”.

SEC. 2. EQUAL ACCESS TO EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended—

(1) by redesignating subsections (d) through (f) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (c), the following:

“(d)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

“(A) receives Federal financial assistance;

“(B) maintains a limited open forum as described in subsection (b); and

“(C) provides for the reimbursement of the expenses of one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities;

to deny equal treatment, to any student group or student, respectively, seeking reimbursement for similar expenses, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

“(2) Nothing in this subsection shall be construed to prevent a public intermediate school or secondary school from granting or denying a reimbursement request pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student seeking the reimbursement.”.

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in subsection (a), is further amended—

(1) in paragraph (3), by inserting after “beyond” the following: “the reimbursement of expenses on a nondiscriminatory basis as provided for in subsection (d), and payment of”;

(2) in paragraph (4), by inserting “or activity” after “meeting” each place it appears; and

(3) in paragraph (5), by inserting “or activities” after “meetings”.

SEC. 3. EQUAL ACCESS FOR DISTRIBUTION OF MATERIALS.

Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (d), as added by section 2, the following:

“(e)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

“(A) receives Federal financial assistance;

“(B) maintains a limited open forum as described in subsection (b); and

“(C) permits one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to distribute newsletters or other written materials;

to deny equal treatment, to any student group or student, respectively, seeking a similar opportunity to distribute newsletters or other written materials, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

“(2) Nothing in this subsection shall be construed to prevent a public intermediate

school or secondary school from granting or denying a request to distribute newsletters or other written materials pursuant to a neutral policy that—

“(A) is administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student making the request; and

“(B) imposes reasonable time, place, and manner restrictions on the distribution of newsletters or other written materials consistent with the first and 14th amendments to the Constitution.”.

SEC. 4. EQUAL ACCESS FOR COMMUNITY GROUPS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (e), as added by section 3, the following:

“(f)(1) Subject to subsection (i), it shall be unlawful for any public elementary school, intermediate school, or secondary school that—

“(A) receives Federal financial assistance; and

“(B) has a limited community forum with respect to noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities as described in paragraph (2);

to deny equal access to, or discriminate against, any community group or any individual from the community, respectively, who desires to conduct a meeting, or otherwise use school facilities, within that limited community forum, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such community group or individual, respectively.

“(2) In this subsection, a public elementary school, intermediate school, or secondary school has a limited community forum if such school grants an offering to or opportunity for one or more noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during non-instructional time.

“(3) Nothing in this subsection shall be construed to prevent a public elementary school, intermediate school, or secondary school from granting or denying a request by a community group or individual from a community to meet on school premises or otherwise use school facilities pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activities engaged in by the community group or individual.

“(4) In this subsection, the term ‘elementary school’ means a school that provides elementary education, as defined by State law.”.

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in section 2, is further amended—

(1) in paragraph (3), by inserting “or meetings initiated by a community group or individual from a community” after “student-initiated meetings”; and

(2) in paragraph (6), by inserting “or community groups” after “groups of students”.

SEC. 5. EXTENSION OF EQUAL ACCESS GUARANTEES TO PUBLIC INTERMEDIATE SCHOOLS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by striking subsections (a) through (c) and inserting the following:

“(a) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that receives Federal financial assistance and that has a limited

open forum with respect to noncurriculum-related student groups or students pursuing noncurriculum-related activities to deny equal access or a fair opportunity to, or discriminate against, any student group or student, respectively, who wishes to conduct a meeting, or otherwise use school facilities, within that limited open forum, on the basis of the religious, political, philosophical, or other content of the speech or activity at such meetings.

“(b) In this subsection, a public intermediate school or secondary school has a limited open forum if such school grants an offering to or opportunity for one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during noninstructional time.

“(c) Schools shall be deemed to offer a fair opportunity to student groups and students who wish to conduct a meeting, or otherwise use school facilities, within its limited open forum if such school uniformly provides that—

“(1) the meeting or use of facilities is voluntary and student-initiated;

“(2) there is no sponsorship of the meeting or use of facilities by the school, the government, or its agents or employees;

“(3) employees or agents of the school or government are present at religious meetings or activities involving the use of facilities only in a nonparticipatory capacity;

“(4) the meeting or use of facilities does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

“(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups or students.”.

(b) DEFINITIONS.—Section 803 of the The Equal Access Act (20 U.S.C. 4072) is amended by adding at the end the following:

“(5) The term ‘intermediate school’ means a public school that provides education to students in grade 6 or higher and that does not provide education to students in grade 5 or lower.”.

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

THE NORTHWEST STRAITS MARINE
CONSERVATION INITIATIVE ACT

• Mrs. MURRAY. Mr. President, I rise today to join my colleague in the House, Representative JACK METCALF, to introduce the Northwest Straits Marine Conservation Initiative Act.

Mr. President, I have always believed that the best way to solve problems is to bring people together and find consensus on an issue. The Northwest Straits Marine Conservation Initiative Act is the direct outgrowth of just such an approach.

The Northwest Straits include the marine waters of the Strait of Juan de Fuca, the San Juan Islands, and the northern portion of Puget Sound. It is a scenic and unique ecosystem critical to a broad array of sensitive fish and wildlife, including orcas, sea birds, salmon, bottom fish, and bald eagles.

Recognizing the importance of this precious marine ecosystem, the Northwest Straits were proposed for inclusion in the National Marine Sanctuaries program in some capacity as far back as 1979 when the National Ma-

rine Sanctuary Program was in its infancy. Although the Northwest Straits lie entirely within state waters, the National Oceanic and Atmospheric Administration (NOAA) spent the next seventeen years evaluating the inclusion of this special area into the marine sanctuary program. This process involved substantial public participation. In recent years, it became clear there was insufficient local support to move forward with a Northwest Straits Marine Sanctuary designation for the area.

In response to these local concerns, Rep. METCALF and I included a provision in the 1996 reauthorization of the Marine Sanctuaries program barring final designation of a Northwest Straits Marine Sanctuary without Congressional approval. Having thus put the marine sanctuary process on hold, in the Spring of 1997 we established a Citizen's Advisory Commission (the Commission) to identify the key marine resources and values of the Northwest Straits, as well as the threats to them, and recommend appropriate protective measures and a means of coordinating related federal, state, and local actions. The Commission is broadly representative of local interests including County and Port Commissioners, environmental and conservation groups, shipping interests, academics, and Indian Tribes.

The Commission met diligently for eighteen months to fulfill their mission. In addition to the Commission members, a representative of Governor Gary Locke participated in meetings and federal, state, and local agencies provided information and technical assistance. All Commission meetings have been open to the public and interested parties. The Commission has researched and reviewed the issues surrounding the Northwest Straits exhaustively and presented their formal recommendation to Representative METCALF and myself on August 20.

The Commission has concluded that the very fabric of the Northwest Straits is unraveling, manifesting problems and trends that cross geographic and jurisdictional lines. While the ecosystem is complicated, the trends are simple: bottom fish, sea birds, invertebrates, salmon, and even some marine mammals have declined precipitously since 1980. This depletion of marine resources has hurt economies and communities around the Northwest Straits and further degradation portends far more serious impacts in the future. Existing management schemes, while sufficient in terms of legal authority, have failed to achieve the coordination and focus to change these trends.

While the Commission has not reached a consensus to endorse or reject any future alternative management scheme, the Commission recommends a set of steps that would not displace current management responsibilities but seek to compliment them by supplying key missing ingredients

for success: sound science and broad support for solutions. These steps include the establishment of a network of local, county-based Marine Resources Committees (MRCs) committed to making all possible progress at the local level to protect and conserve the resources of the Northwest Straits using existing state and local authorities, and based on sound scientific information and the overall needs of the Northwest Straits ecosystem. The MRCs will coordinate activities through a Northwest Straits Commission consisting of representatives of the MRCs, Indian Tribes, the scientific community, and state agencies. The Commission will provide technical assistance, integrate science, develop an ecosystem-level coordination, and coordinate funding.

In addition, the Commission will assess the performance of the MRCs against a series of benchmarks. These Benchmarks of Performance shall include the assessment and establishment of a scientifically-based regional system of Marine Protected Areas, the assessment and establishment of a scientifically-based regional system to protect nearshore habitat, a net gain in open shellfish harvest areas, and discernable increases in bottom fish and other key marine indicators. Should these benchmarks fail to be met, further consideration of alternative approaches, including a marine sanctuary designation may be resumed.

In addition, this bill calls for a review of the effort after 5 years by the National Research Council, with particular emphasis on the achievement of the Benchmarks of Performance. With the authorization for this “Local Marine Conservation Initiative” expiring in 6 years, this NRC report will help us assess the accomplishments of this effort to determine whether it should be continued.

Mr. President, the Northwest Straits Marine Conservation Initiative Act represents the right way to address environmental challenges. By pulling all of the interested parties together to analyze and research not only the issue, but each other's perspectives, partnerships can be forged that will provide long-term benefits. This pragmatic and achievable proposal will truly improve resource protection in the Northwest Straits. It is an innovative, exciting way to address the marine conservation challenges before us. I am excited about this approach and the way it empowers local communities and local citizens to take the initiative to protect their home waters. In many ways, this approach is a test or experiment. The local leaders have the next several years to demonstrate that a coordinated, informed, and empowered local decision-making process can provide true protection for the Northwest Straits. I believe they can meet this challenge. I look forward to Congress' timely consideration of this legislation.

Mr. President, I ask unanimous consent that a list of commission members

and a letter from Governor Gary Locke be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MURRAY/METCALF NORTHWEST STRAITS LOCAL CITIZEN'S ADVISORY COMMISSION MEMBERS

Lew Moore, co-facilitator.
 Dan Evans, co-facilitator.
 Brain Calvert, Friday Harbor Port Commissioner.
 Donn Charnley, former State Legislator.
 Dwain Colby, former County Commissioner.
 Jim Darling, Executive Director, Port of Bellingham.
 Kathy Fletcher, People for Puget Sound.
 Dave Fluharty, University of Washington/School of Marine Affairs.
 Don Hopkins, Port of Everett Commissioner/Longshoreman.
 Harry Hutchins, Steam Ship Operators.
 Cheryl Hymes, former State Legislator/Environmental Freedom Foundation.
 Phill Kitchel, Clallam County Commissioner.
 Mac McDowell, Island County Commissioner.
 Andrew Palmer, local marine conservationist.
 Doug Scott, Friends of the San Juans.
 Terry Williams, Northwest Indian Fisheries Commission/Tulalip Tribes.
 Dennis Willows, University of Washington/Friday Harbor Marine Labs.

TECHNICAL SUPPORT

Kelly Balcomb, Center for Whale Research.
 Tom Cowen, Puget Sound Water Quality Action Team.
 Daniel Farber, WA State Parks and Recreation Commission.
 Todd Jacobs, NOAA—Olympic Coast Marine Sanctuary Manager.
 Dan James, Pacific Northwest Waterways Association.
 Eric Johnson, WA Public Ports Association.
 Bob Nichols, Governor Gary Locke's Office.
 Lisa Randlette, WA State Dept. of Natural Resources.
 Terry Swanson, WA State Dept. of Ecology.
 Kathy Soudere, Naval Air Station—Whidbey Island.
 Shirley Waters, Office of Clallam County Commissioners.

STATE OF WASHINGTON,
 OFFICE OF THE GOVERNOR,
Olympia, WA, August 20, 1998.

Hon. PATTY MURRAY,
 Hon. JACK METCALF,
*Northwest Straits Citizens Advisory Commission,
 Padilla Bay National Estuarine Research Reserve, Mount Vernon, WA.*

DEAR SENATOR MURRAY, CONGRESSMAN METCALF, AND ADVISORY COMMISSION MEMBERS: I am writing to congratulate you on your success in developing a thoughtful, broadly-supported framework for restoring the marine resources of northern Puget Sound and the Strait of Juan de Fuca—the regional gem we call the Northwest Straits. I also want to express my appreciation for your willingness to dedicate so much of your time and talent over the last year-and-a-half to this effort.

This Commission's report has special credibility and value because its preparation engaged high-level community leaders representing a wide spectrum of interests. In joining forces across the political aisle to solve pressing regional problems, the convenors have followed the highest and best tradition of the Washington Congressional delegation.

I am pleased to see that the Commission has approached the problems of the Northwest Straits in a thoughtful and strategically targeted manner. Instead of proposing a new regulatory authority or layer of bureaucracy, you have wisely sought to complement the roles of existing federal, state, and local authorities by bringing in additional science and creating a forum to build the broad support necessary to advance resource protection.

Again, I want to commend you for your work in developing this proposed partnership to restore and protect the magnificent marine resources of the Northwest Straits. My administration and I look forward to working with you as you develop a congressional proposal and work to implement the report's recommendations.

Sincerely,

GARY LOCKE,
Governor. •

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 842

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 842, a bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

S. 852

At the request of Mr. MACK, his name was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from Utah (Mr. HATCH), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors 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. 2180

At the request of Mr. LOTT, the names of the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) 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. 2202

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2291

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2291, a bill to amend title 17, United States Code, to prevent the misappropriation of collections of information.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

At the request of Mr. MACK, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2296, *supra*.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from

Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2395

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2395, a bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence.

S. 2426

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2426, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. CONRAD), and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 260, a resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day."

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

SENATE CONCURRENT RESOLUTION 118—AUTHORIZING THE USE OF THE CAPITOL ROTUNDA ON SEPTEMBER 23, 1998, FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO NELSON MANDELA

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is authorized to be used on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE RESOLUTION 278—DESIGNATING THE 30TH DAY OF APRIL OF 1999, AS "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. BINGAMAN, Ms. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Ms. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 278

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children.

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children;

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 1999, as "Día de los Niños: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 1999, that include:

(1) Activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) Activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) Activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) Activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) Activities that provide opportunities for families within a community to get acquainted; and

(6) Activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

• Mr. HATCH. Mr. President, today I offer the following statement on behalf of myself and my colleagues KAY BAILLEY HUTCHISON, JOHN MCCAIN, PETE V. DOMENICI, SPENCER ABRAHAM, CHRISTOPHER S. BOND, and CHARLES E. GRASSLEY. Our purpose is twofold: to join our colleagues in recognizing the start of Hispanic Heritage Month, and to submit a resolution designating April 30, 1999, as "Día de los Niños: Celebrating Young Americans."

Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic Americans to the history, strength, security, and development of our great nation. This year, we once again embark on this month-long celebration. It is right to honor more than five centuries of contributions by Hispanics to the development not only of our great nation, but of the Western Hemisphere and the world. It is also imperative that we recognize that the health and vitality of the Hispanic American community is pivotal to the strength and future of this nation.

Our own experience has shown us that Hispanic Americans are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government.

I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American Dream.

Jaime Escalante, a high school mathematics teacher, has been helping an unprecedented number of Hispanic students prepare for and pass advanced

placement tests in calculus. Amalia V. Betanzos, president of an alternative high school with tremendous success rates, has helped us all see what faith and encouragement can do for the soul. And Abraham Chavez, who established the El Paso Symphony, shares his musical talent with children on both sides of the U.S. border. Even with limited funds, he finds various ways to put instruments into the hands and music into the lives of young children.

Such great recording artists as Celia Cruz, Tito Puente, Los Lobos, the late Selena, Freddy Fender, and Gloria Estefan have brought joyous Latin rhythms into our homes and our hearts. Great authors, like Luis Valdez, Victor Villasenor, Nicholasa Mohr, and Luis Rodriguez and great screen artists like Andy Garcia, Jimmy Smits, Edward James Olmos, Rita Moreno, Martin Sheen, and the late Raul Julia have entertained while they inspired us.

The patriotism and courage of great Americans like Alfred Rascon, who immigrated to the United States from Mexico, should also be recognized. At age 20, a lawful permanent resident, he volunteered to serve in Vietnam. As a paratrooper combat medic, he twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept working until he collapsed, so hurt that a priest at the scene gave him last rites.

Dr. Antonia Novello, former U.S. Surgeon General, Raul Izaguirre, President and CEO of National Council of La Raza, Carmen Zapata, director and co-founder of the Bilingual Foundation of the Arts, and Astronauts Ellen Oschoa and Franklin Chang Diaz have helped lead the way for our children as they enter the 21st century.

Of course, Sammy Sosa, Rebecca Lobo, Nancy Lopez, ChiChi Rodriguez, Pedro Morales, Gigi Fernandez, and Trent Dimas are but seven of the many great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. When they win, all America cheers and shares in their victory.

Most importantly, let us not forget the many, many other Hispanic Americans, whose daily contributions often go unrecognized, but whose legacy continues to demonstrate the viability of the American dream.

But for all their contributions to the strength of our nation, many Hispanics have not yet fully shared in the dream. The national drop-out rate for Hispanics exceeds 30 percent (for non-Hispanics the rate is 11 percent, and for blacks, the rate is 12 percent), the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most

likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. We must do better.

As the youngest and fastest growing minority community in the nation, Hispanics must share equally in the benefits and opportunities of this great nation, so that our country grows stronger and can better compete in global markets. Indeed, by 2050, according to the latest census projections, one in four Americans will be of Hispanic descent. One thing is clear, the health and vitality of this nation depends in large part on the degree to which Hispanic Americans are prepared to meet the global market demands of the next century.

For this reason, in 1987, Senator JOHN CHAFEE and ORRIN G. HATCH established the U.S. Senate Republican Conference Task Force on Hispanic Affairs, which now numbers 27 senators. The task force provides a unique forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment and health. The task force is aided by a bipartisan, volunteer advisory committee, for whose service we are very grateful. We acknowledge their tremendous contributions, commitment, and dedication to this effort. We thank each of the members publicly for they are truly great Americans.

It was with their help and guidance this Congress that we were able to make small advances in addressing the needs of the Hispanic community, including providing access to health insurance to large numbers of children in poverty, making changes to the Higher Education Reauthorization Act, and supporting increased appropriations to strengthen institutions that provide higher education to low income and disadvantaged students, and reforming job training programs to better serve the latino community. We were also able to establish a federal charter for the American GI Forum, a national Hispanic Veterans organization. Indeed, we owe no small debt of gratitude to the men and women who have sacrificed and continue to sacrifice daily to preserve our freedoms and democratic government. Hispanic Americans are very proud of their record of military service—the highest number of medals of honor earned per capital for any ethnic community.

Additionally, we submitted an "English Plus" Resolution, encouraging citizens to master not only the English language, but other foreign languages. Enhancing our linguistic abilities will make for a more skilled and competitive labor force, and improve our communications. We hope to be able to pass the resolution before the end of the Congress.

It was our Advisory Committee that recommended we join the National Latino Children's Institute in calling upon the nation to designate April 30,

1999, as "Día de los Niños: Celebrating Young Americans"—a recommendation with which we wholeheartedly concurred.

In contributing to the celebration of Hispanic Heritage Month, we think it is most fitting to introduce a resolution calling on the citizens of our great nation to join with other nations of the world, and especially those of the western hemisphere in setting a day aside to honor our children. Much in the same way that we celebrate Mother's Day and Father's Day, we urge the American people to set aside a day to uplift children, to encourage them to dream, and help them to acquire the skills necessary to make those dreams come true. It is a custom throughout Latin America to celebrate "Día de los Niños" on the 30th of April each year. Let us share in this tradition.

Indeed, if we take time to listen, to encourage children to read, to stay in school, to dream, to plan and work hard to achieve their dreams, then America's future is guaranteed to be brighter. Latinos have made great strides, and they continue to progress. They have joined the ranks of public officials, managers, CEOs and presidents of corporations, teachers, doctors, lawyers, and congressmen. But there is much yet to be done. Let us take pride in the contributions of Hispanics to the history of this nation, let us recognize their gifts to America—their patriotism, devotion to family, love of God, and faith in the American dream—and let us invest in the dreams of their children. Let us extend Hispanic Heritage Month to include a day to honor and celebrate the gifts of all of the nation's children, a day in which we devote ourselves to uplifting and encouraging them to pursue their dreams. We invite our colleagues to join us as co-sponsors of this worthy resolution designating April 30, 1999, "Día de los Niños: Celebrating Young Americans."

Mr. President, I ask unanimous consent that the names of the volunteer advisory committee be printed in the RECORD, in recognition of their contributions.

there being no objection, the names were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE REPUBLICAN CONFERENCE TASK FORCE ON HISPANIC AFFAIRS—105TH CONGRESS ADVISORY COMMITTEE

The Members of the U.S. Senate Republican Conference Task Force on Hispanic Affairs wish to record their high esteem, gratitude and appreciation for the members of the advisory committee to the task force (listed below), for their expertise, hard work, and dedication to assisting task force Senators in better meeting the needs of the nation's Latino community.

Loretta Adams; Antonio Amador; George Antuna; Rodolfo Arredondo, Jr.; Patricia Asip; Zulma X. Barrios; Richard Bela; Philip Vincent Bernal; Rudy M. Beserra; Victor G. Cabral; Lorenzo Cervantes; Roxana Chahin; Adam Chavarria; Ana Colomar-O'Brien; Elaine Coronado; Mariam Cruz; Rafael Davila; Chris Diaz; Guarione Diaz; Rita

DiMartino; Ingrid Duran; Alma Rojas Esparza; Rafael Franchi; Tony Gallegos; Jane C. Garcia; Rafael Garcia; President; San F. Garza; Mary George; Steve John Gonzalez; Arthur Granado; Sheila Guadarras; Carmen Hansen-Rivera; Alida Hernandez; Farah Jimenez; Ed Juarez; Ben Lopez; Mimi Lozano Holtzman; Raymond Lozano; Herminio A. Martinez; J.V. Martinez; Julian Martinez; Kenneth A. Martinez; Robert Martinez.

Zaida L. Martinez, Ph.D.; Teresa McBride; John Medina; Denise Mendoza; Mike Montelongo; Velma Montoya, Ph.D.; Dionicio Morales; Isreal Moran; Emma Moreno; Pete Moreno; Anna Muller; Alfonso J. Perez; John Perez; Juan Perez; Jaime Ramon; Grace Ramos; Jorge Ramos; Salvador Ramos; Ramon E. Rasco; Ana Rivas-Beck; Jose Rivera; Nena Robreno; Ana Rodriguez de Sanchez; Edwin A. Rodriguez; Eric Rodriguez; Fred Rodriguez; M.J. Rodriguez; Marcos "Mark" Rodriguez; Mark Rodriguez; Rene F. Rodriguez; Rose Marie Rodriguez; Nelson Roman; Phil Roman; Margo Salazar; Celia M. Salomons; Orlando Sanchez; Angelica Santacruz; Marta Sotomayor; Thomas Tewksbury; Esteban Torres; Joyce Valdez; Diana M. Valverde; Selso Vargas; Octavio J. Viveros, Jr.; Sofia Garcia-Conde Zuckerman.●

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BOXER (AND OTHERS) AMENDMENT NO. 3594

Mrs. BOXER (for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN, and Mr. WELLSTONE) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 74, strike lines 13 through 20.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, September 16, 2:00 p.m., Hearing Room (SD-406), regarding the use of methyl tertiary-butyl ether (MTBE) in gasoline and S. 1576.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 a.m. to hold a joint hearing with the Caucus on International Narcotics Control.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Com-

mittee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 a.m. to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 10:00 a.m. to receive testimony on S. 2288, the Wendell H. Ford Government Publications Reform Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "INS Oversight and Reform: Detention."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, September 16, 1998, at 2:00 p.m. for a hearing on "GAO Report on High Performance Computers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Wednesday, September 16, 1998, at 9:30 a.m. for a hearing on the topic of "The National Cancer Institute's Management of Radiation Studies."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION/ MERCHANT MARINE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on Wednesday, September 16, 1998, at 2:30 p.m. on "Fatigue: Trucking and Rail Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATING KARL OHS

● Mr. BURNS. Mr. President, I rise today to congratulate Karl Ohs, who will receive the Federal Bureau of Investigation's highest honor later this month for his part in ending the 1996 Freeman standoff in Montana. A quiet, unassuming rancher from Harrison, Montana, Karl has displayed uncommon courage and leadership not only during the Freeman incident, but throughout his life as a public servant and community leader.

Born and raised in the farming town of Malta on Montana's Hi-Line, Karl was surrounded by agriculture from his birth. After graduating from Montana State University with a degree in agriculture, he began farming and ranching in Harrison. Karl quickly became an active member in the community, serving on the board of the local hospital and on the Harrison School Board.

Karl's dedication to his community and agriculture led him to run for the Montana House of Representatives in 1994. After only one term, his peers selected Karl to serve as the majority whip for the 1997 legislative session. In this capacity, Karl led fights to cut administrative costs, increase investment in Montana for our long-term growth, and save the historical sites of Virginia City and Nevada City, which otherwise would have been lost, destroying important reminders of our great state's heritage.

Unlike some of today's political leaders who preach virtues publicly while defying them privately, Karl has shown great courage and morality while not standing in front of a microphone or television camera. When Karl was approached by a friend to intervene in the Freeman standoff, he did so without a second thought. As a mediator during the standoff, Karl repeatedly put himself into dangerous situations because of his concern for human life, both of the Freeman and law enforcement officers. In the end, he was able to gain the trust of the Freeman and jumpstart negotiations that led to the end of the standoff. Without his invaluable service, a violent end to the situation would have been inevitable.

In a nation that is suffering from a lack of moral leadership, I am happy to know that we have people like Karl taking an active role in their communities. Karl serves as an example for all of us.

Again, Karl, congratulations on your award. We can all learn a lot from your model of courage and service, and I want you to know that you have my gratitude and that of the Nation.●

THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

• Mr. LEVIN. Mr. President, I ask that the following joint statement of myself and my colleague from Michigan, Senator SPENCER ABRAHAM, be printed in the RECORD.

The joint statement follows:

JOINT STATEMENT OF SENATOR LEVIN AND SENATOR ABRAHAM IN RECOGNITION OF THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

Mr. President, we are pleased to join today in recognition of the hundreds of thousands of people gathering here in Washington and in every state in the country on Saturday, September 26, 1998 for The March . . . Coming Together to Conquer Cancer.

Statistics tell us that cancer will affect the lives of virtually every American. According to the American Cancer Society, American men have a 1-in-2 lifetime risk of developing cancer, and American women have a 1-in-3 lifetime risk. It is estimated that more than 1.2 million new cancer cases will be diagnosed this year, and cancer kills Americans at a rate of more than 1,500 per day. In our state of Michigan, cancer is the second leading cause of death for all people, and is the leading cause of death for people between the ages of 35 and 49. In 1995, cancer took the lives of nearly 20,000 Michigan residents. What statistics cannot show us are the real people behind the numbers whose lives have been forever changed by cancer. They are parents and children, husbands and wives, sisters and brothers, friends and colleagues. They are counting on us, and on policymakers at all levels, to renew our commitment to the effort to develop a cure for this deadly disease.

We are proud that our home state of Michigan is a national leader of The March and in cancer research and treatment. The Karmanos Cancer Institute, one of the premier cancer treatment facilities in the country, is coordinating Michigan's March-related activities. The Michigan March will be held in Lansing to coincide with The March in Washington on September 26th. A steering committee, coordinated by the Karmanos Cancer Institute, is working hard to ensure that people from every corner of Michigan participate in The March in Lansing. Organizers are expecting 10,000 people in Lansing on September 26th, including cancer survivors, friends and family of survivors and of those who have lost their lives to cancer, health care professionals, government leaders, and many others. We know that even though they will be divided by geography, the 10,000 people in Lansing will feel a sense of unity with the hundreds of thousands of others gathering in cities throughout the country for a common purpose.

Mr. President, we have all been touched by cancer in one way or another. We all have friends, family, or loved ones who have been its victims. The March will give a voice to those whose voices have been silenced by cancer, and it will serve as a call to action in the war against this deadly disease. We are pleased to stand with those participating in The March in Lansing and in Washington, and encourage our colleagues to join us in expressing our profound respect and gratitude to The March participants for their courageous action.●

CELEBRATING 7 YEARS OF INDEPENDENCE FOR THE REPUBLIC OF MACEDONIA

• Mr. COATS. Mr. President, I rise today to express my support to the

Government of the Republic of Macedonia which on September 8th celebrated seven years of independence.

Many of us are encouraged with the activities the Government has enacted with respect to democracy, human rights and international peace.

Although a small nation of approximately two million people and the size of Vermont, the Republic of Macedonia, located in the very unstable region of the Balkans, has established itself as an example of peaceful, constructive, good neighborly country and our reliable ally.

The Republic of Macedonia is the only country that, following the dissolution of former Yugoslavia in 1991, gained independence in a peaceful and legitimate manner, by a way of a referendum and a new Constitution, refusing to take part in the war that was waged in the other parts of former Yugoslavia, thus showing that at the threshold of the 21st century, it is possible to become independent without bloodshed.

Not only did the Republic of Macedonia opt against policies of territorial aspirations, forceful changing of borders and ethnic cleansing, but also made it very clear that such policies are the cause for conflicts and wars in the ethnically intermixed Balkans.

Over the seven years of its independence, the Government of the Republic of Macedonia has instituted a series of economic reforms to control inflation, reduce debt, increase exports and foster growth.

Recently, many American investors have started to see South-Eastern Europe as an economic area of large potential with more than 60 million people, and the Republic of Macedonia as the most strategically located in the center of this large market.

The United States must continue its support for the Republic of Macedonia, especially having in mind the recent developments in neighboring Yugoslavia.●

RECOGNITION OF THE U.S. NATIONAL COMMISSION ON LIBRARIES

• Mr. DODD. Mr. President, I rise today in recognition of the efforts recently made by the U.S. National Commission on Libraries to mobilize resources for the purpose of curbing youth violence in this nation.

Youth violence in America is, undeniably, a serious and frightening problem today. The recent string of highly publicized school shootings has made this all too clear; over the last ten months, 15 people have died and 42 have been wounded. This terrifying epidemic has spread across the country—from Mississippi to Pennsylvania to Washington. As a result, cities such as Jonesboro, Arkansas, and Springfield, Oregon, will remain burned in the public mind, forever associated with terror, heartbreak, and inexplicable tragedy. When faced with the all too horri-

fying reality of children killing children, teachers, even parents, the nation is shaken to its core, as common associations of youth and innocence are violently broken. Citizens are left to mourn and to ask the inevitable question: Why?

But wondering why is not enough. Innovative action is required if future tragedies are to be prevented. And the U.S. National Commission on Libraries and Information Science is leading the way, having committed itself to just such action. The Commission is a permanent, independent agency of the federal government charged by Congress to advise the President and the Congress on national and international library and information policies and plans. On July 8, 1998, the members of the Commission unanimously approved a resolution that urges all of society—community officials, educators, parents, role models—to support efforts made by libraries to assist adults, youth, and children in finding, through valuable learning resources and experiences, solutions to this outbreak of violence. The Commission's recognition of the important and constructive role libraries can play in the lives of America's children is commendable. It is commitment like this that may help to curb the terrifying tide of violence—both in the school and in the home.

Mr. President, I ask that the Resolution of the Commission be printed in the RECORD and serve as a model to all of us and our community organizations as we struggle to come to terms with violence among our youth.

The Resolution follows:

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Resolution in Recognition of the Important Role of Libraries in the Lives of American Children

WHEREAS we have seen the recent outbreak of children venting rage and anger by killing parents, teachers and schoolmates,

WHEREAS we know that mental development, positive socialization and emotional stabilization must begin at birth if children are to grow up with full success,

WHEREAS we are concerned about the needs of tens of thousands of young persons now in corrections or on probation who may return to destructive behaviors if they receive no redirection,

Be it Resolved That the U.S. National Commission on Libraries and Information Science urges that our society—officials and educators at all levels, community leaders, parents and other adult caregivers, confidantes and role models—utilize the vast potential of libraries and support the current and potential abilities and efforts of librarians in assisting adults, youth and children to seek positive outcomes through wise use of information, and

Be it Further Resolved: That, in seeking solutions through better parenting and learning experiences for young children and redirection for troubled older children and adolescents, libraries can be a major delivery point.●

NATIONAL ENDOWMENT FOR THE ARTS

• Mrs. FEINSTEIN. As the Senate considers appropriations for the National

Endowment for Arts and the Humanities Act, the primary source of federal support for the arts, humanities and museums, I wish to express my support for these programs.

ARTS AS PART OF OUR HISTORY

Mr. President, throughout this nation's history, the arts have been an integral part of our background and heritage. Over the years, music, dance, art, and personal expression have evolved to reflect our changing culture and attitudes. In a country of great diversity, from education and socioeconomic background to political perspective and religious views, all people should have the opportunity to experience America in its many forms, including the arts.

NEA IS A SUCCESS

In 1966, when Congress created the National Endowment of the Arts, the mission was to expose all people, across the nation, from California to Maine, from New York to North Dakota, of all backgrounds and origins, to music, dancing, theater, art and literature. Since then, the NEA has more than succeeded with its mission. The NEA helps support community festivals, rural chamber music, arts centers, galleries, arts libraries, town halls, children's organizations, and other social and civic institutions where families can experience the arts. NEA-sponsored programs build bridges of understanding among diverse groups of Americans.

ECONOMIC BENEFITS

The arts also stimulate local economies. By attracting tourist dollars, the arts stimulate business development, encourage urban renewal, attract new businesses, and improve the overall quality of life for our cities and towns. Nationally, nonprofit arts organizations generate an estimated \$37 billion in economic activity and return \$3.4 billion in federal income taxes to the U.S. Treasury each year. In other words, for every \$ 1.00 dollar spent by the NEA, \$34.00 are returned to the United States. Every \$1.00 spent by the NEA attracts \$12.00 to the arts from other sources.

INCREASED JOB OPPORTUNITIES

The arts also create job opportunities for more Americans. More than 1.7 million Americans are employed in the non-profit arts industry. This number is higher than any other profession including legal services, police and firefighting, mining, advertising, and forestry and logging. Since 1970 the number of artists employed in the U.S. has more than doubled. Even with this increase, the United States still spends nearly fifty times less on the arts than any of its major allies.

CREATES STATE AND FEDERAL PARTNERSHIPS

To ensure that people across the country have access to arts programs, the NEA promotes partnerships between the state and arts agencies, schools and local organizations. This cooperative system of arts support links local, state and regional associa-

tions in order to ensure that support and assistance is provided to organizations that work with culturally diverse populations, older adults, people with disabilities, and individuals living in institutions. Before the NEA, only 5 states had state-funded arts councils. Today, all 50 states do. Currently, the NEA sustains 25 partnerships with federal agencies including the Departments of Education and Justice, the Center for Substance Abuse Prevention, and the National Science Foundation.

EDUCATION BENEFITS

The arts can improve learning and be part of a well-rounded education. Research from 1995-97 from the College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-arts students on the Scholastic Aptitude Test, the SAT. Children with a piano background have also scored better on math tests.

The NEA and the state arts agencies provide \$30 million in annual support for more than 7,800 arts education projects in more than 2,400 communities. In 1997, the NEA invested \$8.2 million, 10 percent of its annual grant dollars, in kindergarten through grade 12 arts programs. Arts education improves life skills including self-esteem, teamwork, motivation, discipline, and problem solving that help young people compete in a challenging and high-tech workforce.

NEA AFFECTS CALIFORNIA AND STATES NATIONWIDE

Cutting funding means cutting programs. NEA has supported many California efforts: programs such as the I Do Dance Not Drugs program in South Central Los Angeles that works with latch-key kids would be demolished; a grant to the Pacific Symphony Association in Santa Ana, California funds Class Act, 95 a program which supports and enhances music education for up to 17,000 students at 20 elementary schools in Orange County through a series of activities, including repeated interaction with an Orchestra musician and direct exposure and interactive experiences with the Orchestra and the music it performs, would not be possible without NEA funding; to support a comprehensive education program at Berkeley public elementary schools, the Berkeley Symphony Orchestra will help train teachers in music, encouraging student interaction with the composer, an introductory orchestral concert, classroom visits, and a culminating presentation at which students perform side by side with Berkeley Symphony Orchestra professional musicians; the California Arts Council supports arts education and the partnership project with the California Assembly of Local Art Agencies to strengthen the State's local art agencies; programs which support Native American artists in Eureka, California to put on workshops for students and citizens on art could be terminated.

PUBLIC SUPPORTS NEA

By a margin of 3 to 1, Americans support government-funded arts programs. Moreover, a 1996 Lou Harris poll states that 61 percent of Americans said they would be willing to pay \$5.00 more in taxes to fund the arts. This is important because private donations tend to support larger arts organizations, not smaller, independent projects and groups. The NEA works hard to fund a wide range of expression.

NEA REFORMS

With reforms now requiring grantees to adhere to strict guidelines, trying to address the concerns of some who worry that some projects are objectionable can rest assured. National panels of private citizens select grantees in a rigorous, democratic review process.

In conclusion, Mr. President, I would like to remind my colleagues that the total for arts and humanities-related spending for the 1997 fiscal year was less than 1% of the total budget. The National Endowment for the Arts costs each American about 36 cents per year. Arts institutions have affected millions of Americans. Whether its been watching a famous play, wandering through a beautiful museum, or having the opportunity to live a dream by singing on stage in a local theater company, the NEA fosters an excellence, diversity, and vitality of the arts in the United States which could never be matched by any other institution. It represents a national commitment to excellence our nation's culture, heritage, and, most important, its people. The NEA benefits our citizens, educational institutions, economy, and our spirits. We cannot, in good faith, deny Americans access to such a national treasure.●

75TH ANNIVERSARY OF ST. ROSE HIGH SCHOOL

● Mr. TORRICELLI. Mr. President, I rise today to recognize St. Rose High School as it celebrates its 75th Anniversary. This year marks the 75th year the high school will provide quality education to students in and around the Belmar area. It is a pleasure for me to recognize this important milestone.

St. Rose exists to educate high school age men and women so that they may realize their spiritual, academic, and social potential. St. Rose's mission, since beginning as a parish school in 1923, emanates from a tradition of Roman Catholic education administered by the Sisters of St. Joseph of Chestnut Hill. The staff of religious and lay faculty is responsive to the needs of a changing world. They have created a safe, supportive, disciplined atmosphere and curriculum that honors and nurtures the dignity, worth and capabilities of each student. The alumni go on to assume positions of leadership within their communities and professional fields.

This school has become an extraordinary educational institution that has improved the quality of life for the citizens of New Jersey, and it has long

been an example of the standard that we set for our nation's high schools. Through hard work and dedication, the faculty have illustrated their commitment to building the leaders of tomorrow, and their success over the past 75 years serve as an inspiration to all educators.

I am proud to recognize St. Rose on its anniversary, and I look forward to another 75 years of quality education from this institution.●

HISPANIC HERITAGE MONTH

● Mr. REID. Mr. President, I rise to pay tribute to Hispanic Americans, as we begin to celebrate Hispanic Heritage Month. Events will occur throughout the Nation during this month—which extends from September 15th to October 15th—to applaud the achievements of Hispanics everywhere.

The diverse contributions of Hispanics to society, culture, academics, and the economy of our Nation have greatly enriched America. For example, the first two Hispanic Americans to win the Nobel Prize, biochemist Severo Ochoa and physicist Luis Alvarez, in their gain of worldwide acclaim, added to America's greatness in their respective fields. Dr. Ochoa of New York, was awarded the Nobel Prize in Medicine in 1959 for his discovery of ribonucleic acid (RNA). According to a New York Times article of November 3, 1993, Dr. Arthur Kornberg shared the Nobel Prize with Dr. Ochoa and said upon his death that Dr. Ochoa was "a fine teacher, a person of great enthusiasm and optimism." The Nobel Prize in Physics was awarded to Dr. Alvarez in 1968 for discovering a subatomic particle that can exist for only fraction of a second. He was born in California and later died in Berkeley, California in 1968.

Another great American, Franklin Chang-Diaz, became the first Hispanic American in space when he flew on a 1986 space shuttle Columbia mission. Ellen Ochoa became the first Hispanic female astronaut when NASA selected her for that duty in 1990, after receiving her Masters and Ph.D. degrees in electrical engineering from Stanford University. These Americans have presented themselves as ideal role models for other Hispanic Americans aspiring to excel in science and technical fields.

Our country's Armed Forces have also been proud to have Hispanics serve to protect America's freedom and liberty. The U.S. Congressional Medal of Honor Society has so far presented 38 Hispanic Americans with the distinguished Medal of Honor for their valor and great bravery. Without the integrity and spirit exemplified by these individuals, Americans everywhere would be facing a less secure world. Latinos have been with us through the Revolution, expansion to the West, and every conflict we have faced as a Nation; more than 400,000 Hispanics served the U.S. during World War II, and nearly 25,000 served during the Persian Gulf War.

The leadership of this country is augmented by the voices of our Hispanic elected officials, many who have joined forces in the Congressional Hispanic Caucus. The Caucus has been working very hard to advance relevant legislation and educate their colleagues about the needs of the Hispanic community. As we review Congressional history, we discover that the first Latino to serve in Congress, Joseph Marion Hernández, entered our halls as a Delegate from Florida in 1822. Our body welcomed Octaviano Larrazolo as the first Hispanic U.S. Senator in 1928. Currently, I am honored to have the only Hispanic Chief of Staff in the U.S. Senate, my good friend Reynaldo Martinez. I feel that we should see more of these success stories as we reach the next millennium.

In the state of Nevada, Hispanics have shown their influence in all areas, especially in education, business, and politics. Nevada continues to be the fastest-growing state in the Nation, and Nevada's Hispanics have increased from 124,408 people out of 1.2 million in 1990, to 253,329 people out of 1.7 million in 1997, according to Census Bureau figures released last week. This is a large increase from 10.4 percent of the state population in 1990 to 15.1 percent in 1997.

Hispanics have been the largest minority in Nevada for years and will become the largest minority in the rest of the country in 2005. Overall in the U.S., Hispanics number more than 30 million people. Along with some of my colleagues, I worked to address urgent needs of this quickly growing segment of our U.S. population, forging inroads with various Hispanic organizations through our Senate Hispanic Working Group. The Working Group has met regularly throughout the past year, encouraging a two-way learning process in which we have come to better understand important concerns that Hispanic Americans have, while expressing to the Hispanic community our earnest desire to address these concerns. The group has forged ties with Hispanic organizations such as the National Council of La Raza, League of United Latin American Citizens, National Association of Latino Elected Officials, American GI Forum, Mexican American Legal Defense and Educational Fund, National Latino Children's Institute and MANA A National Latina Organization. I am very pleased that our Leader, Senator DASCHLE, asked me to work with Senator BINGAMAN and Senator JOHN KERRY in this effort.

Practical, everyday issues Democrats have worked to address for Hispanic Americans are many in number and quite varied. For instance, we united to pass an amendment to the education IRA bill which I offered, along with my colleague from New Mexico, Senator BINGAMAN, to help reduce the alarming number of high school dropouts in this country. Although the amendment was added to the bill, it was regrettably stripped in conference.

This effort was particularly aimed at addressing the disproportionately high rate of Hispanic high school dropouts—a rate which has hovered at 30 percent. This is by far the highest rate compared to all other racial and ethnic minority groups—a rate that is simply unacceptable. Nevada has also seen dropout rates among Hispanics of more than 16 percent. We must continue to find out why these students are left behind, and eventually feel compelled to curtail their learning opportunities. These are opportunities that could help these disenfranchised young people begin a career, support their families now and in the future, and make something of their lives.

My own life was transformed by the power of education. My father never received an education higher than elementary school and my mother never graduated from high school. But because I was lucky enough to have access to educational opportunities, the support of good teachers, and a supportive community, I was able to accomplish what my parents had dreamed for me. Democrats want to make sure that every American has the opportunity to obtain a good education and realize their full potential.

We have also been trying very hard to reform our health care system. Millions of Americans worry every day about health care as they fight all manner of illness and disease, or care for a loved one who is sick. Many Americans, including Hispanic Americans who make up almost one in every four uninsured individuals in the U.S., wonder about how they will obtain the care they need when they need it, how they will pay for it, whether or not the care is quality care, and how much control they will have over their own health care decisions. We have managed to elevate on the national level one comprehensive solution to many families' health care worries in Patients' Bill of Rights legislation. We did this because people want to change the way managed care works, or more accurately, doesn't work. Regrettably, partisans have fought against full consideration of managed care reform in the Patients' Bill of Rights that would address issues at the heart of Americans' health care concerns. Democrats will continue pushing to increase patient protections for all Americans.

We have also, time after time, come to this floor to talk about strengthening retirement security for current and future generations. I hear our young people's anxiety about their retirement—that nothing will be available to help them when it's time to leave the workforce. Unfortunately for Hispanics, out of the one in ten who are part of the workforce, only one in three or 32 percent of the 13.2 million working Hispanic Americans participate in employee pension plans. The participation rate for other minorities is 44 percent and for white Americans, 51 percent. The situation is bleaker for Hispanic women, who earn on average

only 57 cents for every dollar earned by men and are thus unable to build savings or save for retirement.

Our solution is the Retirement Accessibility, Security, and Portability Act of 1998, a comprehensive pension bill that includes a wide range of proposals designed to help Americans prepare for a secure retirement. This legislation would expand pension coverage, strengthen pension security, promote pension portability, and increase equity for women. We are also working to save Social Security—a program that has succeeded in keeping millions of older Americans out of poverty, helping people who don't have pension plans or inadequate pensions, and serving as a necessary safety net. Americans shouldn't face great anxiety in their golden years and should rather be free to enjoy their grandchildren, second or third careers, and as active a lifestyle as they desire.

We have accomplished other things with the support of Hispanic Americans during this Congress, such as halting an assault on the Disadvantaged Business Enterprise (DBE) program. During Senate consideration of ISTEA II, the comprehensive highway funding bill, Democrats succeeded in protecting the DBE program which helps to ensure that minority- and women-owned small businesses have a fair opportunity to compete for Federal-aid highway and transit construction projects. In my state, \$26.6 million or 11 percent of 1997 contracting dollars coming into Nevada went to minority- and women-owned businesses. In 1996, the DBE program brought in \$4.2 million for minority-owned firms, or 7.3 percent of Federal contracting funds. It is imperative that we continue our diligence in helping these businesses fight against discrimination and flourish in their respective industries.

This year, we fought for a restoration of Food Stamps to legal immigrants who unfairly lost their benefits. As my colleagues recall, the Republican welfare bill in 1996 introduced several provisions harmful to legal immigrants, including a prohibition that cut 935,000 individuals from the Food Stamp program alone. Although eligibility later was restored in 1997 for certain immigrants in selected Federal assistance programs, many others remained ineligible for necessary benefits in the Federal safety net that helps poorer families. We included a partial, \$818 million restoration in the agricultural research bill conference report, defeating a motion to recommit the conference report with instructions stating that Food Stamp benefits be restored only to refugees and asylees who were lawfully residing in the U.S. on August 22, 1996. Immigrants were inequitably subjected to an arbitrary cutoff of benefits that hurt them dearly and took food out of the mouths of young children. We made sure that at least part of this injustice was reversed.

I hope that a similar range of issues will be addressed in a statewide His-

panic Leadership Summit—the second one in a series—which will take place in Nevada this October. The first Hispanic summit I helped arrange in 1997 served as a catalyst for discussions in issue forums on education, health care, crime and community health, business and employment, and political awareness, and this year's summit will spur discussion on the same issues. In addition to identifying Nevadans to serve in leadership roles for the community in these areas, summit participants proposed solutions to various problems, such as educational programs to address high school dropout rates, alternatives to gangs, improved adult education and bilingual education/English as a Second Language programs, and better access to higher education. I encourage my colleagues to hold events such as this one in their own states, as a way to further encourage solidarity and real progress as the Nevada summits did for the Hispanic community in my state.

Many accomplishments of Hispanic Americans came to light at the summit, and Hispanic Heritage Month presents us a terrific opportunity to celebrate those accomplishments once again. For example, as Hispanic consumers grow in number and purchasing power, producers, retailers and advertisers are recognizing Hispanics' strong economic muscle and finding selective marketing to Hispanics increasingly important. The Hispanic share of total buying power in my state grew from 6.4 percent in 1990 to 8.2 percent in 1997—an increase from \$1.38 billion to \$3.17 billion in less than a decade. Nationally, Hispanic buying power rose from 5.2 percent or \$210 billion in 1990 to 6.1 percent and \$348 billion in 1997, according to the Selig Center for Economic Growth at the University of Georgia. Hispanic Americans are helping to grow the economy.

Hispanic entrepreneurs are also becoming a significant force in Nevada's economy, and the U.S. as a whole. Nevada's 3,900 Hispanic-owned firms earned \$484 million in sales and receipts in 1992—double the number of firms existing in 1987 (1,767 businesses) and triple the sales and receipts logged in 1997 (\$142 million), according to the Census Bureau. As of 1996, there were an estimated greater than one million Hispanic-owned businesses in the U.S. Also growing in number around the country are Hispanic Chambers of Commerce—which numbered 169 in 31 states in 1995, according to Hispanic Business, Inc. This included the Latin Chamber of Commerce of Nevada in Las Vegas and the Hispanic Chamber of Commerce in Reno. I am encouraged to see that these businesses have come a long way and that they are projected to grow even more dramatically in the next five to ten years.

In closing, Hispanic Americans have much to celebrate this month. I feel there is no better occasion than now to personally congratulate a few winners who have made the Silver State quite

proud. The Latin Energy Dancers of Carson City, Nevada are being recognized this week by the National Latino Children's Institute—my warm congratulations go out to this group on being declared as one of the institute's La Promesa Award Winners 1998. Congratulations to Father Omar Botia for being this year's recipient of the Humanitarian of the Year "Adelante" Award. Father Omar, my friend, has contributed much to the Hispanic community in Reno, not only in the spiritual realm, but also in recognizing the need for improvement of their temporal situations. Also, MANA, A Latina Organization recently opened a new chapter in my state in Las Vegas—I wish them the best in their new endeavor. Let this month be a celebration for achievements and honors like these, through which the Hispanic community will continue to grow and flourish. Hispanic Heritage Month will be a time for us to remember the contributions that the Hispanic community has shared with us and has given to this, only adding to its greatness. We are reminded this month that the United States is a country of true diversity, which revels in the differences of its individuals, and rejoices in the common strains that unite us as Americans.●

HISPANIC HERITAGE MONTH

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Latino community. As we celebrate Hispanic Heritage Month, I want to recognize the contributions made by millions of Latinos in our nation. New Jersey is a truly multi-cultural state and I am honored to help represent this vigorous community in the United States Senate.

Mr. President, this month we celebrate a community with leadership which is notable in every facet of our society; which continually commits to family, education and business; and which is a vital force in our economy. Latinos have persevered, often under difficult situations, yet remain hopeful even as they strive for change. Hispanic elected officials and community leaders work to increase involvement in the electoral process, break the cycle of poverty and improve people's lives. Many Latino soldiers have made the ultimate sacrifice in giving their lives for the common good of our country. Today, I want to honor these brave Americans and their families. And I also want to honor Latina/o heroes and heroines like the late Julia de Burgos, Arturo Alphonso Schomburg, Cesar Chavez, Roberto Clemente, Puerto Bibliophile and Don Pedro Albizu Campos among others. These teachers, advocates, athletes, and activists have brought pride to their community, enriched our country, and provided role models for all of us to emulate.

I commend the Latino community for its courage and persistence and

want to warmly acknowledge the talent and vitality its expanding population brings to our nation. I thank the community for leading by example, and for promoting a national policy agenda which highlights very basic human necessities that should be the right of every American.

Mr. President, a democratic and prosperous society, such as ours, should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future and they should be able to participate fully in the American experience. We should not cut off benefits to children, the elderly, and disabled immigrants who entered our country legally and may have no other means of survival. Quality child care, early childhood development and work training initiatives are also critical investments that can make all the difference to Latino children.

Mr. President, I am proud to honor New Jersey's Hispanic community today and to have the opportunity to ensure that Latino contributions, insights and sacrifices do not go unnoticed.●

TRIBUTE TO THE HONORABLE C. CLYDE ATKINS

● Mr. GRAHAM. Mr. President, I join the citizens of South Florida in celebrating the distinguished career of Federal Judge C. Clyde Atkins, a man held in the highest esteem by his peers in the community and within the legal profession.

Born in Washington, D.C., Judge Atkins began his legal career when he attended the University of Florida where his law studies—which he supported by working at campus jobs—earned him a legal degree in 1936. He practiced law in Stuart, Florida before moving to Miami where his distinguished legal performance was highly recognized. He served as President of the Dade County Bar Association from 1953 to 1954, and as President of the Florida Bar Association in 1960.

In 1966, he was appointed a United States District Judge for the Southern District of Florida, having been nominated by President Lyndon Johnson. He served as Chief Judge from 1977 to 1982, during which time he was appointed by United States Supreme Court Chief Justice Burger as Chairman of the Judicial Conference Committee on Operation of the Jury System. Additionally, President Jimmy Carter appointed him a member of the National Commission for the Review of Antitrust Laws and Procedures, on which he served from 1978 to 1979. In his present position on the federal bench, Judge Atkins has served 32 outstanding years, longer than anyone there presently.

Integrity and fairness are words synonymous with the characteristics and judicial talents Judge Atkins has exhibited in serving the public. He is particularly credited with ending segregation in Dade County's schools; preserving the rights of the homeless; vigorously upholding the tenets of free speech; and granting the equal treatment of refugees. As an affirmation of his legal acumen, the University of Miami School of Law established the C. Clyde Atkins Moot Court Series, where law students are able to hone their own legal talents.

A driven and conscientious worker, Judge Atkins has been highly praised by his colleagues and associates, and has garnered the highest respect from within and beyond the legal community. He has been recognized by numerous community organizations, especially the Catholic Church to which he has held a strong and abiding devotion during his lifetime. Judge Atkins has been President of the St. Augustine Diocesan Union of Holy Name Societies and President of the Miami Archdiocesan Council of Catholic Men, as well as receiving the National Conference of Christians and Jews Outstanding Catholic Award. He has been honored by the Anti-Defamation League of B'nai B'rith and the Greater Miami Jewish Federation awarded him with the Lifetime Achievement Award.

Amidst these impressive accomplishments, I believe that Judge Atkins would cite his 61 year marriage to the former Esther Castillo as the most cherished, treasured, and important part of his life. Together, as lifetime partners, they raised three children and have enjoyed the pleasures of grandparenting, as much as my wife Adele and I have.

Mr. President, I join all those who honor Judge Atkins for his lifetime of commitment to the people of our state. His competence, unswerving integrity and devotion to the bench, his mild and gentle manner, and his consummate respect for the law have given the people of Florida a person who serves as a role model for all to emulate.

We cherish his service and wish him well as he continues to provide judicial leadership and inspiration to future generations.●

SUBMITTING CHANGES TO THE AP- PROPRIATIONS COMMITTEE AL- LOCATION

● Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for continuing disability reviews subject to the limitations in section 215(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allo-

cation, pursuant to section 302 of the Congressional Budget Act.

The revisions follow:

	Budget authority	Outlays
Current Allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,209,000,000	265,037,000,000
Violent crime reduction fund ...	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	831,738,000,000	854,642,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	+425,000,000	+377,000,000
Violent crime reduction fund ...		
Highways		
Mass transit		
Mandatory		
Total	+425,000,000	+377,000,000
Revised Allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,634,000,000	265,414,000,000
Violent crime reduction fund ...	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	832,163,000,000	855,019,000,000●

MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment until 9:30 a.m. on Thursday and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will then go to the unanimous consent agreement we had with regard to bankruptcy. The first 2 hours will be debated, equally divided, on minimum wage, and then we will go to the bankruptcy bill after that. Beginning tomorrow afternoon at 2 p.m., we will go to the veto override issue on the partial-birth abortion ban. That is not a unanimous consent request. It is an announcement of our intent.

Mr. KENNEDY. Mr. President, parliamentary inquiry. When the Senate convenes tomorrow, what will be the unfinished business? Will the remaining time be allocated under the cloture motion, which entitles Members to speak for up to an hour in the post-cloture period?

The PRESIDING OFFICER. Under the unanimous consent, the Senator is correct.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, could the Chair state what the business will be when we come back in the morning, whether it will be the unexpired time on the cloture motion, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. It will require consent to move off that to consider other business, is that correct?

The PRESIDING OFFICER. It will require either consent or disposition of the clotured item.

Mr. KENNEDY. Would that be a time for Members who have been waiting

here for 5 hours this afternoon and denied the right to speak—at that time would they have an opportunity to object to further Senate business until they have had an opportunity to address the Senate? Would that be in order?

The PRESIDING OFFICER. Any Senator has the right to object.

Mr. KENNEDY. Mr. President, I want to indicate that I will object at that time.

The PRESIDING OFFICER. The majority leader.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I believe the yeas and nays have been asked for, and there was a sufficient second.

The PRESIDING OFFICER. Regular order is the question on agreeing to the motion.

The clerk will call the roll.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. I don't believe I have the floor to yield, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLINGS) is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—55

Abraham	Craig	Hatch
Allard	D'Amato	Hutchinson
Ashcroft	DeWine	Hutchison
Bennett	Domenici	Inhofe
Bond	Enzi	Jeffords
Brownback	Faircloth	Kempthorne
Burns	Frist	Kyl
Campbell	Gorton	Lott
Chafee	Gramm	Lugar
Coats	Grams	Mack
Cochran	Grassley	McCain
Collins	Gregg	McConnell
Coverdell	Hagel	Moynihan

Murkowski
Nickles
Roberts
Roth
Santorum
Sessions

Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens

Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy

Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms

Hollings

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The motion was agreed to and at 6:27 p.m., the Senate adjourned until Thursday, September 17, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1998:

THE JUDICIARY

WILLIAM J. HIBBLER, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE JAMES H. ALESIA, RETIRED.

MATTHEW F. KENNELLY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE PAUL E. PLUNKETT, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

JOHN H. SIEMENS, 0000
WILLIAM R. PERRIN, 0000
MICHAEL J. SKIRCHAK, 0000
ROBERT E. DUNN, 0000
WILLIAM S. CHEEVER, 0000
COLLIN S. CAMPBELL, 0000
TIMOTHY L. BELTZ, 0000
DAVID G. WESTHOLM, 0000
JOHN M. HOLMES, 0000
BRIAN M. SALERNO, 0000
CYNTHIA A. COOGAN, 0000
MICHAEL G. WALLACE, 0000
RANDOLPH C. HELLAND, 0000
JOHN A. SCHOTT, JR., 0000
GARY F. GREENE, 0000
GEORGE E. HOWE, 0000
THOMAS W. SPARKS, 0000

CATHERINE M. McNALLY, 0000
BLAINE D. HORROCKS, 0000
PETER L. SEIDLER, II, 0000
PHILLIP J. HEYL, 0000
ROBIN K. KUTZ, 0000
ROGER D. GIBSON, 0000
RICHARD F. BESELER, 0000
DAVID GLENN, 0000
JOSEPH L. NIMMICH, 0000
RAYMOND E. SEEBALD, 0000
KEVIN E. SCHUMACHER, 0000
JAMES M. HASS, IV, 0000
DAVID P. PEKOSKE, 0000
PAUL F. ZUKUNFT, 0000
ARTHUR L. HALVORSON, 0000
RICHARD P. YATTO, 0000
JEFFREY Q. GAMBLE, 0000
MICHAEL R. MOORE, 0000
ROBERT S. BRANHAM, 0000
EDWARD S. CARROLL, 0000
RONALD B. HOFFMAN, 0000
DALE E. WALKER, 0000
KEITH G. JOHNSON, 0000
CRAIG E. BONE, 0000
ROBERT L. MCLAUGHLIN, 0000
LARRY E. JAEGER, 0000
SCOTT E. HARTLEY, 0000
ROBERT L. LACHOWSKY, 0000
KEVIN P. JARVIS, 0000
THOMAS R. RICE, 0000
MARK J. CAMPBELL, 0000
ERNEST W. FOX, 0000
JOHN C. MIKO, 0000
BURTON S. RUSSELL, 0000
MICHAEL P. SELAVKA, 0000
DOUGLAS D. WHITMER, 0000
EDWARD D. NELSON, 0000
THEODORE P. MONTGOMERY, 0000
DAVID S. BRIMBLECOM, 0000
BRUCE A. DRAHOS, 0000
ROBERT C. PARKER, 0000
RONALD E. KILROY, 0000
FRANCIS X. OBYRNE, JR., 0000
JOHN S. BURHOE, 0000
JEFFREY K. KARONIS, 0000
DAVID M. ILLUMINATE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. CANAVAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. SCHUSTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE DIRECTOR, NATIONAL IMAGERY AND MAPPING AGENCY DESIGNATED AS A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 441 AND 601:

To be lieutenant general

MAJ. GEN. JAMES C. KING, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 14502:

To be captain

THOMAS E. KATANA, 0000

EXTENSIONS OF REMARKS

THE FRIENDLY SKIES
RESTORATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. DINGELL. Mr. Speaker, today I rise to introduce H.R. 4577, the Friendly Skies Restoration Act, in order to protect the American public from unfair practices in the airline industry and to ensure that the traveling public has access to reasonable airfare. Monopolistic attitudes and unprecedented levels of market concentration have caused consumer's pocketbook balances to nosedive while airline profits have soared. Congress should act to bring the benefits of full competition to the Nation or else other relief must be brought to bear. This legislation will do that. Consumers deserve policies that will achieve affordable airfare and accessible service.

There is growing public interest and concern over the issue of predatory conduct by major air carriers. Such practices eliminate competition in the air travel industry and create formidable barriers for entrepreneurs to break into the market. As an example of some suspect conduct, one has only to look back to when Northwest Airlines cut its fare from Detroit to Boston to as low as \$69 from an average of \$259 when Spirit Airlines entered the market in 1996. Coincidentally, once Spirit was pushed out of the market, the average fare went up to \$267, exceeding even the original level. More recently, Northwest ran an upstart, Pro Air, out of the Detroit-Milwaukee market and is engaged in some curious behavior in the Detroit to Baltimore market. To provide a level playing field, vigorous competition must be permitted to take root. Unfair exclusionary practices that eliminate that competition must be rooted out.

When carriers respond to new competitors with severe drops and capacity expansion in order to run the new carrier out of the market, it is not good for consumers in the long run because it diminishes the number of options consumers will have by further consolidating the strength that the major dominant air carriers have over the markets today. After a new entrant is grounded, the major carrier simply retrenches and raises fares higher still in its resumed control. This leads to a markedly worse situation for consumers.

Congress expressly gave the Department of Transportation authority to stop any "unfair or deceptive practice or unfair method of competition." Further, Congress has directed the Secretary of Transportation by statute to consider "preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation" as being in the "public interest and consistent with public convenience and necessity." The Department of Transportation's action under this authority has been woefully lacking. The federal government should do its job to help the public.

The Secretary of the Department of Transportation should take real action to advance

the pro-competition policy objectives of the Congress. That action includes ensuring that the Department of Transportation's guidelines, which it is currently developing to deal with predatory activity, are effective. As proposed, the guidelines would permit the Secretary to impose sanctions if a major carrier should respond to a new entrant into a market in an unfair or exclusionary manner. More tools are needed and this bill provides them.

The bill would permit the Secretary to require that any air carrier deemed to be engaged in an unfair method of competition or unfair exclusionary practice, as a condition of continued service on the route involving the violation, to maintain the same levels of capacity and fare pricing that was deemed exclusionary for a period not to exceed two years. Such a tool should give a carrier pause for thought before implementing any activity that would unfairly respond to legitimate competition. Additionally, the bill would increase the monetary penalty for such unfair methods of competition under the U.S. Code from the current \$1,000 to \$10,000 for each day the violation continues or, if applicable, for each flight involving the violation.

There are presently proposals before the Department of Transportation that would combine the Nation's six largest carriers into three alliances with strengthened control over the United States market. The bill would give the Secretary of Transportation the authority to review joint venture agreements or cooperative working arrangements between major air carriers to ensure that such cooperation and integration among air carriers does not result in unfair or deceptive practices or unfair methods of competition that would harm the public.

At the four slot-controlled or high-density airports, the vast majority of the schedules take off and landing slots are controlled by the major carriers at these key hub airports. The airports are: New York's Kennedy and LaGuardia Airports, Chicago's O'Hare, and Washington's National Airport. For meaningful competition to take root, new entrant carriers must have a real opportunity to provide service in those markets. Of the more than 3,100 domestic air carrier slots at these four airports, fewer than forty-five slots are held by all the new entrant air carriers combined. Moreover, foreign air carriers have more than twice as many slots as domestic new entrant air carriers combines. Most of these slots were grandfathered to the major carriers more than a decade ago. The slots are government property, and it is time that the federal government use them to benefit the public rather than just a handful of airlines.

In order to remedy this barrier to competition, the bill would give the Secretary the authority to create, withdraw, and, as a last resort, auction slots at each slot-controlled airport for assignment to new entrant air carriers and other carriers with very limited access. If there is a withdrawal of slots for an auction, the Secretary may not auction more than ten percent for the first auction and five percent for each succeeding auction. Auctions may not

take place earlier than two years from each preceding auction. Income from any auctions would finance taxpayer relief and improved airport infrastructure for the American public. Further, as recent evidence makes quite clear, strikes at hub airports can ground thousands of flights and hundreds of thousands of passengers, even on a daily basis. The bill would permit the President to authorize other air carriers to use the slots and related gates and other such facilities of another carrier which are not in use because of a work stoppage.

Slot possession at the four key airports where such controls are in place is a major issue, but questions like long-term exclusive gate leases at other airports represent just as nearly insurmountable obstacles to real competition in the airline industry. For that reason, it seems to make good sense that such arrangements be reviewed. The bill would direct the Secretary to issue a study on the ability of and proposals for new entrant air carriers and those with limited access at major hub airports to obtain gates and other facilities at airports on terms substantially equivalent to the terms provided to the major carriers already using airport facilities. The airfield must become a level playing field for competition.

It is important that the American public have access to useful information about the market and who in the industry is providing the best consumer value. Various studies by the General Accounting Office and private organizations have shown that concentration in the domestic airline industry continues to grow and is at extraordinarily high levels. Where such concentration exists, fares have increased with a significant impact on residents and businesses in those communities. In order to evaluate consumer value and review potential implications of market concentration at hub airports, the bill would require the Secretary to prepare two quarterly reports for the public. One would rank the top and bottom ten domestic routes with regard to their average cost to the passenger, and the second would rank the large hub airports by market concentration and identify the market share of each airline operating at each of those airports. As has been said, sunlight is the best disinfectant. Let's let it shine on the airline industry.

At best, the promises of deregulation have not been fulfilled. The traveling public is still captive to monopolized routes and airports. Since 1978, the Nation has had unregulated monopoly, instead of regulated monopoly in this industry. While I fully support the goals of competition, two decades of experience only reveal consolidation, diminished choice, and higher prices in many markets. As a last resort, wherever there is insufficient competition the Secretary of Transportation must be empowered to change unreasonable airfares. Such conditions exist where there are less than two carriers in full competition or one carrier controls more than sixty percent of the market share on any route that the public flies. Where deregulation has failed, the Congress should respond and give consumers the relief they deserve.

• 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.

The American public has been held hostage by the poor service and inordinate fares at the hands of the cartels in the air for too long. That is why I am pleased to introduce this bill to generate legitimate competition and secure reasonable prices for air travel for the country's consumers.

**BILL TWEET—SAN DIEGO COUNTY
BUILDING AND CONSTRUCTION
TRADES COUNCIL 1998 LABOR
LEADER OF THE YEAR**

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize Bill Tweet, the Business Manager/Financial Secretary-Treasurer of Iron Workers Local 229, as he is honored by the San Diego County Building & Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet as the 1998 Labor Leader of the Year.

Bill is a native San Diegan and was educated in local schools. Following his education at San Diego City College, he served in the United States Army and was stationed in Germany.

He began his career as an Ironworker in November 1967 and graduated from the Iron Workers Apprenticeship Program in 1971. During his tenure, Bill has worked on many of the San Diego County highway bridges on Interstates 5, 8, 805 and S.R. 163 and has contributed his talent to the erection of major high rise projects in downtown San Diego.

Bill first became active in Ironworkers Local 229 when he was elected Vice President of the Local in 1982, a position he held until begin elected to the Executive Board and the District Council of Iron Workers. He served in that position for two terms before his election to the office of Business Representative.

In 1994, Bill was elected to his current position of Business Manager/Financial Secretary Treasurer of Ironworkers Local 229 and was re-elected in 1997. In addition to his duties at Local 229, Bill also serves as Delegate to the District Council, Trustee of the District Council, State of California and vicinity, and Trustee of the California Field Ironworkers Trust Funds.

Organized labor at large in San Diego has benefited from Bill's tenure as Delegate of the Imperial County Building and Construction Trades Council, as a Member of the Executive Board of the San Diego-Imperial Counties Labor Council and currently as President of the San Diego County Building and Construction Trades Council.

The local community has also benefited from Bill's endless efforts. He dedicates his energies to the youth in his community by serving as a "T-ball" coach and serves on the Clairemont Town Council. He has donated his time and trade skills to the community by organizing members of local 229 to join him in volunteering their skills to erect new score boards at the University of San Diego and Mission Bay High School, constructing a new building for the Boys and Girls Clubs of National City and by building the walkway at the San Diego Children's Museum.

Bill Tweet exemplifies the high values, standards and principles of a real community

leader. It is very appropriate that his many efforts on behalf of his local community and of working men and women throughout San Diego County are recognized by this award.

My congratulations go to Bill Tweet for these significant contributions. I admire his dedication and commitment and believe him to be highly deserving of the San Diego County Building and Construction Trades Council's 1998 Labor Leader of the New Year Award.

IN HONOR OF BERNIE FIELDS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Bernie Fields, a constituent of mine who passed away on August 16, 1998 at his home in Middletown, Connecticut. He will be deeply missed by all of us who knew him.

Bernie distinguished himself as a businessman, a community activist, a husband and a father. He came to Connecticut in 1950 and opened Bernie Fields Jewelers. This family-owned business stayed in downtown Middletown for almost five decades. When many businesses moved out to mega-malls and the suburbs, Bernie remained committed to downtown. His store is like an anchor in downtown Middletown, a familiar site to generations of residents.

Mr. Speaker, Bernie Fields did much, much more than keep his business in downtown. He worked on behalf of his community in countless other ways.

Bernie founded Connecticut's very first Big Brothers/Big Sisters chapter in Middletown in 1961. He went on to help establish eight other chapters around the state.

He served as Director of the local American Red Cross Chapter, the American Cancer Society, the Lions Club and the Big Brothers of Hartford. He was a trustee of the Mount Saint John School. For twenty years he rented out a theater every December and showed free movies for young people.

He won the Connecticut Sports Writers Alliance Good Guy Award, was named the Salvation Army's Man of the Year, and received the American Legion Americanism Award, the Boy Scouts' Good Scout Award, and the Masons' PierPoint Medal. He was also the recipient of this institution's Congressional Volunteer of the Year Award.

Bernie Fields is survived by his wife of 58 years, Helen, his son Martin, his daughter Harriet, eight grandchildren, and one great grandchild. Although all of us who were lucky enough to call Bernie a friend will miss him, we will always remember how much he did to make Connecticut a great place to live.

**A TRIBUTE TO THE PENNYSAYER
NEWS OF BROOKHAVEN ON ITS
40TH ANNIVERSARY**

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FORBES. Mr. Speaker, I rise today in the People's House to ask my colleagues to

join me in honoring the Pennysaver News of Brookhaven and Island Shopper, as publisher Gary Smith and his staff of dedicated employees celebrate this nationally acclaimed publication's 40th anniversary.

Over the past four decades, the Pennysaver News has grown from its humble origins to become the dominant shopper in Suffolk County, Long Island. The growth of the Pennysaver News and Island Shopper is typical of so many American success stories, inspired by elements of talent, work ethic and the good fortune to come of age in the dynamic Long Island business market. Founded by Gary Smith's brother Robert as an 8,000-circulation paper in Bay Shore, the Pennysaver News now has 32 editions with a circulation of 270,000, employing 75 talented staff members in printing, mailing, graphic arts and sales.

In the fiercely competitive Long Island market, the Pennysaver News and Island Shopper are highly regarded industry leaders of National renown. This year alone, the Pennysaver and Island Shopper received three national awards for advertising excellence from the Association of Free Community Papers, while also garnering the First Place award for excellence from the FCPNY.

While the publication has grown in size, readership and stature, Pennysaver News remains family owned and operated, with Robert's son Tim and Gary's daughter Delee now part of the team. This strong sense of family inspires an equally strong devotion to support so many schools, Boy Scout troops, churches, and chambers of commerce throughout the 65 hamlets in the six Suffolk County Townships the Pennysaver and Island Shopper serve.

The success of our national economy depends less upon government programs or multinational companies than upon the hard work and entrepreneurial spirit of small business owners like Gary Smith and his late brother Robert. The Smith's success is predicated on an unwavering commitment to customer service, producing results that increase their advertisers' sales and providing their readers with a valuable resource on local businesses.

So Mr. Speaker, I ask that my colleagues in the U.S. House of Representatives to join me in honoring the Pennysaver News and Island Shopper and the entire Smith family for 40 wonderful years of service to the Long Island businesses community and all their readers.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 435, 436, and 437 on September 15, I would have voted "yea." I applaud the leadership for bringing these important bills to the floor for a vote.

HONORING NANCY J. SCHILLING

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring

Nancy J. Schilling, a dedicated civil servant in Evansville, Illinois, in my Congressional district.

Nancy serves as the City Clerk for the Village of Evansville and as the Randolph County Civil Defense Director. While her husband, Danny and two children, Roxie and Ryan have always known what a great wife and mother they have, Evansville has been equally blessed in benefiting from Nancy's dedication to her community.

During the flood of 1993, the citizens of Evansville realized just how fortunate they were to have Nancy Schilling as their City Clerk. At a time when Evansville was under great strain facing the damage from the flood, she became the organizing force in re-building the community. Nancy coordinated efforts with the National Guard, Army Guard and Coast Guard to assist in a rapid response flood relief plan. She was also instrumental in securing state and federal grant money to provide critical additional support for Southern Illinois.

What is most notable about Nancy Schilling is her willingness to meet any challenge presented to her with a friendly smile and determined spirit. Nancy Schilling recently recognized her as their Citizen of the Year. I commend Nancy for this well deserved tribute, honoring her integrity, compassion and outstanding commitment to Evansville.

Mr. Speaker, I ask my colleagues to join me in recognizing Nancy Schilling for the fine example she has set for us all.

ENGLISH LANGUAGE FLUENCY ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

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. UNDERWOOD. Mr. Chairman, there are very few people in this body who can claim to be not only a parent of children in bilingual education, but who worked in bilingual education. I am proud to be associated with bilingual education and its implementation on a nationwide basis.

There are legitimate arguments about the implementation of bilingual education and whether it fits some communities. The existing Bilingual Education Act allows for this. It does not force bilingual education on anyone, and if some communities do not want it, they do not have to have it.

There is a legitimate discussion about the length of time in bilingual instruction, and there is legitimate debate about the age factors involved in language learning.

These are important considerations and they should be discussed between parents and educators within the communities throughout the country, in the best tradition of local control and responsiveness.

These are the arguments that are not legitimate. An impression will be given (clearly unsubstantiated and based on anecdotes recir-

culated to mythical proportions) that bilingual education is not about acquiring English. It is, and those of us who support bilingual education support and acknowledge the fundamental truth that life in America without English is a life without economic options and access to the full benefits of American public life.

It is bilingual education that will provide this access to our children and young adults, and the termination of this program in our Nation's educational system will certainly be detrimental to limited English proficient (LEP) students.

On the other hand, this bill we have before us today will take us several steps backward in educating LEP students. The so-called English Language Fluency Act contains provisions unacceptable to me as a Member of Congress, as a former educator, and as a parent.

H.R. 3892 disregards the authority of parents and local schools. This legislation mandates that LEP students entering kindergarten must master English by the end of the first grade. In addition, LEP children must be moved out of specialized classrooms in 2 years, not exceeding 3 years. Because you see, if LEP students need further assistance in learning the English language, and even if school administrators and parents believe further Federal assistance is necessary, after 3 years, this bill will not give these students the educational resources they will require. Common sense would have us believe that children in different age groups will have different educational needs. H.R. 3892 says no. It requires the 3-year limit on specialized learning and will effectively slam the education doors on LEP students needing further assistance.

H.R. 3892 is a violation of the voluntary compliance agreements between the Office of Civil Rights, local schools, and parents if these agreements involve bilingual education. Parties to these agreements will not even be consulted nor will individual consent degrees be examined. These compliance agreements ensure access to quality education for LEP students and protects their civil rights under title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1974.

Voiding these arrangements is another affront to the authority of local schools and robs students of the opportunity to excel in other school subjects. H.R. 3892, with its main focus on English learning, ignores the priorities just as vital to the development of LEP students, such as the basic comprehension of other school subjects like math and science.

Even the funding plans under H.R. 3892 are problematic. Instead of providing funds for the most efficient programs, H.R. 3892 will utilize formula grants for each school district. This legislation means not providing funds to the neediest students, or rewarding the best efforts.

We will soon be considering the reauthorization of the Elementary and Secondary Education Act (ESEA). Assessment of the Bilingual Education Program should take place within this context of comprehensive school reform. To initiate legislation at this time, which is what H.R. 3892 would do, is simply rash and foolhardy. We owe it to our children and youth to carefully evaluate and analyze the effects of bilingual education.

My colleagues, I urge you to oppose the passage of H.R. 3892. It is a shortsighted proposal which will serve more to harm LEP stu-

dents rather than aid them. Although the intentions of this legislation are notable, the language in this bill will simply not serve its purpose for it disregards the other educational priorities of LEP students, for their parents and for their teachers.

Vote "no" on H.R. 3892.

SALUTE TO DANIEL F. HALL UPON THE OCCASION OF HIS RETIREMENT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ROGERS. Mr. Speaker, the men and women who serve this nation as the employees of the federal government are sometimes the forgotten foot soldiers that keep our federal programs running day in and day out. Today, I want to pay tribute to one of these committed public servants, whose upcoming retirement will leave the Nashville District of the Army Corps of Engineers with tremendously large shoes to fill. Daniel Hall has been the Nashville District's Chief of Construction-Operations Division since 1992, but in October he will retire after 37 years of dedicated service to this nation.

He began his career after he graduated cum laude from Vanderbilt University in 1961 with the Bachelor of Engineering degree in Civil Engineering. As a distinguished graduate of Vanderbilt's Army ROTC program, he was commissioned as a Second Lieutenant in the U.S. Army Corps of Engineers. His first assignment was as Platoon Leader and Company Executive Officer for the 299th Engineer Battalion in Hoecht, Germany.

After active duty, Mr. Hall joined the Vicksburg District Corps of Engineers as a civil engineer intern and was later assigned to the Operations Division. In 1965, he transferred to the Nashville District, where he has been a tireless and ardent engineer. He was handed the honor and responsibility of Chief of Construction-Operations Division in 1992.

Over the years, Mr. Hall has been recognized several times for his outstanding work and service. He received the Meritorious Civilian Service Award. He was twice selected as the Nashville District's Employee of the Year in the Engineer and Scientist Category. He was named Engineer of the Year by the Tennessee Society of Professional Engineers. He was decorated by the Secretary of the Army, who awarded him the Decoration for Exceptional Civilian Service for his exceptional leadership and technical abilities.

Over the years, Mr. Hall has made an enormous impact in many of the communities in Kentucky's 5th Congressional District that are regularly flooded during times of heavy rains. He has worked on tremendous flood protection projects in Harlan, Pineville, Barbourville, Middlesboro and Williamsburg, which will help save people's lives, homes and property, and promote economic development in one of the poorest regions of the nation.

Today, I want to commend Mr. Hall for his outstanding and effective leadership. His work with the Army Corps of Engineers has made a difference in the lives of so many people, who routinely face the mud and floods of Mother Nature's fury. I wish Mr. Hall all the

best as he embarks upon this new phase of his life. Certainly, he has earned the right to retire, but he will be sorely missed.

INTRODUCTION OF THE DIETARY SUPPLEMENT FAIRNESS IN ADVERTISING ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. CRAPO. Mr. Speaker, I rise to introduce legislation to reaffirm Congress' intent in enacting the Dietary Supplement Health and Education Act (DSHEA). In enacting DSHEA, Congress intended to ensure that all Americans have access to factual information about vitamins and other dietary supplements so that they can make informed decisions about their health.

Among other things, DSHEA requires the Food and Drug Administration (FDA) to promulgate reasonable guidelines to regulate the content of dietary supplement labels. The expressed goal of this requirement is to ensure that the labels give consumers information necessary for them to make informed decisions on whether they want to take a particular supplement. The information on the labels is to be factual and cannot make claims regarding medical or disease benefits (which are reserved for FDA-approved drugs), but can inform consumers of the benefits and effects of the supplement. After some fits and starts, the FDA has complied with DSHEA, and consumers are benefiting.

It seems only logical that the same information the FDA allows on the label of a dietary supplement should be permitted for use in advertising of that same supplement. However, the Federal Trade Commission (FTC) is seeking to regulate the advertising of dietary supplements by denying consumers some of the very information that DSHEA required the FDA to let them have. Not only is it unfair to require the manufacturers of these products to work under two sets of contradictory regulations, but it also repudiates the intent of Congress that consumers have accurate and helpful information in making decisions about their health.

Mr. Speaker, the legislation that I am introducing would require the FTC to allow the same information in advertising of dietary supplements that is allowed on labels of the same products. It simply forbids one federal agency from adopting requirements for an industry that Congress prohibited another agency from adopting.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. TIAHRT. Mr. Speaker, on September 14th, I was unavoidably detained and missed four recorded votes on the following bills: S. 2206, The Community Opportunities, Accountability, and Training and Educational Services Act; H. Con. Res. 304, Expressing the Sense of Congress regarding the Culpability of

Slobodan Milosevic for War Crimes, Crimes against Humanity, and Genocide in the Former Yugoslavia; H. Con. Res. 254, Calling on Cuba to Extradite to the United States Convicted Felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; and H. Con. Res. 185, Expressing the Sense of Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the United States to the Principles Expressed in the Universal Declaration. Had I been present I would have voted yea on all four bills; roll call numbers 426-429.

DONALD ROSS BROOKS—SAN DIEGO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL 1998 RETIRED LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Donald Ross Brooks as he is honored by the San Diego County Building and Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet for his contributions on behalf of working men and women and his community.

Donald Ross Brooks is a native of Nebraska and came to San Diego from Kansas. At nineteen years of age, he joined the Navy hoping to see the world and was stationed at San Diego's North Island Naval Base. Following his three and one half years in the Navy, Donald worked as a police officer for the City of Coronado.

In 1958, he joined the International Brotherhood of Teamsters, Local 36 and worked as a truck driver for twenty years. In 1981, then-Teamsters Secretary-Treasurer Arkie Spoon appointed Brooks to the position of Business Representative for his local. During his ten year tenure in this position, he worked diligently to represent the interests of the construction drivers and warehousemen. He offered encouragement and advice to the Business Representatives of the various Building Trades Unions and served as mentor to his fellow Union brothers and sisters.

While raising his family of four boys, Donald also volunteered his time, energy and skills to the Cowles Mountain Little League. He shared his patience, knowledge and team-spirit with Little League players as he helped to build Little League Fields, served as league president, acted as player's agent and coached teams.

Donald exemplifies the high values, standards, and principles of the work of the late John S. Lyons in community service. I join in adding my sincere thanks to him for his many contributions that have earned him the San Diego County Building and Construction Trades Council's 1998 Retired Labor Leader of the Year Award.

CONCERNING HILL INTERNATIONAL, INC.

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to add my full support for the settlement of outstanding claims filed by U.S. companies against the Kingdom of Saudi Arabia.

In the early 1980's dozens of American companies filed claims totaling hundreds of millions of dollars for debts owed to them by the Kingdom. Following the creation of a formal claims resolution process by Congress in 1993, each of these claims have been settled, save one—the claim filed by Hill International, Inc., a New Jersey company to whom Saudi Arabia still owes over \$55 million.

The merits of Hill International's claims are not in dispute. Our own State Department has promised its full support and has even pledged to aid Hill International in their fight to collect what is owed to them. Dozens of my colleagues on both sides of the aisle have made an appeal for fairness on this issue and have urged Saudi Arabian authorities to settle this final claim promptly. But sadly, to this day, no movement has been realized on this important issue.

Perhaps the government of Saudi Arabia believes their efforts to settle outstanding claims have been "close enough." Mr. Speaker, I want to send a message to Saudi Arabia that as a friend of the United States they should lead by example and pay this final debt.

HONORING DR. MALIK HASAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. McINNIS. Mr. Speaker, I'd like to take a moment to applaud and honor an individual of enormous skill, dedication, and achievement who I am lucky enough to count as one of my constituents. His work, which has already been widely recognized, deserves to be mentioned here on the House floor.

Dr. Malik Hasan, who lives in Pueblo, Colorado, is considered one of the finest neurologist's in Colorado, if not the nation. Dr. Masan has worked at the Parkview Medical Center since 1975 and gone to extraordinary lengths to enhance patient care and service in a geographical area in dire need of assistance.

Just a few of his accomplishment over the past twenty-three years at Parkview Medical Center include: establishing and developing a Neurology Services department; establishing a Neuro Intensive Care Unit equipped with the area's first CT SCAN; setting up extensive outreach programs in such communities as Alamosa, Walsenburg, Trinidad and Raton; revitalizing the EEG Lab and beginning an EMG Lab; and donating nearly \$175,000 to help fund Parkview's expansion in order to bring quality health care to those in need.

It is this type of community involvement and unselfish dedication to making the world a better place that has earned Dr. Masan the admiration and appreciation of so many. His deep

personal commitment to improving the lives of those who are less fortunate, and to providing the best medical care possible, speaks volumes about the true character of this remarkable man.

Dr. Hasan immigrated to the United States in 1971 with only \$32 to his name, but has a wealth of desire and passion to succeed in his chosen field. His numerous honors and achievements are too lengthy to list, Mr. Speaker, but suffice to say that he is a man of tremendous accomplishment and vision.

Not content with what he has already done for health care, Dr. Hasan is now in the process of designing health care for the next century and beyond. This bodes well for the residents of Southern Colorado.

Mr. Speaker, Dr. Hasan is not only a credit to Parkview Medical Center, but to his community and his country as well. His record of success and achievement is one that should inspire us all to improve our own lives as well as of those around us. I am proud to stand here today on the House Floor and talk about this man, his efforts, and all that he has done to touch the lives of so many.

TRIBUTE TO VICTIMS OF THE EMBASSY BOMBINGS IN KENYA AND TANZANIA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. SKELTON. Mr. Speaker, I am sure all of my colleagues in the House of Representatives were horrified by the tragic loss of life in the bombings of our embassies in Nairobi and Dar es Salaam. Twelve Americans and nearly 300 Africans were killed and more than 5,000 people were injured.

We extend our deepest sympathy and condolences to the families of those who died and to those who were injured. The nation owes an enormous debt of gratitude to the men and women who serve our interests overseas, and to their families. We mourn their loss.

For the benefit of my colleagues, the following is a list of the names of the individuals who served in our embassies in Kenya and Tanzania who died as a result of the blasts.

EMBASSY EMPLOYEES WHO DIED IN THE NAIROBI BOMBING

Sgt. Nathan Aliganga, Julian Bartley, Jay Bartley (dependent), Jean Dalizu, Molly Hardy, Ken Hobson, Prabhi Gupta Kavalier, Arlene Kirk, Louise Martin, Ann Michelle O'Connor, Sherry Olds, Tom Shah, Hindu O. Idi, Tonny Irung, Joel G. Kamau, Lucy N. Karigi, Tesia Warimu Kionge, Joe Kiongo, Dominic Kithuva, Geoffrey Kalio, Peter K. Macharia, Francis W. Main, Cecilia A. Mamboleo, Lydia M. Mayaka, Francis Mbogo, James Mathencha Migui, Namayi Moses, Catherine Mukeithi, Kimeu N. Ngamga, Vincent Nyoike, Johnson Kimeo Nzioka, Francis O. Ochilo, Obias Ochola, Maurice Okach, Hudson Nyamher Omai, Edwin A.O. Omori, Evans Onsongo, Eric Onyango, Mungasia (Rachel) Pussy, Farhat M. Sheikh, Shah Umanlal, Phaedra Vrontamitis, Josephat K. Wachira, Adams Wamai, and Frederick M. Yafes.

EMBASSY EMPLOYEES WHO DIED IN THE DAR ES SALAAM BOMBING

Abdalla Mohamed, Abbas William Mwila, Yusuf Shamte Ndange, Bakari Nyumhu,

Mtendeje Rajabu, Mohamed Mahundi Ramadani, and Doto Lukua Romadhani.

TRIBUTE TO MR. WALLACE "WALLY" JOHNSON

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the outstanding efforts of Selectman Wallace "Wally" Johnson. For thirty-nine years Mr. Johnson has worked diligently to further the best interests of his community, Sutton, Massachusetts. Mr. Johnson's incredible career is unfortunately coming to a close since he recently announced that he will not seek re-election when his current term expires.

Wally Johnson has lived in Sutton since the mid-1930s. His first job after high school was with the clean-up crew after the Hurricane of 1938. At a time when people were trying to put their lives back together, Wally Johnson was there to help. Wally worked on his family's farm, as well as giving his neighbors a helping hand when they needed one. Even as a young man, Mr. Johnson displayed his fervent desire to make Sutton, Massachusetts a better place.

Before being elected to the Board of Selectman, Mr. Johnson served his country for four years during World War II. From 1942-1946, Mr. Johnson, along with his fellow brave American soldiers, defended the American way of life, ensuring us the right to live free. The strength of character that Mr. Johnson needed to fight in World War II has stayed with him to this day.

In a time when many people in the United States are trying to expand into every rural area, Mr. Johnson has remained steadfast in his conviction that Sutton retain its old town character. He demanded that the new Town Hall be placed on the exact site of the old Town Hall and he has recently decried local urbanization efforts which he feels would bring hardship to the residents of his town. He believes that the old way of doing things is the better way and he has dedicated his career to keeping the morals and values of his youth alive in Sutton.

His service, dedication, and strong character have made Wally Johnson an indispensable member of his community. I am proud to count Wally Johnson as one of my constituents and feel honored to represent a person of his quality in Congress.

TRIBUTE TO JOHN W. "RED" LARSEN BY HIS WIFE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. HILLEARY. Mr. Speaker, please enter into the RECORD today the enclosed material written by Mrs. Betty Larsen and sent to me by Mrs. June Griffin of Dayton, Tennessee.

John W. "Red" Larsen was born in Charleston, South Carolina, on September 13, 1927 to George Oliver and Marguerite Hochslander

Larsen. He spent part of his childhood in Somerville, South Carolina. His great-grandfather, whom he knew while a child, was a shipwright, which may have had some influence on his choice of the Navy for his military service.

His parents separated, and his mother took Red and his two older brothers, Herman and George, to New York City. Red spent his teen years in what was known as "Hell's Kitchen" and became big city street-wise. This area has since been torn down and replaced with what we know today as Lincoln Center for the Performing Arts.

Red enlisted in the Navy near the end of World War II. He worked in communications as a signalman, worked for some time as a submariner, and was trained in underwater demolition. He eventually gained the rank of CPO. He was in the Navy for 13 years, traveling to many different places throughout the world, and also saw service in the Korean War.

In the early 1970's, Red became concerned with the legitimacy of several aspects of our government's actions, especially pertaining to the federal income tax. He spent considerable time and effort studying, researching and talking with various sources. He also assisted several persons with tax difficulties. One of the results of his studies was an 83 page book, written in the late 1980's, *Slavery, American Style*. The book discusses in some detail the unconstitutional nature of our current income tax system.

Another interest was our individual rights and freedoms as American citizens, including property rights. Red also made a significant contribution to several communities in demonstrating the unconstitutionality of zoning laws.

In 1944, Red moved to Tennessee for its warmer weather and excellent state constitution. The first article in the Tennessee State Constitution is its Bill of Rights. He continued his studies and contacts with other patriots, and was starting to publish a series of newsletters entitled "Truth Bird Reports." Only one report had been published at the time of his death on July 7, 1998.

A memorial library which will contain many of Red's books and papers will be established in Altamont, New York, at the home of a long time friend.

RECOGNIZING THE MANASSAS EXPRESS SOFTBALL TEAM FOR WINNING THE BABE RUTH SOFTBALL NATIONAL CHAMPIONSHIP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. WOLF. Mr. Speaker, I rise today to recognize the accomplishments of a talented and dedicated group of young women from Manassas, Virginia. The Manassas Express 12-and under girls' softball team represented the Commonwealth of Virginia in Houma, Louisiana, last month at the Babe Ruth Softball National Championship and earned the title of National Champions.

The Express team is formed from the all-stars of the Greater Manassas Softball Association (GMSA) league which is affiliated with the Babe Ruth organization. The GMSA league has two seasons: Spring, which is competitive and standings are kept on wins and losses; and fall, which is instructional in nature and no wins and losses are counted.

The league was established to promote fast-pitch softball for girls in the Manassas-Prince William County area.

The members of the team are: Stephanie Gaynard, Katie Lee, Laura Hundemer, Courtney Bures, Kesha Robinson, Julianne Sudduth, Kristin Windle, Lydia Sumner, Kelli Rotter, Alyssa Kemmerer, Alexis Hochstrasser, Brittany Alexander-Smith, Jasmine Davenport, Katie Speaks, and Ashley Demaret. They are coached by Mike Windle, Mike Bures, and Donald Alsberry; and their scorekeeper is Tony Gaynard.

Through their hard work, the Manassas Express members have been ambassadors of sportsmanship for Manassas, Prince William, and all of Virginia. On behalf of the citizens of the 10th District, we say to them, congratulations.

HONORING PHILADELPHIA DIVA PATTI LABELLE AND BROADWAY STAR DOUGLAS SILLS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor two outstanding entertainers who are being recognized for their talents and their dedication to charitable causes.

On Thursday evening, September 24, Ms. LaBelle will receive the "1998 Distinguished Arts Award" by Pennsylvania Governor Thomas Ridge as part of the Governor's Awards for the Arts.

Broadway superstar, Douglas Sills, currently the Tony Award nominated star of *The Scarlet Pimpernel* at the Minskoff Theatre on Broadway is being honored by the Leukemia Society of America with the "Shining Star Award" in recognition of his commitment to charitable causes as well as his enormous talent. Among his theatre credits are the Los Angeles production of Tim Rice's *Chess*, the national touring company of *Into the Woods*, by Stephen Sondheim, the First National Tour of *The Secret Garden* and regional programs throughout the Nation. On television he has had roles on "Coach," "Empty Nest," "Models Inc.," "Party of Five," "Sisters," "Sliders," and "Women of the House." His film credits include *Funny About Love*, *The Swan Princess II*, *Escape from Castle Mountain*.

Mr. Sills holds degrees in theatre from the University of Michigan and the American Conservatory Theatre. He is a two-time Dramalogue Award winner and a charter member of the Antaeus Project at the Mark Taper Forum and Produced Dinah Was in Los Angeles. His role of Percy in *The Scarlet Pimpernel* has brought him numerous honors including the 1998 Theatre Award for Best Actor and the Drama League Award for Outstanding Artists. He was also nominated for the 1998 Best Actor Tony Award and as Best Actor for the Outer Critics Circle Award, FANY Award and the Theatre World Award.

Patti LaBelle is a musical sensation, dazzling audiences for an incredible 37 years. Born in Philadelphia, Ms. LaBelle has been singing all her life, first as a child in the Beulah Baptist Church gospel choir and then, as a teenager, in the legendary girl group Patti LaBelle and the Bluebells. In 1961, the Blue-

bells hit the charts with its first single, "I Sold My Heart To The Junkman" which went gold. The group recorded a number of songs which made the top 40 and played the best R&B venues in the Nation including the Apollo Theatre in Harlem, the Uptown in Philadelphia and the Regal in Chicago.

In 1970, a dynamic change in image, sound, costume, management and message gave birth to the renamed trio—Labelle. The group's sound blended soul, funk, rhythm and blues, gospel, pop and high-intensity rock-and-roll, while their futuristic costumes and theatrical staging made an unforgettable impact. Labelle's gold album, *Night Birds*, yielded the number-one single of 1975, "Lady Marmalade."

On October 6, 1974, Labelle made history as the first black vocal group to appear at the Metropolitan Opera House where thousands of audience members included Bette Midler and Jackie Onassis.

Patti LaBelle made her solo debut in 1977 when she played to overflow audiences in New York, Chicago, Washington, DC, and a dozen other cities. Since then, Patti LaBelle has gone from triumph to triumph and strength to strength. Her one-woman Broadway shows have shattered box office records, she has starred in her own prime-time television special and weekly TV series, "Out All Night." She starred in the national tour and Broadway revivals of the gospel musical *Your Arms Too Short To Box With God* and the role of a nightclub singer in the motion picture, *A Soldier's Story*, which was created especially for her.

Over the past 21 years, Patti LaBelle has recorded more than 50 albums and established herself as a major solo recording artist with classics like "You Are My Friend," and "If Only You Knew." She has garnered 10 Grammy Award nominations and the 1992 Grammy Award for Best R&B Vocal Performance; seven NAACP Image Awards (including the coveted "Entertainer of the Year Award"), three Emmy Award nominations, two American Music Awards and a Cable Ace Award. In 1996, Boston's Berklee College of Music presented Ms. LaBelle with an honorary doctorate. Her autobiography, *Don't Block The Blessings*, was a national best seller and earned the NAACP Image Award for outstanding literary work. A cookbook, *LaBelle Cuisine: Recipes to Sing About* should be released soon.

Ms. LaBelle is also well known as a humanitarian. She serves as spokeswoman for the National Medical Association, the Minority AIDS Council's "Live Long Sugar" campaign, the National Cancer Institute and the American Diabetes Association. The National Cancer Institute will receive \$90 million in additional research funding and \$10 million a year over the next five years for education and outreach programs if The Laurie Beechman Memorial Act, which I was proud to author, becomes law.

Mr. Speaker, these two extraordinary artists are a clear example of the spirit of the entertainment community when it comes to helping those in need. Patti LaBelle has a long record of working for a variety of causes and has been an outstanding member of the Greater Philadelphia community for many years. Douglas Sills is a young man with a bright future ahead of him. An excellent singer, Douglas has also shown a keen acting skill which will

allow him to do both singing and non-singing roles. Two years ago, the "Shining Star Award" was given to a constituent of mine, Laurie Beechman.

Another reason I am so proud to stand here and tell you about these brilliant performers is that they are both scheduled to perform in a tribute concert—*Let The Memory Live Again! A Musical Celebration For Laurie Beechman*—on November 30 at the historic Walnut Street Theatre in Philadelphia to raise money for GILDA'S CLUB®. These two outstanding entertainers are just a couple of the many talented artists who will join together to raise funds to battle ovarian cancer, the disease which took the life of Laurie Beechman in March after a nine-year struggle against the disease.

I am amazed that all these wonderful performers are willing to give what little time off they have to help others. But, it seems to be a Broadway tradition to reach out like this because Laurie Beechman performed at many events of this kind. In fact, just two years ago, she and Sam Harris performed at *Rainbow and Stars* to raise money for the battle against AIDS. Now, Sam will be co-hosting the tribute to Laurie, a woman he called his "musical soulmate," along with Ms. LaBelle.

Mr. Speaker, I am proud to be associated with Patti LaBelle and Douglas Sills who represent the heart and soul of the entertainment industry which has dedicated itself to the battle against these afflictions and have reached out a hand to those in need. As a result of the Laurie Beechman Tribute Concert, GILDA'S CLUB® will be able to reach out to more people with cancer and their families.

November 30 will be a night of stars at the Walnut Street Theatre and none will shine brighter than Douglas Sills and Patti LaBelle. But, I'm sure they would be the first to tell you that the real stars that night will be Laurie Beechman and the long struggle against ovarian cancer she wages even after her death.

I insert these comments in the RECORD so all may know of the accomplishments of these two fine performers in the hopes it will awaken a similar dedication to humanity in each of us.

PROMOTION OF A DRUG-FREE AMERICA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to promote the Drug-Free America Blue Ribbon Campaign. As part of a resolution detailing how our children are at risk, the U.S. House of Representatives has declared September 13-19, 1998, as Blue Ribbon Week. This selected week, shortly after most children return to school, allows Americans to join together in waging a strong campaign to win the War on Drugs by the year 2002. We must protect our children from drugs and we must support our law enforcement community in the fight to keep our streets safe.

The efforts to reduce the incidence of substance abuse, including abuse of alcohol and illicit drugs is a major public policy issue in the United States. An estimated 52 million Americans experience a mental health or substance abuse problem every year, with less

than half obtaining treatment. According to the state health department, 343,000 residents of North Carolina are in need of comprehensive substance abuse treatment. Over the last 30 years, Congress has initiated a variety of federal efforts supporting the prevention and treatment of, and research relating to, substance abuse and mental illness.

The Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the Department of Health and Human Services, is responsible for supporting mental health and substance abuse prevention and treatment services throughout the country by providing technical assistance, categorical grants, and block grants to the states. This vital agency was created in 1992 and provides funds to states for alcohol and drug prevention, treatment, and rehabilitation programs and activities.

Providing sufficient funds to states for drug prevention is vital to winning the war on drugs. Without adequate funding, states will not be able to provide the necessary treatment and assistance to those in need. The Administration has requested a proposed funding level of \$17.1 billion next year in National Drug Control Funding, a 6.8% increase over the estimated \$15.9 billion provided in Fiscal Year 1998. In addition to increased funding, the Administration has also proposed a National Drug strategy. The drug initiatives in the new strategy build on five goals: (1) Motivate youth to reject illegal drugs & substance abuse; (2) reduce drug-related crime and violence; (3) reduce health, welfare, and crime costs resulting from illegal drug use; (4) shield the U.S. frontiers from the drug threat; and (5) break foreign and domestic drug supply sources. Congress must do its part and support the Administration's efforts.

Protecting our children from drugs and supporting safe streets and communities are top priorities for me. I strongly believe we must not retreat in our battle to save people from the scourge of alcohol and drugs that destroys so many precious lives. As the former two-term Superintendent of North Carolina's public schools, I know firsthand the importance of strong anti-drug abuse programs. I supported and worked on the Safe and Drug Free Schools Program during my tenure as Superintendent, and I oppose the effort of some Republican Members to terminate Safe and Drug-Free Schools.

As the Representative of the Second District of North Carolina, I am committed to continuing to work to protect our nation from the dangers of drug abuse. I am also strongly committed to assisting the state and grassroots organizations in my district who know first hand how to combat the devastation of drug use. I believe that it is vitally important to keep an open line of communication with hospitals, treatment programs, and other grassroots organizations to gain valuable input into how we can move forward together in this fight to erase drugs from our streets.

Since taking office, I have been honored to visit many groups and organizations in the Second Congressional District who are diligently working to rid their communities of drugs. In order for us to claim victory in this effort, we must break the cycle of drugs and crime and help state and local governments implement drug testing and treatment for drug abusers. In December of last year, I met with the Sanford Chamber of Commerce Drug Ac-

tion Committee located in Sanford, North Carolina. This group, comprised of concerned citizens, meets on a regular basis to coordinate programs and provide information to combat the substance abuse problems in Lee County. The group's goals include involvement of local students to increase community awareness and communications with area legislators to keep us informed of breakdowns in the judicial system and sentencing for offenders.

Earlier this year, I met with staff and toured the Triangle Residential Options of Substance Abusers (TROSA), located in the Research Triangle Park of North Carolina. TROSA is a two year residential self-help initiative serving drug and alcohol abusers. For some, TROSA serves as an alternative to incarceration. The only program of its type in the Triangle, TROSA serves men and women at no cost to the individual. Residents reside in a highly structured environment for two years. The initiative emphasizes vocational training, education, and interpersonal communication skills. There are three major rules governing all TROSA residents: there is to be no use of drugs or alcohol; no threats of violence; and no acts of violence. TROSA is known throughout North Carolina for its success rate and works closely with North Carolina universities to provide valuable educational and self-help programs for its residents.

In July of this year, I joined the Johnston County Drug Action Coalition (JCDAC) in the National Drug Control Policy Town Meeting Anti-Drug Campaign with the President and the Director of the Office of the Office of National Drug Control Policy (ONDCP) General Barry McCaffrey. JCDAC, which is located in Smithfield, North Carolina and is run by Dr. Judith Coats Kolcum, joined the Johnston Community College family, law enforcement officials, drug groups and students in this national discussion on drugs. JCDAC's mission includes a comprehensive, long range educational approach addressing not only problems but offering solutions. Its belief that the use of illegal drugs, the abuse and/or misuse of alcohol affects every citizen of their County and the state. The ugly results of addictions are seen through the loss of health, lost of income, increase in crime, broken homes and quality of life in general. As a solution, JCDAC offers that the cycle of addiction and drug abuse can be broken, by providing effective prevention policies to assure that addiction treatment is available and accessible to all who need it.

Also participating in the Town Meeting was the Day By Day Treatment Center. The Day By Day Center is located in a peaceful rural area of Johnston County, just outside of the town of Selma, North Carolina. Day By Day is a grassroots organization that has been instrumental in delivering treatment services to those individuals struggling with substance abuse issues. The Center is a modern facility which offers an intensive concentrated program of drug and alcohol addiction recovery education, based on the traditional Twelve Step Programs of Alcoholics Anonymous and Narcotics Anonymous. At this time, I ask unanimous consent to enter into the record a statement prepared by Ed Ward, Executive Director of the Day By Day Treatment Center of Johnston County, Inc.

Many believe that legalization is the answer to efforts to control drug use. I strongly dis-

agree with this observation, and based on recent polls 70% of Americans also disagree with drug legalization. According to the ONDCP Director General McCaffrey, lacking the present combined social disapproval, illegality, and law enforcement efforts against illicit drugs, the number of chronic addicts would skyrocket from an estimated 4 million or less addicts today to 15 to 20 million. I strongly agree with General McCaffrey, and believe that drug legalization would increase drug use in the public schools, create higher numbers of drug addicts and overdoses, and more drug-related crimes.

The House is expected to vote this week on legislation to promote an agenda of zero tolerance of drugs. These bills which I strongly support, take necessary steps to win the War on Drugs. They are as follows:

H.J. Res 117, Opposing Medicinal Marijuana. The measure expresses the opposition of Congress to legalizing marijuana for medical use.

H.R. 4006, Lethal Drug Abuse Prevention Act. The measure revokes the right to prescribe drugs for doctors who have dispensed drugs for the purpose of assisting a suicide.

H.R. 4300, Western Hemisphere Drug Elimination Act. The bill is expected to strengthen international efforts to combat the trafficking of illegal drugs into the United States.

H.R. 4550, the Drug Demand Reduction Act. The measure would authorize funds for a national anti-drug media campaign; creates programs to promote drug-free workplaces, prisons and schools, and to reduce drug use by teenage drivers; provides market incentives for drug companies to develop anti-addiction medications; and consolidates certain Federal anti-drug programs.

Mr. Speaker, I'd like to close by saying that we have a tough battle ahead in order to reach our goal of total eradication of drugs by the year 2002. We must work with school groups, civic organizations, and anti-drug coalitions to increase public awareness about America's drug crisis and establish a consistent "no-use" drug message. I pledge to do my part in supporting legislation that will further our goals, and protect our nation from the perils of drugs. I urge my colleagues to join this effort and show the world that we are committed to work together on a bipartisan basis to wipe out drug use in America.

A great number of reliable statistical studies* show and prove that addiction disease (alcohol and drug dependency) is our nation's number one health problem. Approximately 18 million Americans are addicted to alcohol. Almost 13 million Americans over 12 years old have used illegal drugs within the last month and another 11 million abuse tranquilizers and other psychotropic medications. Addiction disease costs every citizen of our nation about \$1,000 a year for unnecessary health care, added law-enforcement, automobile wrecks, crime, and lost productivity. The tragedy that the disease inflicts upon the emotions and psychological well-being of families is immeasurable.

Public policy toward addressing addiction disease is aimed too heavily at cutting supply rather than toward prevention, education and treatment. Addiction disease continues to be

*Note that some statistical references were obtained from: Treatment Addiction/Advancing the Common Good a Join Together publication.

viewed with stigma, its victims seen as morally weak, often criminal or bad rather than sick people suffering from a chronic biopsychosocial illness.

In my own district, I'm brought face to face with the reality of untreated addiction disease and the difficulty of persons getting appropriate treatment. I recently conversed with representatives from Day By Day Treatment Center located in Selma, North Carolina who informed me that the treatment facility faces tremendous economic pressure due to cutbacks in Medicaid funding, managed care denials of appropriate services, ongoing stigma, and other adversities. This occurs when there is great need and existent studies pointing to the reality that treatment works.

Without appropriate treatment, victims of addiction disease are cost shifted to the criminal justice system or more expensive medical care to address other diseases such as cirrhosis of the liver which are secondary to untreated addiction disease.

It costs about \$6000 to treat a victim of addiction disease as an inpatient at Day By Day Treatment Center or about \$2500 for an outpatient program when appropriate. The tragedy is that our health care system cost shifts to the criminal justice system where the cost is up to \$37,000 annually to keep one person in prison who wouldn't be there in the first place had addiction disease been addressed initially.

As a nation we must:

Treat addiction disease on an equal basis with treatment of other diseases.

Provide for a more well educated citizenry in addiction disease from layman to professional.

Provide for more research aimed at better treatment and more appropriate outcome studies.

Today, so many of our society's ills can be traced directly to addiction disease. Let us all not only be acutely aware of the tremendous amount of work that needs to be done in addressing addiction disease, but also of the enormous opportunity and possibility to enhance all of our lives if we will make the effort.

INTRODUCTION OF BIPARTISAN LEGISLATION TO ENSURE WASHINGTON STATE USES ITS SHARE OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM FOR COVERAGE OF ADDITIONAL CHILDREN UNDER THE MEDICAID PROGRAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. McDERMOTT. Mr. Speaker, the entire Washington State Delegation today introduced legislation that would allow our state to participate in the State Children's Health Insurance Program (SCHIP). The legislation we crafted represents the culmination of more than a year's worth of effort to ensure Congressional action on this issue.

I ask that you exercise your leadership of the Congressional majority to expedite the passage of this measure in a non-controversial manner.

To illustrate the vigor of our Delegation's commitment to advancing this issue, I have at-

tached for your information the text of the following letter which the entire Washington Delegation today sent to The Honorable Donna Shalala, Representative TOM BLILEY, and Senator WILLIAM ROTH:

We are writing to share with you legislation we introduced today that addresses an issue of critical importance to Washington State and its ability to participate in the State Children's Health Insurance Program (SCHIP).

Washington State has a strong record of ensuring that its low-income kids have access to affordable health care. In 1994, Washington raised its child Medicaid eligibility threshold to 200% of the federal poverty level (FPL). The SCHIP program was developed with this objective in mind by expanding Medicaid funding to states that extend eligibility to provide quality health care to additional children.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they should be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the \$230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of FPL. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels. Correcting this technicality is the top priority for our delegation as we near the end of the 105th Congress and we plan to push for legislative action in the next few weeks to pass this non-controversial measure.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much-needed assistance to children currently at-risk. Rather than simply changing the effective date included in the BBA, our initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

We respectfully request that you join our efforts to move it through the legislative process. We look forward to working with you during the remaining days of this Congress to ensure that Washington's SCHIP funds are used to increase the health of our children, not wasted due to an unintended technical oversight.

Thank you for your cooperation in this effort and please do not hesitate to contact us if we can provide you with additional information.

Sincerely,

Slade Gorton, U.S. Senator; Jim McDermott, Member of Congress; George Nethercutt, Member of Congress; Patty Murray, U.S. Senator; Jack Metcalf, Member of Congress; Norm Dicks, Member of Congress; Rick White, Member of Congress; Linda Smith, Member of Congress; Adam Smith, Member of Congress; Jennifer Dunn, Member of Congress; Doc Hastings, Member of Congress.

REAR ADMIRAL MIKE SULLIVAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Admiral Mike Sullivan, United States Navy, as he retires on October 1, 1998, upon completion of over 31 years of honorable and faithful service to our Nation.

Rear Admiral Sullivan, a Supply Corps Officer, has performed in a consistently outstanding manner under the most challenging of circumstances. As the Principal Deputy Assistant Secretary of the Navy (Research, Development and Acquisition) he was responsible for advising the Navy's Acquisition Executive on business and programmatic matters concerning Navy and Marine Corps major weapon systems programs. He also provided policy and oversight for the Naval procurement system which encompasses over 900 activities contracting for more than \$40 billion in weapon systems, supplies and services annually.

Mike, no stranger to anyone in uniform, can reflect on several successful operational tours in both the Atlantic and Pacific theaters. He came to his current position after being the Deputy Assistant Secretary of the Navy for Acquisition and Business Management. His wide range of experience also included, among others', tours at Naval Sea Systems Command, Naval Air Systems Command, the Government Operations Committee of the House of Representatives, and Competition Advocate General of the Navy. And Central Missourians too, know him well: for four consecutive years he traveled to their neighborhood—my congressional district—to counsel and assist small businesses about the requirements of the federal contracts.

A graduate of the University of Kansas, he completed his MBA degree at the University of North Carolina at Chapel Hill. He also attended the Industrial College of the Armed Forces and Carnegie Mellon University's Program for Executives. His personal decorations include the Legion of Merit (three awards), the Meritorious Service Medal (two awards), Joint Service Commendation Medal, and the Navy Commendation Medal (two awards). Married to the former Pam Ross of Leavenworth, Kansas, the Sullivan's have one son, Brian.

The Department of the Navy, Congress, and the American people have been defended and well served by this dedicated naval officer for over 31 years. Rear Admiral Mike Sullivan will long be remembered for his leadership, service and dedication. I am proud to call him my friend. Let me wish him, his wife Pam, and their son Brian our very best as they begin a new chapter in their life together.

A SALUTE TO DR. BILLY TAYLOR, ONE OF THE GREATEST MUSICIANS OF JAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. CONYERS. Mr. Speaker, today I rise to honor Dr. Billy Taylor—one of the greatest pianists ever, who has touched the lives of many

during his fifty years plus in jazz, not only as a pianist, composer, author, activist, teacher, lecturer, and actor, but also as a radio and television personality. Though Dr. Billy Taylor is seventy-seven years old, he's more than young at heart. His current schedule is chock full of performances while he also serves on the faculty at the University of Massachusetts, where he received one of fifteen other honorary doctorates. His series Jazz at the Kennedy Center, an ongoing series of demonstrations-discussions of the history of jazz, is wonderful. He hosts intimate sessions of performance and conversation which enables participants to gain insight into jazz by hearing the music, memories and unique philosophies of some of the greatest musicians jazz has produced.

In 1971, Billy Taylor became the first African American to lead a band on a talk show when he fronted an ensemble of all-stars on the David Frost Show for four years. I know from personal experience, that aside from being a stupendous musician, he's also an incredible human being. He has great respect for other people, and has a wonderful aura of niceness and gentility.

Dr. Taylor founded Jazzmobile, which brings free performances to hundreds of thousands of people. His awards include two Peabodys, an Emmy, and the first Certificate of Recognition given by the U.S. Congressional Arts Caucus and it is with immense pleasure that in this tribute I join the ranks of those saluting the great Dr. Billy Taylor.

TRIBUTE TO CARL TRAIKOFF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to one of the leading citizens of Indiana's First Congressional District, Mr. Carl Traikoff, of Highland, Indiana. After serving as one of Northwest Indiana's most distinguished, compassionate, and dedicated teachers for twenty-seven years, Carl announced his retirement on Saturday, August 22, 1998.

A 1956 graduate of Lew Wallace High School in Gary, Carl enrolled as a student at Kansas State University, which he attended for one year. In 1958, he transferred to Culver-Stockton University where, in 1960, he earned a Bachelor of Arts degree in Physical Education and Health. Carl continued his education at Northeast Missouri, now Truman State, earning a Master's degree in Physical Education, Health, and Administration. While attending graduate school, Carl also worked as a girls basketball coach, beginning his long and distinguished coaching career.

From 1960 through 1966, he served as a basketball coach at the high schools of Louistown, Clarence, and Centralia. In 1966, he moved back to Indiana's First Congressional District and began teaching and coaching at Calumet High School, in unincorporated Calumet Township, Lake County, Indiana. As Calumet High School's coach, Carl posted 417 wins, for a career total of 477 wins. Indeed, along with these wins, his teams won four Sectional Titles, and he was honored by his

fellow coaches as Coach of the Year six times. Though Carl is acknowledged for his coaching ability, his teaching successes have often been overlooked. He made his mark on the Calumet High School curriculum by instituting a Life Management course and influenced nearly every student that attended the Calumet High School by teaching this class, as well as Health, annually. This legacy, more than any coaching award, is what will live as Carl's greatest achievement. Indeed, his dedication and caring is represented through his four Teacher of the Year Awards, as well as his Inland Steel Teacher of the Year Award.

Carl was always a dedicated and caring coach and teacher. Though he spent most time and effort on his players and students, this did not diminish his devotion to his wife, Margie, and their daughter, Karen. His professional success was complemented by an even more rewarding family life. Now that he has retired, Carl plans to spend much of his time with Margie and Karen, who now works for NASA. He also, he continues to serve as a member of the National Association of Basketball Coaches, the Indiana Basketball Coaches Association, as an instructor and local basketball camps, and as a teacher at Purdue University Calumet.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Carl Traikoff for his lifetime of dedication, service, and leadership to the students and faculty of Calumet High School, as well as the people of Northwest Indiana. Carl's efforts as an educator and a basketball coach blended together to help kids make the most of their potential and earn their success in the world. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Carl Traikoff.

IN HONOR OF SAINT WENDELIN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to the parish community of Saint Wendelin Church as they celebrate their ninety-fifth year in Cleveland's Ohio City neighborhood. For almost a century, Saint Wendelin's has served as a spiritual refuge, opening its doors to any soul in search of peace.

Originally serving the Slovak community of Cleveland's near west side, the ministry of Saint Wendelin's began in 1903. It was on May 3rd of that year that the community received permission to found Saint Wendelin Parish. A small church was soon erected, and on December 6, 1903, Father Koudelka celebrated Saint Wendelin's first mass. Not long after, the Sisters of Notre Dame established Saint Wendelin's School. The order would continue to provide quality Catholic education for the next seventy years.

In 1925, the current church and school complex was dedicated. Non-territorial, Saint Wendelin's welcomes all believers to join in worship. It is a testament to the Saint

Wendelin's ministry that Catholics from all corners on the city answer the call to celebrate at the little church on Columbus Avenue.

Cleveland's strong tradition of Catholic education continues at Saint Wendelin's under the direction of Ursuline Sisters with their operation of Urban Community School. Saint Wendelin's facilities serve as a second home to the 300 students of Urban Community. Saint Wendelin's also serves as the headquarters for Heartbeats, Inc., a ministry operated by the Sisters of the Humility of Mary, supporting women from third world countries.

My fellow colleagues, please join me in honoring the parish community of Saint Wendelin Church and its pastor, Rev. Jerome Lajack, as they celebrate mass with Bishop Anthony Pilla in commemoration of 95 years in service to God. A community bound by its faith, the believers of Saint Wendelin's are committed to doing justice, both in the church's surrounding neighborhoods and the world beyond. Let us pray that Saint Wendelin parish continues as a beacon of Christian charity as we enter into the next millennium.

A TRIBUTE TO JOSEPH M. GOMES—"MR. SAN PABLO"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in celebrating the life of a truly remarkable individual, Mr. Joseph M. Gomes. I know of no other person who has had such an all encompassing influence on his community. Joe's name is synonymous with the city he represents, and he cannot be denied the moniker, "Mr. San Pablo".

Joe has made San Pablo his home for the greater part of 70 years. It is where he and his lovely wife, Mary, chose to settle and raise their family. Joe spent 35 years with American Standard and another 9 years with Phoenix Iron Works, before ending one career to pursue another. In 1980, Joe was elected to his first term on the San Pablo City Council, and a life of public service was born. Over the past two decades, Joe's leadership on the Council has guided San Pablo through a transformation from a small, isolated community to a thriving urban city—a city which celebrates its cultural diversity, neighborhood spirit and livability.

But Joe is not content to simply fulfill the role of elected official. His commitment extends to active participation in virtually every local club or organization, from the Chamber of Commerce, the Exchange Club, the Eagles and the Moose Lodge to the Salesian Boys & Girls Club and the Brookside Community Health Clinic. Joe's work has always been led by his heart, his concern and caring for all members of his community. Through his selfless service and tireless involvement, Joe has personally touched the life of each and every resident of San Pablo.

I am personally honored to call Joe Gomes a friend and a mentor. On behalf of the United States House of Representatives, I would like to salute him and his work.

50TH BIRTHDAY OF THE VERNON
HILL AMERICAN LEGION POST
NO. 435

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. MCGOVERN. Mr. Speaker, I rise today in honor of the 50th year that the Vernon Hill American Legion Post has served the community and honored our veterans in Worcester. To commemorate this event, I would like to enter into the CONGRESSIONAL RECORD the history of Post No. 435 as recounted by Past Commander, John F. O'Connor. This post of the American Legion has a unique history, and I believe that Mr. O'Connor's account clearly shows that the group of men and women involved with the Vernon Hill Post are true American heroes.

The text of his history follows.

In the fall of 1947, a group of young veterans were standing in front of Joe's Spa, across the street from Vernon Hill Park, getting ready to start a touch football game. There, they were approached to attend a meeting at 9 Ames Street at the home of long-time legionnaire, James B. Lawless, to discuss forming an American Legion Post on Vernon Hill.

Somewhat reluctantly, the young veterans gave up their touch football game and walked to the Lawless home two blocks away, and signed the request to the Worcester County Commander, Bill Blanchard, for permission to create the Vernon Hill Post American Legion. He denied the initial request because Worcester already had 16 American Legion Posts, more than an adequate number. Commander Blanchard sent word that if the Vernon Hill Veterans wanted to join, there were plenty of nearby posts to accommodate them. In typical Vernon Hill fashion, the group of reluctant joiners now became determined to have their own post.

Mr. Lawless, a World War I veteran, with Edward F. Wall, presented the Post's case before the Worcester County Council meeting in Upton. Their persuasiveness and persistence paid off, and a charter was granted in the Spring of 1948 to the Vernon Hill Post American Legion #435.

That was the inauspicious debut of what is now the second largest American Legion Post in Worcester County, numbering almost 600 members in the fiftieth year of its existence.

The Post needed quarters, but we also needed a treasury to pay the rent. Ed Wall, and another member, the late Chester G. Trembowicz, the only ones that were working at the time, lent the Post the money to rent our first quarters in a vacant store at 35 Granite Street for \$35 a month. Finally having a "Home", the Post started to raise funds. A bar was constructed with a can of beer selling for 20 cents. A ping-pong table was installed in the cellar and one of the first television sets in the neighborhood was purchased with proceeds from a minstrel show. A huge safe (still being used today) which almost caused the demise of member Billy Reynolds, was donated from its old home on Lamartine Street to Granite Street. In 1951, the Vernon Hill Post purchased a home at 154 Vernon Street for the sum of \$16,500. The Post continued to grow in its new home that featured what the late Joe Fitzgerald called the "Chinese room."

As the post grew and prospered, so did its social functions. Who can forget the New

Year's parties at the old "Johnny Hynes Ballroom"? How many can remember the Past Commanders' banquets that graduated from an upstairs loft at Alaries Tower House on the Cherry Valley/Worcester Line, to the Towncrest on Lake Avenue, to Jimmy O'Day's Edgemere Lodge? How many present can recall the sumptuous steak dinner arranged by Tim Mara and the late Ed Piliski at Thompson's Lodge in Westboro? Everyone present at the banquet marveled at the deal our two chairman had arranged—until they got the bill that almost bankrupted our meager treasury.

Who among us can forget the first New Year's Eve party held in these quarters before we had tile on the floor? We danced on the cement floor and had black legs for a week. A great time was had by all on that first occasion in our own hall, the first of many great times in this room.

The state convention in 1948 was held in Worcester, a rather huge affair at the time . . . World War I veterans joined by World War II veterans just blending into civilian life. Who can forget the huge parade in downtown Worcester featuring superlative marching bands and handsome Governor, Maurice Tobin, in a Panama suit? The new Post Vernon Hill, now about 30 strong, marched in the back of the host delegation behind a huge banner that read "Worcester's Baby Post, Vernon Hill American Legion #435, watch us grow". How prophetic. John McDavitt, a navy veteran, now residing in Brookfield, was dressed as an infant, albeit smoking a cigar and possessing a can of the beverage of moderation, pushed in a baby carriage by his "father", the late Bill Wall, and his "mother" Connie Brosnihan, now residing in Enfield, Connecticut.

In 1966, a bright young navy veteran brought what many older, more experienced, more mature members thought was a preposterous proposition to construct a hospital in Vietnam to honor the boys and girls of Worcester County who lost their lives in this faraway conflict. In 1967, after much effort and preparation by the initiator of the project, the day arrived when all of the "Doubting Thomases" became firm believers in Past Commander Frank Carroll. We became such believers that if Frank said Pope John Paul II is expected to attend tonight's affair, we would keep an eye on the door.

Who could ever forget this fabulous extravaganza? General Westmoreland, the commissioner of baseball, General Eckerrett, and Under Secretary of State Katzenbach drank coffee in the kitchen right in these quarters with Jim Donahue and many other dignitaries. At the bar, the late Gordon McCrea told stories about his football days at Gaskill Field. Who among us doesn't have an avid memory of the affair at the Memorial Auditorium? Present were the celebrities on stage with Marilyn Mayes. There was security everywhere, and the pride of our membership was unmistakable. This humanitarian gesture to assist Dr. Turpin of Project Concern to construct a hospital in the Central Highlands of Vietnam was motivated by an American Legion Post in Worcester led by its imaginative, fearless, persistent, young Commander, Frank Carroll.

The vast number of volunteers, plus the organizational genius called Frank Carroll, made the project a huge success. The Vernon Hill Post American Legion was brought into the spotlight and our post became the most recognizable and envied Veteran's organization in the entire state.

This organization is also extremely active in youth and community affairs. The post's generosity to all who are deprived and unfortunate is well known, but its finest hour is its magnanimous support of the blind children in Ashburnham, Massachusetts.

This post is deeply involved in civil affairs coupled with the welfare of our own community and state. In 1969, an issue of deep concern to all our citizens was automobile insurance. Does that have a familiar ring? In this very room a forum was held to inform our members and all our citizens about a new form of auto insurance. One of the panelists who was proposing the system was a young State Representative from Brookline who went on to some degree of fame and notoriety, Michael Dukakis.

And what American Legion Post in the world had its own basketball and softball leagues where everyone who played had to be a member? Shea's Tavern, Leavitt Drugs, Old Timers, The Associates, and the Livewires were all winners. Does anyone remember the classic confrontation in a gym not far from here between the late Past Commander Bob Bruso and a young Priest, Father Ed Tinsley, now the Vicar General of the Diocese of Worcester?

Even when we didn't have much of a treasury, the post sponsored a team in the Gehrig-Ruth League which continues to this day. This late Jim Spaulding and child welfare chairman, the late Past Commander Ed Cove put together the finest charitable program of an American Legion Post anywhere. In addition to baseball, our post has an unparalleled record in the area of programs for our youth. The scholarship program has aided innumerable sons and daughters of Post members to secure education at the collegiate level. The Boys State Chairman Past Commander John F. O'Connor and many members have participated in the mock trial at the convocation of Boys State.

Who could ever forget the "Minstrel Show" assisted by the late Bob Brady and the spontaneous with of the Past Commander, the late James Spaulding. These various musical delights features many talents, now departed, included John "Blue Eyes" Mahoney. In recent years, we were entertained by our Vernon Hill Legionaries, led by Past Commander Howard Harvey. Who can't reflect on the many occasions that our talented, dedicated choristers, George Handley, Mike Donovan, Pat Carmody and our own little girl now grown to a young lady, Kristen Carlstrom, enthralled us and the always full-capacity audiences?

Our own St. Patrick Day "Hooleys" were always great affairs. Does anyone here remember the Irish Tenor, Tom Riley? The fabulous corned beef and cabbage meals put out mainly by Chet Mills and the late Dick Mitchell were something?

Speaking of food, does anyone remember the sumptuous meals of Duffy Caterers and his Harvard beets? How many can remember the wonderful evenings of superb music of Townsmen and the gifted Janie Morin, fresh from her appearance at Fenway Park in 1967? Down through the years we also had some superb Italian and Polish nights.

What veteran's organization holds its own Memorial Mass and breakfast honoring its deceased members? Recently, the Mass breakfast have been held right here in these quarters with great success and numbers. Citizens of Worcester who have made a contribution to the well-being of our community are honored with an award each year. The award is now highly coveted and respected in this city.

The Vernon Hill Post was the first group of any sort to go on record in favor of the construction of the Worcester Civic Center, now known as the Centrum. Where would Worcester be if we didn't have the Centrum now? The Vernon Hill Post was also the first to endorse the connecting highway from downtown Worcester to the Massachusetts Turnpike in Millbury, a vital link to the economic well-being of our city.

This last December 11th, over 200 senior citizens who ordinarily wouldn't have a joyous Christmas season were our guests here for the 20th year. Howard Harvey and his chorus, the chefs, the waitresses and waiters, the people who contribute their talents, time and resources, are to be commended for their charity and concern.

On occasions, the boys at Nazareth Home in Leicester have been the guests of the Post at the circus, the Red Sox, and the Celtics? Our Honor Guard, especially Bud Hall, has always been present at parades, funerals and other functions. Our antique fire truck is always at the disposal of children of this region.

When you mention names, you run the risk of neglecting someone who has made a sizable contribution to this Post. None the less, we would be remiss if we didn't name some men who have passed on who have made this a great Post. They must be looking down from their heavenly perch with pride; the founder, James B. Lawless, Past Commanders, John C. Wall, Chester C. Trembowitz, Raymond Jermyn, Robert Bruso, Albert Spring, James Spaulding, George Naum, Ed Cove, Bob Coakley, Ed Bulleus, and Red Cochran. We have come a long way in the last five decades from that initial gathering on Ames Street!

We are now the second largest in membership of any American Legion Post in Worcester County. However, by all standards and criteria, the Vernon Hill Post is universally recognized and acclaimed as the finest, most active contributing veteran's organization anywhere. One of our own Past Commanders, Byron McCluskey, was a Department Past Commander, bringing great honor to this post.

This night should serve as a tribute to a great many men who have worked together to make this occasion possible. The cooperation that has made this evening a success has been the hallmark of this group over the years.

In the Preamble to the American Legion Constitution, it says "that we must consecrate and sanctify our comradeship by our devotion to mutual helpfulness". May we always continue to look after our fellow human beings with care, concern and compassion.

"Happy Fiftieth Birthday, Vernon Hill Post #435."

TRIBUTE TO THE LEGACY OF WENGER FARM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to acknowledge the history and legacy of one of Colorado's oldest historic farms, the Wenger Farm, and to pay tribute to all of those that worked to create, operate and protect it. Patented in 1894, the land has been in the family ever since. At the Colorado State Fair, the Wenger family received the Centennial Farm Award in recognition of their history with the land. Located near Yuma, Colorado the farm was homesteaded by Fred Wenger. Bob Wenger and his wife Kathryn took over the farm after Bob served an illustrious duty to his country in the Marine Corps in World War II. Now their son Dick continues to operate the farm where he raises cattle and grows corn. The Wengers are fine examples of what good stewards of the land

Colorado farmers have been. Mr. Speaker, the Wenger Farm has left a lasting legacy for their family, and all of their friends and neighbors in Yuma County. I salute them, and all of the good people who worked to preserve that legacy. We all have a lot to gain from preserving our history and preserving the farming way of life.

TRIBUTE TO ANGELO CATANI

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. STEARNS. Mr. Speaker, I wanted to take this opportunity to say a few words about Angelo Catani, a fellow Floridian, who will be retiring next month.

Angelo distinguished himself in a variety of positions throughout his 30 plus years of service, including his initial employment with the American Machine & Foundry, where he was responsible for installation of the hydraulic lift system on the Titan missile program.

He followed up that position by joining General Electric Co. where for the next 12 years he was involved in engineering programs such as the update of the Possidon fired control systems, Launch Complex-34 propellant transfer system at Kennedy Space Center and the Saturn V, S-IVB stage support equipment.

Following a successful career at General Electric, Mr. Catani joined Aerojet Ordnance Company as Vice President, Ammunition and was responsible for the development of Aerojet's 25mm ammunition programs. In 1983, he joined Olin as Vice President and General Manager of its Defense Production operation. Subsequently, in 1987 he was also appointed President of the Ordnance Division; then in 1993 was elected to the position of Corporate Vice President, of the Olin Corporation; and, finally, in 1997 he was elected Vice President of PRIMEX Technologies, Inc.

Among his many other accomplishments, Mr. Catani was an active member of the Association of the United States Army (AUSA), and the National Defense Industrial Association (INDIA). In 1997, Mr. Catani was inducted into the U.S. Army Ordnance Corps Hall of Fame.

Mr. Catani also serves with distinction on the Board of Trustees at the University of Tampa, and is Chairman of the Tampa Bay Watch Foundation. I wish Angelo and his wife, Paige, all the best as they look forward to their years of retirement, in which they will split their time between Florida and their home in Durango, Colorado.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

SPEECH OF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SANDERS. Mr. Speaker, I rise in strong support of the Postal Employees Safety Enhancement Act and in support of safe workplaces across our nation.

This important legislation extends the ability of the Occupational Safety and Health Admin-

istration to regulate the U.S. Postal Service as it would for any private business. This is welcome legislation for the over 2,000 postal employees in the State of Vermont, and the hundreds of thousands in the country.

This bill is supported by the American Postal Workers Union, the National Association of Lettercarriers, the Mailhandlers (Laborers International), and the Rural Lettercarriers Association—every union that represents our postal employees. We should listen to our postal workers who desire the full protection of OSHA.

Mr. Speaker, OSHA is a vital piece of our social contract. It was passed in response to unsafe working conditions that were found throughout the United States, and it has prevented countless injuries and fatalities on the job. Now, 27 years after the passage of the Occupational Health and Safety Act, we should continue our commitment that every worker in America has the right to a safe workplace.

What we have before us today is legislation that says to many of the federal government's most valued employees—those who process and deliver the mail and keep our country on the move: We honor your work and we will protect you from workplace hazards.

Mr. Speaker, every American deserves the full benefits of an OSHA compliant workplace. I urge strong support for our nation's hard working postal employees. Pass this legislation for them, for the people who love them, and for the country that employs them.

RECOGNIZING THE ACHIEVEMENTS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. DOOLITTLE. Mr. Speaker, as a member of the House Resources Committee, I have worked to advance and strengthen tribal self-governments and promote private enterprise on our Nation's reservations. One tribe that has been a national leader in exercising its self-determination to build a strong tribal government and reservation-based economy is the Mississippi Band of Choctaw Indians.

Through the vision of Chief Phillip Martin, the Tribe used its sovereignty to develop a tribal economy to foster a highly responsive approach to providing traditional government services on the reservation. When Chief Martin became leader of the Tribe, he knew that the tribal government had to assume responsibility of government functions rather than they rely on the Bureau of Indian Affairs to take care of its members.

Dramatic gains have occurred during the past 20 years on the Choctaw Reservation. The average educational level of adult tribal members has jumped from sixth grade in the 1970s to twelfth grade today. Life expectancy has also increased by nearly twenty years, and infant mortality has declined substantially. Through the efforts of the Choctaw Housing Authority, housing for tribal members has risen above substantial levels.

The tribal members of the Choctaw Tribe have worked extremely hard to achieve their vastly improved living standard. The innovative

approach to eradicating poverty on the reservation by reaching out to private businesses to invest in the tribe has been very successful for the Choctaws.

I commend Chief Martin for believing in his tribe and taking the risk to develop the enterprises on the Choctaw Reservation. The restoration of the Choctaw Indian tribe is a great American success story of self-reliance and sheer determination that we all can be proud.

HUMAN SERVICES
REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of S. 2206, the "Community Opportunities, Accountability, and Training and Educational Services Act of 1998." Title III of the legisla-

tion reauthorizes the Low Income Home Energy Assistance Program (LIHEAP) through fiscal year 2001, and authorizes \$1.1 billion in funding for fiscal year 2000. The legislation also extends the authorization for the President to release contingency funds to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. The LIHEAP program is a State block grant program that provides assistance to 4.3 million low income households to help families pay their heating and cooling bills. It is a sound program and should be reauthorized.

On the whole, the legislation does not make significant changes to the LIHEAP program. However, the bill does make one improvement to the program, by clarifying the circumstances under which the President can release contingency funds to meet the additional needs arising from a natural disaster or emergency. There have been problems releasing emergency LIHEAP funds in the past. For example, after ice storms in New England earlier this year the President was constrained by the

provisions of the Low Income Home Energy Assistance Act regarding the release of contingency funds, since the Act does not define "natural disaster" or "emergency." The bill defines these terms in order to expedite the future release of contingency funds.

The Committee on Commerce has jurisdiction over the Low Income Home Energy Assistance Act of 1981. As indicated in the exchange of correspondence in the report filed by the Committee on Education and the Workforce, the Committee on Commerce waived referral of the legislation reported by the Committee on Education and the Workforce, H.R. 4271, the Community Services Block Grant Amendments of 1998, in order to expedite floor consideration. However, that does not constitute a waiver of jurisdiction. The exchange of letters also commemorates that the Committee on Education and the Workforce will support a request by the Committee on Commerce for conferees in the event there is a conference.

I urge my colleagues to support S. 2206.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 17, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:00 a.m.

Environment and Public Works

To hold hearings on S. 2470, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.
SD-406

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).
SR-253

Veterans' Affairs

To hold hearings to examine the quality of care in the VA health care system.
SR-418

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine issues with regard to the BP/Amoco merger.
SD-226

SEPTEMBER 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine public and private forestry issues.
SR-328A

Indian Affairs

To hold hearings on H.R. 1833, to provide for further self-governance by Indian tribes.
SD-562

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works

Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources

Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To resume hearings on information security issues.
SD-342

10:30 a.m.

Foreign Relations

To hold hearings on the nominations of Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Kazakhstan, and Robert Patrick John Finn, of New York, to be Ambassador to the Republic of Tajikistan.
SD-419

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine United States commercial space launch industry activities.
SR-253

2:30 p.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the proposed consolidation of the Patent and Trademark Office.
SD-406

SEPTEMBER 24

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

10:00 a.m.

Energy and Natural Resources

To hold oversight hearings to examine recent Midwest electricity price spikes.
SD-366

2:00 p.m.

Indian Affairs

To hold hearings on H.R. 1805, to amend the Auburn Indian Restoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business de-

velopment and trade promotion for Native Americans.
SR-485

SEPTEMBER 25

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

SEPTEMBER 29

10:00 a.m.

Armed Services

To hold hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy.
SH-216

SEPTEMBER 30

9:30 a.m.

Indian Affairs

Business meeting, to mark up S. 1870, to provide the National Indian Gaming Commission with resources to monitor and regulate certain Indian gaming operations, H.R. 1805, to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and H.R. 1833, to provide for further self-governance by Indian tribes; to be followed by hearings on S. 2010, to provide for business development and trade promotion for Native Americans.
SR-485

OCTOBER 1

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the Forest Service cabin fees.
SD-366

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 24

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD-366

Wednesday, September 16, 1998

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10393–S10449

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 2477–2488, S. Res. 278, and S. Con. Res. 118. **Pages S10422–23**

Interior Appropriations, 1999: Senate resumed consideration of S. 2237, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, taking action on amendments proposed thereto, as follows: **Page S10393**

Pending:

Daschle Amendment No. 3581, to provide emergency assistance to agricultural producers. **Pages S10393, S10415**

Boxer Amendment No. 3594, to strike provisions delaying issuance of a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes. **Pages S10393–S10415**

During consideration of this measure today, Senate also took the following action:

By 94 yeas to 1 nay (Vote No. 270), Senate agreed to a motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S10415**

Child Custody Protection Act: Senate began consideration of 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. **Page S10416**

During consideration of this measure today, Senate also took the following action:

By 97 yeas to 1 nay (Vote No. 271), Senate agreed to a motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S10416**

Motion to Adjourn: By 55 yeas to 43 nays (Vote No. 272), Senate agreed to a motion to adjourn. **Pages S10448–49**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report of the Commodity Credit Corporation for fiscal year 1996; referred to the Committee on Agriculture, Nutrition, and Forestry. (PM–157). **Page S10419**

Nominations Received: Senate received the following nominations:

William J. Hibbler, of Illinois, to be United States District Judge for the Northern District of Illinois.

Matthew F. Kennelly, of Illinois, to be United States District Judge for the Northern District of Illinois.

3 Army nominations in the rank of general.

Routine lists in the Coast Guard, Navy. **Page S10449**

Messages From the President: **Page S10419**

Messages From the House: **Pages S10419–20**

Measures Placed on Calendar: **Page S10420**

Communications: **Pages S10420–22**

Petitions: **Page S10422**

Statements on Introduced Bills: **Pages S10423–40**

Additional Cosponsors: **Pages S10440–41**

Amendments Submitted: **Page S10443**

Authority for Committees: **Page S10443**

Additional Statements: **Pages S10443–48**

Record Votes: Three record votes were taken today. (Total—272) **Pages S10415–16, S10449**

Quorum Calls: Two quorum calls were taken today. (Total—4) **Pages S10415–16**

Adjournment: Senate convened at 9:30 a.m. and, by 55 yeas to 43 nays, agreed to a motion to adjourn at 6:27 p.m., until 9:30 a.m., on Thursday, September 17, 1998.

Committee Meetings

(Committees not listed did not meet)

TRANSPORTATION SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant

Marine concluded hearings to examine the effects of fatigue on operators of trucks and rail equipment, and proposed legislation to establish a comprehensive, system-wide fatigue management plan on Class I and II freight railroads and carriers providing commuter or intercity passenger service by the year 2000, after receiving testimony from Jolene M. Molitoris, Administrator, Federal Railroad Administration, and George L. Reagle, Associate Administrator for Motor Carriers, Federal Highway Administration, both of the Department of Transportation; Vernon S. Ellingstad, Director, Office of Research and Engineering, National Transportation Safety Board; Daphne Izer, Parents Against Tired Truckers, Lisbon Falls, Maine; Mark R. Rosekind, Alertness Solutions, Cupertino, California; Susan M. Coughlin, ATA Foundation, Alexandria, Virginia; and Charles E. Dettmann, Association of American Railroads, Clarence V. Monin, Brotherhood of Locomotive Engineers, on behalf of the Transportation Trades Department (AFL-CIO), and LaMont Byrd, International Brotherhood of Teamsters, all of Washington, D.C.

REFORMULATED GASOLINE

Committee on Environment and Public Works: Committee concluded hearings to examine the use of methyl tertiary-butyl ether (MTBE) in gasoline and S. 1576, to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, after receiving testimony from Senator Feinstein; Representative Bilbray; John D. Dunlap III, California Environmental Protection Agency Air Resources Board, Sacramento; Edward O. Sullivan, Maine Department of Environmental Protection, Augusta; Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts; Al Jessel, Chevron Products Company, San Francisco, California; and Douglas A. Durante, Clean Fuels Development Coalition, Arlington, Virginia.

U.S. ANTI-DRUG INTERDICTION

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism concluded joint hearings with the United States Senate Caucus on International Narcotics Control to examine United States anti-drug interdiction efforts and S. 2341, authorizing funds for fiscal years 1999 through 2001 to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, after receiving testimony from Barry R. McCaffrey, Director, Office of National Drug Control Policy; Brian E. Sheridan, Principal Deputy Assistant Secretary of Defense for Special Operations and Low-Intensity

Conflict; Donnie R. Marshall, Acting Deputy Administrator, Drug Enforcement Administration, Department of Justice; William R. Brownfield, Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Samuel H. Banks, Deputy Commissioner, United States Customs Service, Department of the Treasury; Adm. James M. Loy, Commandant, United States Coast Guard, Department of Transportation; Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office; and Barry D. Crane and A. Rex Rivolo, both of the Institute for Defense Analyses, Washington, D.C.

RADIATION FALLOUT MANAGEMENT

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings to examine the National Cancer Institute's management of a scientific study which assessed the radiation effects of nuclear weapons tests, after receiving testimony from Senator Harkin; Barry L. Johnson, Assistant Surgeon General/Assistant Administrator, Agency for Toxic Substances and Disease Registry, William F. Raub, Deputy Assistant Secretary for Science Policy, and Richard D. Klausner, Director, and Bruce Wachholz, Chief, Radiation Effects Branch, both of the National Cancer Institute, all of the Department of Health and Human Services; and F. Owen Hoffman, SENES Oak Ridge, Inc., Oak Ridge, Tennessee, former Consultant, National Cancer Institute.

COMPUTER EXPORT CONTROL

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation, and Federal Services concluded hearings to examine a General Accounting Office report on the Administration's 1995 decision to revise United States export controls on high performance computers, after receiving testimony from Harold J. Johnson, Associate Director, International Relations and Trade Issues, National Security and International Affairs Division, General Accounting Office; and William Reinsch, Under Secretary of Commerce for Export Administration.

IMMIGRATION DETENTION

Committee on the Judiciary: Subcommittee on Immigration concluded oversight hearings on the structure and management of the Immigration and Naturalization Service detention system and the implementation of the mandatory criminal alien detention provisions that were included in the Illegal Immigration Reform Act of 1996, after receiving testimony from Doris Meissner, Commissioner, Immigration and Naturalization Service, Department of Justice; Wendy A. Young, Washington, D.C., on behalf

of the Women's Commission for Refugee Women and Children; Eleanor Acer, Lawyers Committee for Human Rights, and Sam Waterston, both of New York, New York; Police Chief David Lon Walker, Marshalltown, Iowa; Fauziya Kassindja, Arlington, Virginia.

GOVERNMENT PUBLICATIONS REFORM

Committee on Rules and Administration: Committee resumed 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, receiving testimony from J. Michael Farren, Xerox Corporation, Washington, D.C., on behalf of the Information Technology Industry Council; Leonard Pomata, Litton/PRC, Inc., McLean, Virginia, representing the Professional Services Council; and William A. Gindlesperger, ABC Advisors, Inc., Chambersburg, Pennsylvania.

Also, committee held hearings to examine issues with regard to the proposed renovation of the Dirksen Senate Office Building and United States Capitol dome, receiving testimony from Alan M. Hantman, Architect of the Capitol.

Committee recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 1771, to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, with an amendment in the nature of a substitute. (As approved by the committee, the substitute amendment incorporated the text of S. 1899, to ratify a Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana, as Title II of the bill.)

NOMINATION

Committee on Indian Affairs: Committee ordered favorably reported the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

Prior to this action, the committee concluded hearings on the nomination of Mr. Deer, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 4577-4587; 2 private bills, H.R. 4588-4589; and 3 resolutions, H.J. Res. 128-129 and H. Res. 540, were introduced.

Pages H7914-15

Reports Filed: Reports were filed today as follows:

Report on Revised Suballocation of Budget totals for Fiscal Year 1999 (H. Rept. 105-722);

H.R. 3381, to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co., amended (H. Rept. 105-723 Part 1);

H. Res. 541, providing for consideration of H.J. Res. 128, making continuing appropriations for the fiscal year 1999 (H. Rept. 105-724);

H. Res. 542, providing for consideration of H.R. 4569, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999 (H. Rept. 105-725); and

H. Res. 543, providing for consideration of H.R. 3248, to provide dollars to the classroom (H. Rept. 105-726).

Page H7914

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Upton to act as Speaker pro tempore for today.

Page H7811

Treasury, Postal Appropriations: The House disagreed to the Senate amendment to H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and agreed to a conference. Appointed as conferees: Representatives Kolbe, Wolf, Istook, Northup, Aderholt, Livingston, McDade, Hoyer, Meek of Florida, Price of North Carolina, and Obey.

Pages H7814-17

Agreed to the Hoyer motion to instruct conferees to insist on the Senate position providing \$3,250,000,000 for emergency expenses relating to Year 2000 conversion of Federal information technology systems.

Pages H7815-17

Western Hemisphere Drug Elimination Act: The House passed H.R. 4300, to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, by a recorded vote of 384 ayes to 39 noes, Roll No. 442.

Pages H7819–57

Agreed To:

The Hastert amendment numbered 2 printed in the Congressional Record that requires the Director of the Office of National Drug Control Policy to develop a 10-year master plan for the use of mycoherbicides to control narcotic crops; Page H7835

The Shaw amendment numbered 6 printed in the Congressional Record that allows a State, county, port authority or other local jurisdiction to conduct criminal background checks on employees or applicants for employment; Pages H7844–48

The McCollum amendment numbered 4 printed in the Congressional Record that expresses the sense of Congress that the Secretary of Defense and Chairman of the Joint Chiefs of Staff should revise the priority for counter drug activity, making it second only to war-fighting (agreed to by a recorded vote of 362 ayes to 61 noes, Roll No. 438);

Pages H7831–35, H7854–55

The Traficant amendment that specifies that the Secretary of Defense shall assist in keeping illegal drugs out of the U.S. by assigning members of the Armed Forces to assist the Immigration and Naturalization Service and the Customs Service (agreed to by a recorded vote of 291 ayes to 133 noes, Roll No. 440);

Pages H7835–44, H7855–56

Rejected:

The Reyes amendment, as modified, to the Traficant amendment that sought to clarify that nothing shall be construed as authorizing the deployment of the Armed Forces in contravention of United States law (rejected by a recorded vote of 167 ayes to 256 noes, Roll No. 439);

Pages H7838–44, H7855

The Waters amendment that sought to strike sections providing additional eradication resources for Colombia and Mexico, and to strike the sense of Congress provision to accord U.S. law enforcement personnel serving in Mexico and Mexican law enforcement personnel serving in the United States the same status as their respective diplomatic and consular personnel (rejected by a recorded vote of 67 ayes to 354 noes, Roll No. 441).

Pages H7848–54, H7856–57

H. Res. 537, the rule that provided for consideration of the bill, was agreed to by voice vote.

Pages H7817–19

Drug Demand Reduction Act: The House passed H.R. 4550, 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, by a recorded vote of 396 ayes to 9 noes, Roll No. 444.

Pages H7863–88

Agreed To:

The Portman amendment that clarifies that Employee Assistance Programs may offer treatment; specifies that the program for drug free teenage drivers does not place a mandate on the States and authorizes appropriations; requires a study regarding the development of anti-addiction drugs; and specifies a quorum for Commission on the Role of Medical Education in Reducing Substance Abuse.

Pages H7869–70

The Ros-Lehtinen amendment that increases the drug-free parents empowerment grant amount from \$20,000 to \$50,000;

Pages H7875–76

The Barrett of Wisconsin amendment that specifies that any drug-free workplace demonstration program shall include employee drug testing by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration or the College of American Pathologists, and each positive test result shall be reviewed by a Licensed Medical Review Officer;

Page H7876

The Souder amendment that specifies that quality rating, criteria, quality program designation, and public notification decisions are the responsibility of each State; and

Pages H7876–77

The Portman amendment that specifies that members of the Commission on Role of Medical Education in Reducing Substance Abuse shall include representatives of the American Psychiatric Association, American Academy of Child and Adolescent Psychiatry, and American Academy of Addiction Psychiatry, and establishes a quorum of 7 members.

Page H7886

Rejected:

The Taylor of Mississippi amendment that requires that each individual appointed to an employment position with the Federal Government after enactment shall be subject to random, unannounced drug testing (rejected by a recorded vote of 123 ayes to 281 noes, Roll No. 443);

Pages H7877–80, H7886–87

Point of Order sustained against:

The Latham amendment numbered 1 printed in the Congressional Record that specifies that any person who manufactures or distributes a controlled substance shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

Pages H7884–85

Withdrawn:

The Ramstad amendment numbered 2 printed in the Congressional Record that sought to require parity in the application of treatment limitations and financial requirements to substance abuse treatment

benefits with those for medical and surgical benefits; and

Pages H7880–82

The Kennedy of Massachusetts amendment that includes alcohol abuse in the national media campaign by the Director of the Office of National Drug Control Policy for the purpose of reducing and preventing alcohol abuse among young people.

Pages H7882–84

The Clerk was authorized in the engrossment of the bill to make technical and conforming changes to reflect the actions of the House.

Page H7888

H. Res. 538, the rule that provided for consideration of the bill, was agreed to by a voice vote.

Pages H7858–63

Securities Litigation Uniform Standards Act: The House insisted on its amendment to S. 1260, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and agreed to a conference. Appointed as conferees: Representatives Bliley, Oxley, Tauzin, Cox, White, Dingell, Stupak, and Eshoo.

Page H7888

Presidential Message—Commodity Credit Corporation: Read a message from the President wherein he transmitted his annual report of the Commodity Credit Corporation for FY 1996—referred to the Committee on Agriculture.

Page H7888

Committee Election: Agreed to H. Res. 540, electing Representative Sherman to the Committee on Science.

Page H7888

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7915–23.

Quorum Calls—Votes: Seven recorded votes developed during the proceedings of the House today and appear on pages H7854–55, H7855, H7855–56, H7856–57, H7857, H7886–87, and H7887–88. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:30 p.m.

Committee Meetings

INTERNATIONAL ECONOMIC TURMOIL

Committee on Banking and Financial Services: Concluded hearings on International Economic Turmoil. Testimony was heard from Robert E. Rubin, Secretary of the Treasury; and Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

REAL ESTATE SETTLEMENT PROCEDURES ACT, THE TRUTH IN LENDING ACT AND REFORMS TO MORTGAGE LENDING DISCLOSURE REQUIREMENTS

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Development held a joint hearing on the Real Estate Settlement Procedures Act and the Truth in Lending Act, and reforms to mortgage lending disclosure requirements. Testimony was heard from public witnesses.

EDUCATION AND TECHNOLOGY INITIATIVES

Committee on Commerce, and the Committee on Education and the Workforce: Held a joint hearing on Education and Technology Initiatives. Testimony was heard from Linda Roberts, Director, Office of Education Technology and Special Advisor to the Secretary on Technology, Department of Education; Carlotta C. Joyner, Director, Education and Employment Issues, GAO; and public witnesses.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials approved for full Committee action amended H.R. 4353, International Anti-Bribery and Fair Competition Act of 1998.

KYOTO PROTOCOL

Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs continued hearings on "The Kyoto Protocol: Is the Clinton-Gore Administration Selling Out Americans? Part VI" Testimony was heard from public witnesses.

DEVELOPING WORLD-SPREAD OF AIDS

Committee on International Relations: Held a hearing on the Spread of AIDS in the Developing World. Testimony was heard from Anthony Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, Department of Health and Human Services; Col. Deborah Birx, M.D., USA, Director, U.S. Military HIV Research Program, Walter Reed Hospital; Paul DeLay, M.D., Chief, HIV/AIDS Division, AID, U.S. International Development Cooperation Agency; and public witnesses.

U.S. POLICY ON IRAQ

Committee on National Security: Held a hearing on the U.S. policy on Iraq. Testimony was heard from William Scott Ritter, Jr., former Chief Weapons Inspector, United Nations Special Commission on Iraq; Paul Wolfowitz, former Under Secretary, Policy, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: 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; and H.R. 4223, Colusa Basin Watershed Integrated Resources Management Act.

DOLLARS TO THE CLASSROOM ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule on H.R. 3248, Dollars to the Classroom Act, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for amendment purposes, which shall be considered as read. The rule waives clause 7 of rule XVI (prohibiting nongermane amendments) against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying this resolution. The rule provides that the amendments made in order shall be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit with or without instructions. Testimony was heard from Representatives Goodling, Pitts, Martinez, Mink, and Abercrombie.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Rules: The Committee granted, by voice vote, a modified open rule on H.R. 4569, making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1999, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives clause 1(b) of rule X

(requiring a detailed explanation in the report on any rescissions or transfers of unexpected balances), clause 2(l)(6) of rule XI (relating to the three day availability of the report), and clause 7 of rule XXI (relating to the three day availability of printed hearings) against consideration of the bill. The rule provides for a five hour time limit on the amendment process and that the bill shall be considered as read through page 141, line 18. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) and clause 6 of rule XXI (prohibiting reappropriations in an appropriations bill) against provisions in the bill. The rule makes in order only: pro forma amendments for the purpose of debate; amendments preprinted in the Congressional Record; and amendments printed in the report of the Committee on Rules. The rule provides that each of the amendments printed in the report accompanying this resolution may be offered only by a Member designated in the report, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report of the Committee on Rules. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit with or without instructions. Testimony was heard from Representatives Callahan, Wolf, Tiahrt, Gilman, Bereuter, Smith of New Jersey, Weldon of Pennsylvania, Royce, Bob Schaffer of Colorado, Pelosi, Hamilton, Pallone, McKinney, McGovern, and Sherman.

CONTINUING APPROPRIATIONS FOR FY 1999

Committee on Rules: The Committee granted, by voice vote, a closed rule on H.J. Res. 128, Making Continuing Appropriations for FY 1999, providing that the joint resolution be considered as read for amendment. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides one motion to recommit.

FARM AND RANCH RISK MANAGEMENT ACT

Committee on Small Business: Held a hearing on H.R. 3659, Farm and Ranch Risk Management Act. Testimony was heard from Senator Grassley; Representatives Thurman and Hulshof; and public witnesses.

SMALL BUSINESSES—PENSION REFORM

Committee on Small Business: Subcommittee on Tax, Finance, and Exports held a hearing on pension reform for small businesses. Testimony was heard from Representatives Blunt and Bentsen; and public witnesses.

BRIEFING—UPDATE ON NORTH KOREAN TAEPO DONG MISSILE LAUNCH

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Update on North Korean Taepo Dong Missile Launch. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 17, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget, 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, 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, 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 T.J. Glauthier, of California, to be Deputy Secretary of Energy, 9:30 a.m., SD-366.

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, 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 S. 2481, proposed Public Buildings Reform Act, 9 a.m., SD-406.

Committee on Foreign Relations, 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, 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, 10:30 a.m., SD-342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD-226.

Committee on Labor and Human Resources, to hold hearings to examine professional developments incorporating advances and teaching, 10 a.m., SD-430.

Special Committee on the Year 2000 Technology Problem, to hold hearings to examine the potential threat of the millennium bug on the solvency of America's pension plans and mutual funds, and to review internal and external activities of fund managers to protect the investments of Americans as they prepare for Y2K, 9:30 a.m., SD-192.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E1741 in today's Record.

House

Committee on Banking and Financial Services, hearing on Preparing for the Year 2000: Financial Institutions, Customers, Telecommunications, and Power, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, to mark up the following bills; H.R. 3610, National Oilheat Research Alliance Act of 1998; and H.R. 4081, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas, 3 p.m., 2123 Rayburn.

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, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up H.R. 3783, Child Online Protection Act, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, 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, Subcommittee on Census, hearing on "Oversight of the 2000 Census: Serious Problems with Statistical Adjustment Remain", 10 a.m., 2154 Rayburn.

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, hearing on the United States and Russia, Part II: Russia in Crisis, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, executive, to consider the release of certain documents, records, and materials received

by the Committee from the Independent Counsel on September 9th, 10 a.m., 2141 Rayburn.

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 bills: H.R. 4049, Regulatory Fair Warning Act of 1998; H.R. 4096, Taxpayers Defense Act; and H.R. 4572, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income, 2 p.m., 2226 Rayburn.

Subcommittee on Crime, hearing on H.R. 4258, No Second Chances for Murderers, Rapists, or Child Molesters Act of 1998, 1 p.m., 2141 Rayburn.

Committee on Resources, 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 Conserva-

tion Stamp Promotion Act; and H.R. 4517, Neotropical Migratory Bird Habitat Enhancement Act, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Forest Service—Backcountry Airstrip Management, 10 a.m., 1334 Longworth.

Committee on Rules, hearing on proposals to amend the standing rules of the House, 10 a.m., H-313 Capitol.

Committee on Science, Subcommittee on Technology, oversight hearing on Industrial Biotechnology: A Solution for the Future? 1 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, 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, to mark up the Taxpayer Relief Act of 1998, 10 a.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe, to hold hearings to examine the current situation in Kosovo, 3 p.m., 2200 Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 17

Senate Chamber

Program for Thursday: Senate may resume consideration of the motion to proceed to consideration of S. 1645, Child Custody Protection Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 17

House Chamber

Program for Thursday: Consideration of H.J. Res. 128, making continuing appropriations for FY 1999 (closed rule, one hour of debate);

Consideration of H.R. 4569, Foreign Operations Appropriations Act, 1999 (modified open rule, one hour of debate);

Consideration of H.R. 3736, Workforce Improvement and Protection Act (modified closed rule, one hour of debate);

Consideration of H.R. 4006, Lethal Drug Abuse Prevention Act (modified open rule, one hour of debate); and

Consideration of H.R. 3248, Dollars to the Classroom Act (consider rule only)

Extensions of Remarks, as inserted in this issue

HOUSE

Ballenger, Cass, N.C., E1730
 Bliley, Tom, Va., E1740
 Conyers, John, Jr., Mich., E1736
 Costello, Jerry F., Ill., E1730
 Crapo, Michael D., Idaho, E1732
 Dingell, John D., Mich., E1729
 Doolittle, John T., Calif., E1739
 Etheridge, Bob, N.C., E1734
 Filner, Bob, Calif., E1730, E1732

Forbes, Michael P., N.Y., E1730
 Fox, Jon D., Pa., E1734
 Gejdenson, Sam, Conn., E1730
 Hilleary, Van, Tenn., E1733
 Kucinich, Dennis J., Ohio, E1737
 McDermott, Jim, Wash., E1736
 McGovern, James P., Mass., E1738
 McInnis, Scott, Colo., E1732
 Miller, George, Calif., E1737
 Neal, Richard E., Mass., E1733
 Rogers, Harold, Ky., E1731

Rothman, Steve R., N.J., E1732
 Sanders, Bernard, Vt., E1739
 Schaffer, Bob, Colo., E1739
 Skelton, Ike, Mo., E1733, E1736
 Stearns, Cliff, Fla., E1739
 Tiahrt, Todd, Kans., E1732
 Underwood, Robert A., Guam, E1731
 Visclosky, Peter J., Ind., E1737
 Wolf, Frank R., Va., E1733



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