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House of Representatives

The House met at 10 a.m.

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

Your word, O God, tells us that we should do the works of justice and that we should love mercy. In the quiet of this prayer we admit our own willfulness can sometimes get in the way of Your loving spirit and our own self-centeredness can hinder generosity and forgiveness. We know that it is in the nature of things that we get so involved in our tasks and our eyes do not always look to the heavens for wisdom and vision and strength, but we pray this day that Your spirit will lift our spirits so that justice and mercy will roll down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE 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.

THE ISSUE IS SAFETY ON NUCLEAR WASTE STORAGE

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

Mr. GIBBONS. Madam Speaker, the issue of nuclear waste is simply one of the safety. H.G. Wells once said that human history becomes more and more a race between education and catastrophe. Let me say that nothing in the history of mankind has withstood the test of time and the construction of 10,000 years.

What was state-of-the-art technology and engineered safe as late as 1970 has often been shown and proven to be an unsafe solution today. Americans should never allow short-term safety issues that are as serious as nuclear waste to become long-term problems hundreds of years from now.

I believe that standards based on sound science, along with the protection, the safety and the welfare of this Nation's citizens, should be the fundamental threshold when we address nuclear waste storage. H.R. 45, the Nuclear Waste Policy Act of 1999, will mandate upon the State of Nevada and this Nation the most environmentally egregious and deadly decree, a death sentence that preempts the National Environmental Policy Act, the Safe Drinking Water Act, and any other Federal, State, or local laws that may be inconsistent with this bill.

Vote ''no'' on H.R. 45.

INCENTIVES

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

Mr. KUCINICH. Madam Speaker, today we will be considering H.R. 391, the Small Business Paperwork Reduction Act Amendments. This bill is strongly opposed by the administration, and four department heads will recommend a veto if the bill is passed in its current form.

The concern stems from a provision that bars agencies from assessing civil penalties for most first-time paperwork violations. This provision allows businesses one free violation, even when the violation is intentional. This sets up a bizarre circumstance where bad-faith actors would have little or no incentive to comply with paperwork requirements. They would know that once caught, they could not be fined.

When bad-faith actors do not file paperwork, it is extremely difficult for the government to detect illegal activity. The government would not be able to identify businesses that are putting workers, consumers, and seniors in jeopardy.

I will be offering an amendment that will provide penalty relief for first-time violators without giving an across-the-board waiver to those who intentionally violate the law. If my amendment is adopted, the veto threat will likely be dropped and the bill can become law. I urge Members' support for my amendment to H.R. 391.

TRIBUTE TO SUSAN B. ANTHONY

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

Ms. ROS-LEHTINEN. Madam Speaker, this Monday will mark the 179th anniversary of the birth of Susan B. Anthony, a prominent figure in our Nation's history whose influence has been as remarkable as any President of the United States. Susan B. Anthony's lifelong work to ensure equal rights for women and essentially equal rights for all mankind can never be forgotten nor understated.

However, some choose to ignore how her struggle to obtain equal rights also included the rights of the unborn. To

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Susan B. Anthony, abortion could never be separated from her promotion of women's rights. She could not separate the two causes, because to those early feminists, abortion was nothing less than child murder. She said, ''We want prevention, not punishment.'' For her, such prevention meant promoting dignity and true equality for the born and the unborn.

Every American, and especially every female, owes much to pioneers such as Susan B. Anthony. On this upcoming 179th anniversary of her birth, we should all pay tribute to this great American, to this great leader, to this wonderful right-to-life advocate, Susan B. Anthony.

BAN ILLEGAL TRADE RESTRICTIONS

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

Mr. TRAFICANT. Madam Speaker, the trade rep says, don't worry, Congress, we are going to GATT over steel. Wow.

Check this out. Three years ago Europe blocked American beef. Then Europe blocked American bananas. Uncle Sam went to GATT. GATT ruled in our favor. Europe laughed in their face. GATT says, go to the World Trade Organization. We went to the WTO. The WTO ruled in our favor. Europe laughed in their faces. Then they appealed. Three years later, Uncle Sam is being advised to go back to GATT on bananas and beef.

Beam me up. Rip Van Winkel is faster than GATT. America's sovereignty is not predicated on the WTO, Madam Speaker. When it comes to illegal trade, we should never manage it, we should ban it.

INDONESIA

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

Mr. PITTS. Madam Speaker, I rise today to express deep concern over the continuing human rights abuses in Indonesia. This week I chaired a Congressional Human Rights Caucus briefing in which expert witnesses from Indonesia showed photographic evidence and reported on the situation facing their people.

Attacks on ethnic and religious minorities, particularly Chinese minorities, are continuing, and in some instances appear to be orchestrated. Ninety-five churches have been burned or destroyed since May of last year. One photograph showed a security officer standing by while a person's decapitated head was paraded around on a stick.

Violence and human rights abuses continue in regions. Rape victims from last year's riots are intimidated. Churches and mosques are burned. Christians and Muslims from rural communities are afraid to return to their destroyed homes.

Madam Speaker, I urge the Indonesian government to immediately take steps to protect the fundamental human rights of all people in Indonesia, promptly bring to justice all individuals violating those rights.

DEMOCRATS WANT TO SAVE 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. Madam Speaker, we in the Congress have an historic opportunity to save the twin pillars of retirement security, Social Security and Medicare. We have this opportunity because of a strong economy in this country that has resulted in a Federal surplus for the first time in three decades. At this historic juncture, Democrats propose to do what is right: save Social Security and Medicare while we have the financial ability to do so.

Republicans, on the other hand, want to give a one-time tax break that flies in the face of fiscal responsibility. It is a shortsighted plan. It will not save Social Security and Medicare. It gives a 10 percent tax break to those, most of whom are wealthy in this country. The lion's share of the plan goes to people making more than $300,000 a year. Middle-class families would get back less than $100.

As one of their own said in today's Congress Daily, ''A 10 percent cut means nothing for most taxpayers.'' Democrats are for tax cuts, tax cuts that are targeted to middle-class families. The Democratic plan will save Social Security and Medicare, and give tax relief to the people who need it most.

INTRODUCING LEGISLATION TO PREVENT EXPANSION OF AMERICAN MILITARY INTERVENTION WITHOUT CONGRESSIONAL APPROVAL

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

Mr. PAUL. Madam Speaker, we have troops in 144 countries of the world today. President Clinton has announced that he will now send troops to Kosovo. We are bombing in Iraq on a daily basis. We have been in Bosnia now for three years, although we were supposed to be there for six months. We should not go into Kosovo; we should not go there, absolutely, without congressional approval.

I have introduced legislation that will prevent the President from sending troops to further expand our intervention around the world without congressional approval. This is very, very important. We are spending so much money on intervention in so many countries around the world at the same time our national defense is being diminished. Worst of all, the President is planning to put these thousands of troops under a British commander.

It is time we took it upon ourselves to exert our authority to restrain the President in spreading troops around the world.

FEDERAL GOVERNMENT INTERVENTION IN HIGH TECHNOLOGY INDUSTRY MAY BE DETRIMENTAL TO CONSUMERS

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

Mr. INSLEE. Madam Speaker, my district includes Redmond, Washington, the home of Microsoft.

Madam Speaker, the true beneficiaries of the Internet explosion are consumers. They know it. A recent Wirthlin poll found that 81 percent of the public believes that Microsoft has benefited consumers. The reasons are clear. Microsoft is the leader and perhaps the most dynamic, creative, and productive industry in the history of the world. Technology is improving, prices are falling, and more people own a computer today than ever have before. The innovative people in Microsoft are a major reason for this.

The Federal Government should be cautious before it intervenes in this enterprising industry. The American people are reluctant to allow the government to control the industry because it provides cheaper, more useful products every day without government intervention.

We must not forget that the goal of our laws ought to be protecting the consumer, not the competition. If we focus on what is good for the consumer, the industry will continue to harness the genius of American innovation, and Microsoft will continue to serve as an engine of invention, to our mutual benefit.

IT IS TIME TO TAKE SOCIAL SECURITY OFF-BUDGET

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

Mr. HERGER. Madam Speaker, it is time we really take social security off-budget. While this Congress has worked hard to balance the budget under the manner we currently count Federal dollars, we have only done so by using the social security trust fund surplus.

Let us now raise the bar and balance the budget by walling off the social security surplus. Why should this Congress be content with a budget that is only balanced because we are borrowing from social security?

Everyone here knows it is morally wrong to use the social security surplus to mask our deficit, and our constituents know it, as well. Let us end

this shell game. Madam Speaker, I urge my colleagues to support my legislation, which will wall off social security by removing it from the unified budget calculations.

WHY DO REPUBLICANS WANT TO GIVE TAX CUTS TO THE WEALTHY INSTEAD OF PROTECTING AND EXPANDING MEDICARE WITH THE BALANCE OF THE SURPLUS?

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

Ms. SCHAKOWSKY. Madam Speaker, I have been pleased to hear some of my Republican colleagues express a willingness to go along with President Clinton's plan to devote 62 percent of the budget surplus to social security. But what I cannot understand is why they would rather take the rest of the surplus and give a tax break to the wealthy, instead of protecting and even expanding Medicare so that it covers prescription drugs.

□ 1045

Before I was elected to public office, I served as director of the Illinois Council of Senior Citizens, and I learned a lot about how hard it can be to grow old in America. Making ends meet on Social Security is not easy, even if one is pretty healthy. But if someone has high blood pressure or diabetes or heart disease or cancer, they could be in real trouble. As any senior can tell us, there are many things Medicare does not pay for, including prescription drugs. In fact, seniors today are paying more of their incomes on health care than before Medicare was enacted in 1965.

Social Security and Medicare. They go hand-in-hand. Seniors understand this. The President understands this. Before giving away the surplus to the rich, I hope the Republicans will get it, too, and support our plan to protect Medicare.

CONGRESS SET TO ELIMINATE MARRIAGE TAX PENALTY

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

Mr. WELLER. Madam Speaker, I rise to really announce some good news, and that is we are ready to make progress on some unfinished business, and that is the issue of eliminating discrimination against married working couples.

My colleagues, let us ask a few questions. Is it not time we eliminated the marriage tax penalty? Is it right—really, is it right—that under our Tax Code married working couples pay higher taxes just because they are married? Is it fair that 21 million married working couples pay on average $1,400 more just because they are married than an identical couple living together outside of marriage? In Illinois $1,400 is one year's tuition at the local community college.

It is simply wrong we are punishing married working couples. Yesterday, we introduced H.R. 6, the Marriage Tax Elimination Act, legislation that now has 224 cosponsors. Think about that; 224 cosponsors. How often do we have a majority of the House as cosponsors of legislation on its first day? That is good news.

I believe we can work together this year to eliminate the most unfair discrimination in the tax code. Let us work together, let us work in a bipartisan way, let us eliminate the marriage tax penalty.

Madam Speaker, I include for the RECORD a letter from a constituent of mine and a press release from the Speaker of the House on the subject matter of my speech this morning.

JANUARY 6, 1999.

DEAR CONGRESSMAN WELLER: Over the past year or so, my husband Shad and I have read with some surprise and some relief about your efforts to eliminate the ''marriage tax penalty.'' When we set out to marry, no one warned us such a tax even existed on married couples. Our relief, of course, came in knowing that our U.S. Representative is trying to do something to right the wrong.

Shad and I are both teachers in Will County. Shad teaches 11th grade English and I teach junior high reading. Neither of us make a lot of money, but we are dedicated to our jobs and the children we teach. You can imagine our surprise when we realized how the marriage tax affects us. When we followed up with tax preparers and your staff, we learned that our 1997 salaries are facing a $957.00 marriage tax penalty.

We have actually read articles in the paper where scholars have dismissed the marriage tax as inconsequential on a working family's day to day struggle to made ends meet. Instead, they argue that the amount of money lost to the government by eliminating the marriage tax would be a great ''tragedy.'' In fact, during last year's elections, I heard a candidate suggest that if $1,400 plays such a large stake in a couples decision to marry, perhaps they have no business getting married in the first place. Although I am no economic scholar, and Shad and I would be married despite the financial consequences the government places on our marriage, I take offense to that sort of thought process.

Fourteen hundred dollars may not seem like a lot to some, but as we prepare to bring our first child into the world, we will face a penalty of $957. That $957 could buy 3000 diapers or pay for a years worth of tuition for our graduate school education. Aside from the poor message the marrige tax sends to young couples like ourselves, the money it costs—no mater how large or small the amount—could be used on things we need now. It troubles me to know that as Shad and I continue to teach and earn a little more money as time goes by, so too will our ''marriage tax'' grow.

It appears to me Congressman Weller, eliminating the marriage tax seems to be the right choice. Shad and I will continue to follow your efforts in Washington with great interest (as will our married friends back home). Last year it appeared that Washington was ready to eliminate the marriage tax. What went wrong?

Sincerely,

MICHELLE AND SHAD HALKLAN.

SPEAKER'S STATEMENT ON RESERVING H.R. 6 FOR REPEAL OF MARRIAGE TAX PENALTY

WASHINGTON, D.C.—House Speaker J. Dennis Hastert (R-Ill.) today released the following statement on reserving H.R. 6 for the Marriage Tax Penalty Elimination Act:

''It's ridiculous that our onerous tax code makes it more expensive to be married than to be single. The government should not punish married working couples by taking more of their hard-earned money in taxes than an identical couple living outside of marriage. I am proud to reserve one of this Congress' top bills, H.R. 6, for the Marriage Tax Penalty Elimination Act.

''The Republican-led Congress has a strong commitment to returning more of each American's hard-earned money to his or her own pocket. The government often acts as if it owns the earnings of all Americans, as if each American worked for the government and not the other way around. This is wrong. We believe that all Americans deserve to keep more of their own money—after all, it's your money and you can save and spend it more wisely than Washington can.''

J. DENNIS HASTERT,
Speaker of the House.

CONSENSUS IS 62 PERCENT OF BUDGET SHOULD GO TO SAVE SOCIAL SECURITY

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

Mr. WEINER. Madam Speaker, there is now reaching a point of consensus that 62 percent of the surplus in the budget should go to save Social Security and preserve it at least to the year 2055. With God's good graces, we will all be here to enjoy that extended life of Social Security.

What the President has also proposed is equally important, perhaps even more so, and that is that 15 percent, almost $700 billion, be put away also to help improve Medicare today, and that includes extending prescription drug benefits to seniors.

As much as we have heard about the proposals for tax cuts, an across-the-board tax cut will not get an average senior even through a single year covering their prescription drug costs. Yet, on the other the other side of the aisle, we hear nothing about improving Medicare for today's seniors. Instead, 37 percent of their plan goes to a tax cut, 1 percent goes to defense, and nothing else goes for things like prescription drugs.

My colleagues, with the cost of living adjustment for seniors this year being only 1.2 percent, we need to recognize that today's seniors, not those a generation from now, need prescription drugs covered.

INTRODUCTION OF H.R. 2, DOLLARS TO THE CLASSROOM

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

Mr. PETERSON of Pennsylvania. Madam Speaker, today Republicans in

Congress will introduce H.R. 2, Dollars to the Classroom, a bill that is aimed at improving the quality of our public schools.

This bill, we admit, is a threat to those who believe fervently that Washington knows best, no matter how many times it has demonstrated that it does not. This bill will not please those who wish to expand the Federal education bureaucracy. This bill will alarm those professional administrators who hope to increase Federal involvement and intrusion into the decisions made by local school boards, parents and teachers.

Instead, this bill will give local schools the flexibility to spend Federal education dollars as they see fit: higher teacher salaries in some districts, new libraries or classroom construction in others, perhaps a new computer system in another. Those who bear the consequences of the decisions will be the ones making those decisions.

This is an approach which will enrage the liberals, who have done things the old way, the bureaucratic way, so many times in the past. This bill represents common sense. It puts dollars in our classrooms and not more bureaucrats in Washington.

CLOSE THE SCHOOL OF THE AMERICAS ONCE AND FOR ALL

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

Mr. MOAKLEY. Madam Speaker, we have a school in the United States which teaches Latin American students torture techniques and commando skills and costs the citizens of the United States $18 million each and every year. The graduates go on to commit some of the worst murders and some of the most horrible atrocities in Latin America.

When I led the team that investigated the Jesuit murders in El Salvador, I was horrified to learn that our School of the Americas had actually trained the killers. Nineteen out of the 26 killers were graduates of the School of the Americas.

That is not an isolated incident, Madam Speaker. Each time we hear of another brutal massacre in Latin America, the School of the Americas graduates are involved. In nearly every instance they planned the killings, covered up the truth, or even pulled the trigger.

Today, Madam Speaker, I will file legislation to close the School of the Americas once and for all.

IS THE ERA OF BIG GOVERNMENT REALLY OVER?

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

Mr. SCHAFFER. Madam Speaker, the President in his 1996 State of the Union performance said that ''The era of big government is over.'' Now, I suppose it is possible that he meant it, but one would never know it from looking at his record. The President and his liberal allies in Congress are threatening to shut down the government if Congress does not spend more money to create more bureaucracy in Washington, D.C.

Let us take for example the issue of education spending. Now, Republicans want to spend the money but send it to the classroom. Democrats want to grow the Federal bureaucracy and give the bureaucracy a greater role in managing our local schools.

Republicans think the Federal bureaucrats have done enough damage in education. Democrats want to spend money without setting priorities. Republicans want to send more money to the classroom while also keeping within budget agreement caps, which means there must be spending offsets.

If the era of big government is truly over, then it is time for the President's actions to match his words.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1999

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 42, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. 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.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for one hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 42 is an open rule, providing for the consideration of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999. The purpose of this legislation is to reduce the burden of Federal paperwork on small businesses.

The rule waives section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to, against consideration of the bill.

The rule provides for one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Government Reform and Oversight.

The rule further provides that the bill shall be considered as read.

The Chair is authorized by the rule to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Madam Speaker, I believe House Resolution 42 is a fair rule. It is an open rule for the consideration of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999.

It is my understanding that some Members may wish to offer germane amendments to this bill and, under this open rule, they will have every opportunity to do so.

H.R. 391 is a step in the right direction in relieving our Nation's small businesses from an overwhelming paperwork burden that threatens to bury them.

Time and money required to keep up with government paperwork prevents small businesses from growing and creating new jobs. H.R. 391 gives small

businesses the relief they need from paperwork burdens created by the Federal bureaucracy.

It has been reported that last year it took seven billion man hours to complete government paperwork. Seven billion man hours that could have been spent finding new job markets, expanding business or creating jobs, were instead spent on nothing more than dotting I's and crossing T's in duplicate and triplicate.

Madam Speaker, as a longtime small businessman myself, I know the hurdles that our entrepreneurs face: Strangling red tape, burdensome regulations and mountains of paperwork.

Just a few days ago our Nation marked President Ronald Reagan's 88th birthday, and I am reminded of what President Reagan said in his first inaugural address: that the Federal Government's role is to work with us, not over us; to stand by our side, not ride our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

H.R. 391 recognizes the challenging legacy that President Reagan handed us: to make the Federal Government a catalyst for opportunity rather than an obstacle for growth by fostering communication between Federal agencies and small businesses; helping small businesses come into compliance on civil paperwork mistakes; and making sure all information regarding paperwork requirements is readily available to small businesses.

What the bill does not do is create a threat to public safety and health. H.R. 391 specifically suspends fines only for small businesses on first-time paperwork violations; and only, and I repeat, and only when those violations are not covered by several exemptions, including an exemption for violations that result in actual harm, violate Internal Revenue Service laws, and present an imminent threat to public safety and health.

□ 1030

I would like to commend the gentleman from Indiana (Mr. MCINTOSH) and the chairman, the gentleman from Indiana (Mr. BURTON) for their hard work on H.R. 391. I would urge my colleagues to support this open rule and the underlying bill.

In conclusion, Madam Speaker, House Resolution 42 is a fair, completely open rule, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my next door neighbor, for yielding me the customary 30 minutes.

Madam Speaker, I do not oppose this rule because it allows Members to offer all germane amendments. Like all Members of Congress, I support efforts to reduce unnecessary paperwork requirements on small businesses. I have endorsed both legislative and executive efforts to streamline regulations.

We in Congress have enacted the Paperwork Reduction Act and the Small Business Regulatory Enforcement Fairness Act. Just yesterday, the House passed the Paperwork Elimination Act by a bipartisan vote. The administration, under Vice President Gore, has attacked excessive regulation through its initiative to reinvent government and the implementation of the White House Conference on Small Business recommendations.

In addition, I support many aspects of the underlying bill. H.R. 391 would require Federal agencies to publish paperwork requirements for small businesses so that they can know exactly what is required of them. It would require each Federal agency to establish a liaison for small business paperwork requirements and to help small businesses comply with their legal obligations, and it would establish a task force to consider ways to streamline paperwork requirements even further.

However, it is unfortunate that the Committee on Government Reform has again in this Congress included provisions in this bill that could be dangerous to the health and safety of the American people.

H.R. 391 would prohibit the assessment of civil penalties for most first-time violations of information collection or dissemination requirements if those violations are corrected within six months. The civil penalty provisions in this bill effectively remove agency discretion from regulatory enforcement decisions against the first-time violators. Only if actual serious harm has already occurred or the violation presents ''an imminent and substantial danger to the public health and safety'' would the agency have any discretion to impose a penalty. This extreme standard will not adequately protect the American public.

Each of us has the responsibility to abide by protections enacted for the safety of the community. Paperwork requirements, such as drivers' licenses, are our way of minimally ensuring that everyone who undertakes a potentially hazardous activity, such as driving, is informed about the potential dangers and knows how to prevent them. If H.R. 391's ban on penalties were applied to drivers' license, there could be no sanction for driving without a license until your driving had already caused actual serious injury or was so dangerous as to pose an imminent substantial danger to others. Such a provision would be outrageous. To protect society, we need the discretion to step in, in a meaningful way, to protect ourselves before the actual harm occurs.

This bill would hamper legitimate agency efforts to protect the American people. For example, its one-size-fits-all prohibition on penalties could endanger both our traveling public and our emergency service personnel by weakening the enforcement of reporting requirements for the transportation of hazardous materials.

New methods to ensure the safety of our meats, shellfish, and poultry depend upon providers keeping adequate records and accurate records of their efforts to prevent contamination. This paperwork is not a frivolous add-on, but it is central to ensuring a wholesome product. Noncompliant companies should not have the option of saving money by skipping the paperwork at the cost of endangering the public. In life and death situations such as food safety, providers should not be given a free pass on the first violation. Such a policy could cause the needless deaths of hundreds of our constituents and the serious illness of many thousands more.

Similarly, paperwork requirements are designed to help nursing homes monitor the patients' health and assure appropriate care. For example, records of fluid intakes and output are key tools in diagnosing conditions such as dehydration and infection that, left untreated, can be life-threatening. We should not take discretion away from regulators trying to protect our Nation's most vulnerable citizens.

This bill could also make our workplaces less safe. Tracking the information disclosure and training requirements for working with dangerous chemicals and machinery is not useless paperwork. It assures that our workers have the knowledge needed to protect themselves from on-the-job hazards. An industrial disaster should not be required before agencies can effectively enforce these lifesaving requirements.

H.R. 391's ban on regulatory discretion sends businesses a very bad message. It says that Congress does not consider violation of these health and safety requirements a serious matter.

Curiously, H.R. 391 also preempts State and local discretion in the performance enforcement of health safety and environmental standards. Normally the majority believes that localities should have the autonomy to set priorities for local implementation of Federal standards. But in this bill, they paternalistically prohibit local governments from making their own enforcement decisions.

In reality, this nonenforcement mandate provides no relief to honest businesses, those doing the best they can to obey the law. It gives an unfair advantage to the small minority of businesses that try to undercut their competition by willfully violating or ignoring the law. If this bill were enacted in its current form, those businesses disinclined to follow the law would have no incentive to obey until they had actually been cited for a violation.

For these reasons, this bill is opposed in its current form by the administration and a wide variety of consumer, labor and health advocacy groups, including the Safe Food Coalition, Public

Citizen, the AFL-CIO, Consumer's Union, the National Citizens Coalition for Nursing Home Reform, the American Public Health Association, the Consumer Federation of America, United Auto Workers, the American Lung Association, OMB Watch, USPIRG, and the National Council of Senior Citizens.

Thankfully, the rule we are debating will allow the House to solve many of the problems with this bill. The gentleman from Ohio (Mr. KUCINICH) will offer an amendment that provides for agency discretion in the imposition of civil penalties against first-time violations. The amendment also requires agencies to establish policies to waive or reduce civil penalties for first-time inadvertent violations.

The Kucinich amendment is a common-sense compromise that achieves the goal of not over-penalizing inadvertent, good-faith violations, without risking the health and lives of the public.

Madam Speaker, I support this open rule, and I would urge my colleagues to support the passage of the Kucinich amendment allowed by the rule.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. DREIER), the outstanding and distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I certainly will not in any way argue with the description the gentleman has provided and I thank him for yielding.

Madam Speaker, I rise in very strong support of this rule. But I am here primarily to extend very hearty compliments to the newest member of the Committee on Rules, the gentleman from New York (Mr. REYNOLDS), who is at this point managing his first rule on the floor, and I know it is the first of what will be many outstanding measures that will be reported out of the committee.

The gentleman from New York (Mr. REYNOLDS) has a stellar background of service as minority leader in the State legislature in New York, and he is bringing that expertise not only to the Committee on Rules but down here on the House floor.

I also want to say that he is joined in this effort, I see, by my predecessor's successor in his congressional seat, the gentleman from New York (Mr. SWEENEY) the former labor commissioner in New York, who has a very interesting background in dealing with paperwork reduction for small businesses and he is going to be describing that. And I suspect we will even hear from the veteran member of the Committee on Rules, the gentleman from Washington (Mr. HASTINGS) who does a great job, too.

As has been said very well by both my friend from New York and my other friend from New York, this is an open rule which allows for the consideration of the Kucinich amendment and any other amendment that is germane, and I strongly supported our attempt to make that in order.

The bill itself is actually what we really describe as a one-two punch, if we take what was considered yesterday. The gentleman from Indiana (Mr. MCINTOSH) has done a superb job on this measure, following up on passage of the Mandates Information Act, which we were in a very strong bipartisan way able to report out of this institution yesterday.

We know that the burden that is imposed on small businesses is extraordinary. In fact, in a memo that came from the subcommittee of the gentleman from Indiana (Mr. MCINTOSH), when we look at what this bill actually provides, it would put on the Internet a comprehensive list of all the Federal paperwork requirements for small businesses organized by industry, and it offers small businesses compliance assistance instead of fines on first-time paperwork violations that do not present a threat to public health and safety.

It would establish a paperwork czar in each agency who is the point of contact for small businesses on paperwork requirements. And it would establish a task force, including representatives from the major regulatory agencies, to study how to streamline reporting requirements for small businesses.

Madam Speaker, I happen to believe that this measure is a very, very important environmental initiative. For a number of reasons. First and foremost, because it makes it very clear that nothing that is proposed here would in any way jeopardize environment or safety standards at all.

What it will do is, it will in fact decrease the amount of paper. Now, I come from California. The timber industry is a very, very important industry in our State. But frankly, there are more than a few people who are concerned about the constant pumping out of paper. This is the Paperwork Reduction Act. So I consider it to be a very strong pro-environmental measure.

So I think that this is a great win, as I said, a one-two punch, going for mandates information to the measure that the gentleman from Indiana (Mr. MCINTOSH) will be handling. I would like to congratulate my colleague again, the gentleman from New York (Mr. REYNOLDS), for the great job that he is doing and will be continuing to do on the Committee on Rules.

Ms. SLAUGHTER. Madam Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentlewoman from New York (Ms. Slaughter) for yielding.

Madam Speaker, I rise in support of this open rule. Our Nation's small businesses are the backbone of our economy and deserve relief from the burdens of unnecessary paperwork.

However, H.R. 391, in its current form, could have wide-ranging and serious negative, unintended consequences. That is why the administration opposes it. In fact, four department heads have recommended a veto if the bill is passed in its current form.

Similarly, senior citizens' groups oppose the bill. Environment, labor, public health organizations also oppose it. And several State attorneys general oppose it. This opposition stems from a well-intended but dangerous provision in the bill which would bar agencies from assessing civil penalties for most first-time paperwork violations.

Essentially, this means that businesses would have one get-out-of-jail-free card which they can use even when they have willfully and maliciously violated the law. These provisions could interfere with the war on drugs, endanger our drinking water, jeopardize the care in nursing homes, and threaten our pensions, our environment and our health.

Let me give my colleagues an example of the problem. Self-monitoring and reporting are the foundations of the Clean Water Act and the Safe Drinking Water Act. These reporting requirements are designed to give environmental protection officials knowledge of environmental compliance before any harm occurs.

Now, under H.R. 391, the small businesses who run the drinking water systems would have little incentive to comply with reporting requirements because there would be no threat of a fine. The adequacy of the reports would be seriously jeopardized. The EPA would become even more dependent on inspections and not reports when detecting contamination of our drinking water.

However, as I am sure my colleagues know, the EPA only has enough staff to inspect our 200,000 public water systems once every 40 years. Therefore, contamination of our drinking water may go undetected for extremely long periods of time.

Another example: Reporting on toxic emissions. Under the EPA's toxic release inventory, companies that meet reporting thresholds must report their emissions of toxic pollutants into a community's air or water. The requirement that businesses disclose their toxic emissions has prompted significant voluntary emission reductions.

H.R. 391, however, would effectively waive public reporting requirements until a business is caught for a violation. It would thus cripple an effective, voluntary, nonregulatory method of reducing pollution.

Another example, Madam Speaker: Lead poisoning regulations. The Residential Lead-based Paint Hazard Reduction Act of 1992 requires persons who sell or lease housing to give buyers and renters a pamphlet describing lead-based paint hazards. The entire purpose of the law is to prevent children from becoming lead-poisoned by requiring information about the risks of lead-poisoning be distributed before a family moves into a home.

□ 1045

Under H.R. 391, however, this law becomes unenforceable. Even a real estate broker or landlord who deliberately failed to distribute this pamphlet, even if that happened, the EPA could not take enforcement action until after the health of a child has been injured or eminently endangered.

A third example which will be of concern to all Americans: firefighter safety. I believe that, as currently constituted, H.R. 391 undermines worker protection laws with respect to firefighters and emergency workers. They depend, they depend on having adequate information to respond safely and effectively to chemical or fire emergencies. If a business does not report its hazardous chemical inventories as required under the Emergency Planning and Community Right To Know Act, firefighters' lives will be endangered if they are called to respond to a fire at the facility.

Under H.R. 391, however, the failure to report hazardous chemical inventories is not enforceable until after a dangerous situation has already developed.

I think our colleague and good friend the gentleman from Maryland (Mr. HOYER) said it well when he said that this legislation, this H.R. 391, could endanger the lives of America's fire and emergency service workers. Under the guise of exempting first-time violators from fines for paperwork violations, H.R. 391 would eliminate the enforcement of fines against businesses who fail to post notices about whether manufacturing and storage facilities contain hazardous chemicals. If firefighters are not informed of the presence of these dangerous materials, their lives could be needlessly jeopardized.

The International Association of Fire Chiefs, the International Association of Firefighters, the National Fire Protection Association, the National Volunteer Fire Council, the Congressional Fire Service Institute, and the International Fire Association of Arson Investigators have all raised serious concerns about the impact of this legislation. According to these experts, removing or relaxing penalties for failure to comply with regulations that require disclosure of the presence of hazardous materials will almost certainly result in a lack of compliance and raises serious safety issues for firefighters. No amount, and I repeat no amount of remedial action, can compensate for the death or injury of a firefighter after the fact.

Madam Speaker, H.R. 391 also preempts State law. The Federal Government has delegated enforcement of numerous environmental worker safety and health laws to the States. H.R. 391 would prevent States from assessing civil penalties from most first-time violations under these laws. The Congressional Budget Office estimates the States will lose about two million dollars a year in revenue.

Madam Speaker, I will be offering an amendment that will address these concerns that is supported by the administration and by many interest groups. In summary it requires agencies to establish policies that would provide civil penalty relief for first-time violations without giving a free pass to businesses who intentionally break the law.

Currently there is a veto threat on this bill. If my amendment is adopted, the bill would have strong bipartisan support and would likely become law. We should seize the opportunity to provide real relief to our Nation's small businesses, and I urge my colleagues' support for my amendment when I offer it under this open rule.

Mr. REYNOLDS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I would like to point out that a paperwork violation in the area of health and safety would not receive a first-time exemption, and certainly that would apply to firefighter safety as well.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman for that brief clarification on this legislation.

Madam Speaker, I rise in support of this open rule and the underlying legislation because this legislation provides some long overdue reforms to address the burden of federally mandated paperwork. As a former small businessman before I got into this life, I know how time consuming these friendly forms can be. Like all working Americans, small business men and women resent these activities that slow down their productivity. Frankly, when a friendly form found its way to my desk when I was in business, I would first look to see if the words ''voluntary'' or ''required'' were printed anywhere, and honestly, if I did not have to fill it out, that form would end up in the circular file.

Madam Speaker, that is why Congress needs to pass the Small Business Paperwork Reduction Act and the President needs to sign it into law. This commonsense legislation simply requires that the Internet and the Federal Register list all required paperwork by industry. I know from experience that all of the incoming forms and surveys can be difficult to keep track of especially when we cannot see the relevance or purpose of taking the time to fill out some of these forms. In addition, in the event that a required form ends up in the circular file, this legislation protects that small business owner from unnecessary fines.

The bottom line is that most of the information that the Federal Government collects through forms and surveys is of questionable value to the business community. We do not need alphabet soup agencies and federal bureaucracies involved in market research. That is the responsibility of the private sector. Useless paperwork in my view is one place to start.

Madam Speaker, I would like to thank the author of this bill, the gentleman from Indiana (Mr. MCINTOSH), and I look forward to working with him on other measures to help small businesses succeed.

Ms. SLAUGHTER. Madam Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. KUCINICH) to discuss the health and safety issue.

Mr. KUCINICH. Madam Speaker, there are proponents of the bill who are claiming that the current exceptions to the penalty waiver provisions adequately protect the public, and I think it is very important at this moment, Madam Speaker to focus in on why that is not true.

Unfortunately the exceptions to the penalty waiver provisions do not adequately protect the public. They may contain many of the buzz words which imply that the public health and safety is protected, however in reality the benefits of these exceptions are negligible. For instance, one exception permits the assessment of penalties when the violation has already caused actual serious harm. Paperwork requirements are put in place so agencies can prevent an accident before it occurs.

This exception comes too late. It comes into play after the damage has been done.

Furthermore, Madam Speaker, this is an extremely different standard of proof. It is practically impossible to show that a failure to file paperwork, not some intervening event, was the actual cause of the accident.

Another exception allows fines to be assessed when the violation poses a serious and eminent threat to the public health or safety. Again, this is an extremely difficult standard of proof. It is practically impossible to show that the danger posed by a lack of paperwork poses an eminent danger.

For instance, if an employer fails to provide adequate instruction on how to operate dangerous machinery, it would be impossible to prove that this failure created an eminent threat unless the employee has already been injured. That is why this idea about there are current exceptions to the penalty waiver provisions which adequately protect the public is flat out wrong.

Moreover, the exception which allows fines when the failure to fine would impede criminal detection makes little sense. It is the failure to file information, not the failure to fine, that impedes criminal detection.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. MCINTOSH) as the sponsor of the legislation.

Mr. MCINTOSH. Madam Speaker, let me commend the gentleman from New York (Mr. REYNOLDS) for this rule and

bringing it forward, and it is a pleasure to see him taking up his new duties on the Committee on Rules as a freshman, and I look forward to working with him.

I support this open rule and look forward to the debate on the bill. I think it is a very serious issue that we will be addressing today in this Congress. I would like to note for the record that when the bill is brought forward, there is going to be a manager's amendment that I will offer that I think will go a long way towards addressing some of the concerns about public health and safety by making it clear that it is the potential to cause serious harm to the public interest which would not create an exemption so that if there is that potential, if the agency determines in advance that there is a potential that certain forms not being posted for hazardous materials could cause serious harm to the public interest, then the provisions of the bill would not apply.

I think with that in mind, Madam Speaker, the rest of the provision of the bill are critically important. This country labors under an enormous paperwork burden coming out of Washington. The total cost is $229 billion. Now $229 billion may not sound a lot to people in Washington who are used to spending a budget of $1½ to $2 trillion, but when we talk to America's small businesses, the men and women who are running grocery stores, who are running a drug store, who are trying to farm the family farm, the men and women who are operating a doctors office, who work to provide services in our country, $230 billion is a lot of money, and frankly, they cannot afford to hire hundreds of lawyers, to hire hundreds of accountants in order to keep up with the morass of paperwork that comes from Washington.

It is estimated by the Federal Government that it takes 7 billion man-hours to complete paperwork in 1998, 7 billion man-hours. Oftentimes these reports are contradictory, they are confusing, people make mistakes, and it has been our experience as we held several hearings on this issue and field hearings around the country before that that America's small businesses, the men and women who operate them, on the whole are trying to do their best to complete those requirements. They are good law-abiding citizens who are trying to do a job, they are trying to make their business successful, and they are trying to do what is right in filling out all this government paperwork.

But sometimes they just do not get it right, and then the agencies come in and play gotcha. They come in and say:

''Well, you owe us a thousand dollars here because you didn't fill out this log correctly,''.

''Oh, you owe us $750 here because you didn't bring the book with you to the job site.''

Madam Speaker, that is one of the stories that I tell that relate to people that we heard at our hearings. Those type of penalties where it is very clear that the small businessman or small business woman are being harassed are what we want to stop with this bill.

Frankly, we took President Clinton at his word in 1995 when he said, and I will quote:

''We will stop playing gotcha with decent honest business people who want to be good citizens. Compliance, not punishment, should be our objective.''

Madam Speaker, we did take the President at his word and introduce this bill. Since then we found he does not always mean things that he tells the American people. But I think what he was saying there was correct. The government should not be playing gotcha with good law-abiding citizens in this country, and so we provided a 6-month period when the agency points out to the small businessman they need to be doing it differently, where they can correct the mistakes. And as long as there is no harm to the public, as long as there is no danger of allowing criminal activity to go forward, then they will have that 6-month period to correct their mistakes.

I look forward to the debate on this bill, and I look forward to discussing these issues with my colleagues, and I look forward to this House once again in a bipartisan fashion passing a bill that will help America's small businesses.

Again let me say thanks to the gentleman from New York (Mr. REYNOLDS) for bringing forward the rule, thanks to the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) for their eloquent talks earlier today, and I also want to thank the gentleman from Ohio (Mr. KUCINICH) for his work. Although he doesn't support the bill as it is currently written, many of his comments have helped us as we crafted this in order to make sure that we do not create any unintended consequences.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume the gentleman from Ohio (Mr. KUCINICH).

□ 1100

Mr. KUCINICH. Madam Speaker, I want to acknowledge the fact that my good friend the gentleman from Indiana (Mr. MCINTOSH) and I have tried to work together to craft a bill which we could have agreement on. H.R. 391 is not that bill, but it would be nice if it was. I am glad that the gentleman from Indiana (Mr. MCINTOSH) has just indicated in this discussion, where we both favor an open rule, that he will come forward with an amendment to try to make the bill a little bit better.

I would humbly and respectfully suggest to my good friend the gentleman from Indiana (Mr. MCINTOSH), that I have had the chance to look at that amendment, and, while we will be talking about it later, I thought I would mention at this moment, while we have the opportunity, to say that the gentleman is coming along in the right direction, but it is not far enough to protect some of the health and safety and environmental concerns which we are very concerned about.

I would just like the gentleman to think about this, because in the next two hours, maybe this Congress can come to the whole direction and get support for the amendment which I will be offering under the open rule.

As I have understood the amendment which the gentleman from Indiana (Mr. MCINTOSH) will be bringing forward under this open rule, agencies would still be prevented from assessing fines for intentional and malicious violations. As I understand the amendment which will be offered under this open rule, which I support, the amendment of the gentleman from Indiana (Mr. MCINTOSH) would not provide any protections for the environment, and that the amendment, as I read it, would make it still almost impossible to prove that a violation, not an intervening action, would pose a serious harm.

So while I support the open rule, I thought I would comment that while the amendment that the gentleman from Indiana (Mr. MCINTOSH) will be offering is starting to come in the right direction, we still have some major problems here, so we just do not leap over and defeat the purpose of the open rule, which is to give us the opportunity to bring out our amendments and debate our possibilities, because I am sure Madam Speaker and many in the Congress have read the novel Catch-22 by Joseph Heller, and what is being offered to the Congress is a Catch-22, in which you can fine someone if there is a potential to cause harm, but, Madam Speaker, and this is what this is all going to be about in the next few hours, we do not know if there is a potential harm if there is no paperwork being filed.

So I would say to my friend, the gentleman from Indiana (Mr. MCINTOSH), I am sure the next few hours will be interesting as we are able to explore some of these contradictions under this open rule.

Mr. REYNOLDS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I want to thank my colleague and friend, the gentleman from New York (Mr. REYNOLDS), for yielding me time.

Madam Speaker, I am pleased to rise in strong support of H.R. 391. As a new Member I sought appointment to the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business in order to pursue this very type of relief for our hard working small business people.

I happen to represent a district in upstate New York where the predominant employers are represented by the small business community, so this is an important measure for my constituents. We know that small businesses are the driving force behind our strong economy, yet they are forced to shoulder nearly two-thirds of the regulatory costs. As has already been stated, total

regulatory costs to businesses in 1998 exceeded $700 billion, with paperwork accounting for $229 billion, an astonishing one-third of all costs of regulations.

Madam Speaker, I have real experience in this area. By way of example, I would like to relate to this distinguished body an experience of mine as a former regulator in the State of New York where I served as Labor Commissioner.

As I said, I was a regulator in the state, and, along with the New York State Tax Commissioner, we sat down and compared the forms that the two of us required of the employer community. Laid out in front of the conference room table in my office were 25 forms on which the State Tax Department and the State Labor Department were asking employers to fill out important information.

What we found on those forms is that we had a number of areas of duplication. After laying out those forms on the table and physically highlighting those areas of duplication, we literally found ourselves faced with a sea of yellow. The seemingly simple exercise allowed us to consolidate those 25 forms into just two forms.

I am also proud to say in my tenure as State Labor Commissioner we were able to cut the regulatory burden to the employer community by 50 percent, and yet our worker safety numbers, our safety numbers, were increased because we were able to more smartly apply our resources and dedicate our efforts to ensure safety.

Madam Speaker, think about the time and the productivity saved by this act. Small business owners inherently fear unknown regulations and paperwork, a situation which discourages business start-ups, expansions and job growth.

This bill provides a positive step in changing the punitive manner in which agencies seek regulatory compliance. It provides for a suspension of civil penalties for first-time paperwork violations of small businesses, as long as the violation does not result in harm, impede the detection of criminal activity, or threaten public health or safety. It is called voluntary compliance. It is an effort we used in New York very successfully, and, as I said, and I will repeat, we increased our safety numbers.

Madam Speaker, small business people deserve to work with regulatory agencies in a proactive manner and should not live in fear of the ''gotcha'' approach of achieving regulatory compliance.

This bill also requires the publication of all Federal paperwork requirements on small businesses and establishes, very importantly so, a single agency point of contact for paperwork information, allowing small business to anticipate the otherwise unknown paperwork hurdles they must clear in launching new business ventures and in turn creating new jobs.

I again praise the work of the bill's sponsors. I thank my friend the gentleman from New York (Mr. REYNOLDS) for affording me this time on behalf of the 22 small businesses, and urge passage of this important bill.

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

Mr. REYNOLDS. Madam Speaker, this bill just simply helps small business.

Madam 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. HASTINGS of Washington). Pursuant to House Resolution 42 and rule XVIII, 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. 391.

□ 1107

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. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, with Mrs. EMERSON 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 Indiana (Mr. MCINTOSH) and the gentleman from Ohio (Mr. KUCINICH) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH)

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

Madam Chairman, today the House takes up a bipartisan bill to ease the burden of government paperwork on America's small businesses, H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999. This bill would give America's small businesses relief from government paperwork and the agencies ''gotcha'' techniques, to which the President often refers.

Madam Chairman, as you know, the burden of government paperwork is significant. According to the Office of Management and Budget, paperwork counts for one-third of the total regulatory costs in this country, or about $230 billion each year. That is $230 billion that America's small businesses and other businesses pay in order to fill out forms like these that I have brought with me here today. This is the total paperwork that a small businessman or woman would have to fill out in order to operate a new small business in America for one year. Later on in today's record I will testify as to exactly what those forms are. That is the mountain of paperwork that we are trying to reduce.

We are also trying in this bill to give small businesses a break when they go through the paperwork, when they fill it out. As the gentleman who spoke on the rule told of his story in New York, when they have those 26 redundant forms and they miss one of the lines on it, happen to fill it out incorrectly, we are going to give them a break and let them have six months to go back and correct this.

It takes about seven billion employee hours a year to fill out all the Federal paperwork. That is seven billion hours that a small businessman has to pay someone to fill out those forms, or he or she has to do it themselves.

We heard testimony from many small business owners. They cannot afford to hire lawyers or accountants or an employee that will do all of the paperwork, so they stay up late at night, burning that midnight oil, filling out the forms, so they can be law-abiding small businesses in this country.

Now, last year the Congress passed this bill. It passed with a strong bipartisan majority, 267 to 140. Fifty-four of my colleagues on the Democratic side joined virtually every Republican in supporting this bill. Last week the Committee on Government Reform approved the bill by voice vote and sent it to the floor today.

The bill would do four things, and I think it is important that we focus on this because a lot has been said about this bill that, frankly, is not true.

What are the four things that this bill does? First, it would put on the Internet a list of all of these Federal paperwork requirements, one place where the businesses by industry could go and look. If you are a doctor's office, you would see all of the forms that you have to fill out. If you are a sign company, you would see all of the forms that you have to fill out. If you are a machine tool company, you would see all of the forms that you have to fill out. It would be on the Internet, it is widely accessible, so that every small businessman would know exactly what their responsibilities are.

Second, it would offer small businesses compliance assistance instead of fines on a first time paperwork violation, so that, frankly, we would not be playing ''gotcha'' with America's small businesses. Government would be saying we are on your side. We think it is important that you fill out these forms, and we will help you do it. If you make a mistake, we will give you time to correct it.

There are times when that provision does not apply, and this is what is important. It does not apply when doing so would harm or threaten the public interest, and, as I mentioned in the debate on the rule, I would like to offer an amendment after our hour of general debate that tightens that language

and addresses some of the concerns to make it clear that if it has the potential to cause serious harm, that would mean there is no exemption from the fine. It would not apply if it would impede criminal detection or if it would involve one of the Internal Revenue laws.

These exceptions we thought were important, because the agencies made a good case why they needed to be able to go forward with civil penalties.

But I will tell you, it is my firm belief that filling out a form does not stop an environmental spill. Filling out a form does not stop somebody who wants to be crooked. If 99 percent of America's businesses are good, honest, decent people, but there is one rotten egg trying to cheat the government, frankly, we are not going to find out because he does not fill out the form. There is much too much reliance on paperwork to do the hard diligent work it takes to ferret out those bad actors.

What we have preserved in this bill are all of the other remedies, criminal sanctions, if someone commits fraud. Many of the agencies have injunctive relief, where if they find a business is doing something that is illegal, doing something that might harm the public, they can come in and close it down.

FDA has been doing that for years now, where they detect that somebody is producing a product, maybe it is apple juice, maybe some other food product that might be harmful, they do not wait to look at the paperwork. They go in with injunctive relief and shut that business down until the problem is corrected. That remedy is still available after this bill.

So this is an important provision, and one that I think it is important we think about correctly in the debate.

The third thing that the bill does is it would create a paperwork czar in each of the agencies who would contact small businesses on paperwork requirements and help them fill out the forms.

□ 1115

This paperwork czar would be an ombudsman for small businesses within the agency where they could feel they could call up and say, how do I do this? How do I fill out this form? I have gone through half the pile already, but I just do not understand this one. What do I need to do to comply with the law?

The fourth one is that it would establish a multiagency task force to study how we can do even better at streamlining those requirements. I was enormously impressed with our colleague from New York who reported that with some effort as the head of the Labor Department in that State, he was able to reduce all of those 20-some forms down to just 2 or 3. It took hard work I am sure to do that, and that is what we hope this multiagency task force will accomplish for us.

These are 4 important goals, 4 things that this legislation accomplishes that will be good for America's small businesses.

Now, one reason that this bill is needed is that the Federal agencies frankly have not been doing their job under the 1995 Paperwork Reduction Act. In 1995, Congress mandated and the President signed into law a bill that told the agencies they must reduce their paperwork by 25 percent, so that we could take a quarter of this pile of paperwork and throw it out the door, as being redundant, unnecessary, something that was not needed.

Well, the record shows the agencies are not doing their job. In 1996, they were supposed to reduce it by 10 percent. In fact, it was only reduced by 2.6 percent. Then, in 1997, they were supposed to reduce it by another 10 percent, and it actually increased, increased by 2.3 percent. And then in 1998 when they were supposed to finish the job, make that 5 percent reduction, the agencies actually increased their paperwork another 1 percent.

So we have seen a net increase since the Paperwork Reduction Act was enacted in 1995. To me, that screams of the need to make a change to that bill and to create the proper mechanisms to actually reduce unnecessary paperwork.

Now, there is another provision in the law that Congress passed in SBREFA, the Small Business Regulatory Enforcement Fairness Act, that was passed in 1996 that mandated that the agencies on their own adopt a policy that would allow small businesses to be exempt from the civil penalties. Very similar to our provision, but what it did was it gave the agencies the latitude for adopting their own policies. It frankly is very similar to the amendment that my colleague, the gentleman from Ohio (Mr. KUCINICH) will bring later today.

Well, the record is clear, frankly, that the agencies are not obeying SBREFA either. In fact, only 22 of the 77 agencies that assess these civil penalties even submitted a plan, and those that did address the question of relief for small businesses did so in a way that often caused more harm. What they said was, we are still going to impose the fine, but then we will allow you to arbitrate, to come in, hire a lawyer, go through an arbitration process, and maybe we will reduce the fine at the end of the day.

As I tried to emphasize earlier, Madam Chairman, America's small businesses are not large corporations, they do not have hundreds of lawyers on their staff to handle those types of cases. They are trying to each day just get a product out the door, do their services, help the public with what they are providing in the way of their service in their community.

So that policy actually does more harm than good. For that reason, I am not able to support the amendment of the gentleman from Ohio (Mr. KUCINICH), because it really just repeats the same language that SBREFA had that the agencies have indicated they have no intention of following through with.

Now, let me mention a couple of actual examples that our hearings on this bill brought forward. Last spring, our subcommittee held 2 hearings. Several small businesses were represented at those hearings.

One lady, Teresa Gearhart, who owns a small trucking company with her husband in Hope, Indiana, a small town in rural Indiana, told us that her company has enough business to grow and add new employees, that she thinks she could actually add 5 more employees in the coming year. But they have made a conscious decision not to do so. I was puzzled by this, quite frankly, and I said, Teresa, why would you not want to expand? You seem to be successful. You offer a great service to the community. She said, we have looked at the paperwork and if we go over a certain threshold, then the amount of paperwork we have to fill out actually goes up, and it is not worth our time, we cannot hire somebody to fill it out. My husband and I already do all the paperwork as it is, and we cannot take anymore. So they made a conscious decision to not grow their small business, to not offer more opportunities for employment in that community, and to not thrive and perhaps have a chance to compete and become one of America's larger businesses.

A second person who testified was Mr. Gary Roberts. Now, Gary is the owner of a small company that installs pipelines in the town of Sulphur Springs, Indiana. He came and told us about a problem that he had with OSHA. Now, when one mentions OSHA to America's small businessmen, instead of saying yes, they come to help me make sure I have a safe work site, they cringe, because they think OSHA is going to come and find something that they have not filled out right in their paperwork and charge them $750, $2,000, whatever the fine may be.

This happened to Gary Roberts. He was working on a job, his men were on the site, they had complied with all of the safety requirements to excavate and lay the pipeline, but they had left the manual that repeated all of those requirements that they had been trained on and drilled on back at the office. The OSHA inspector came, he did not find anything wrong, it was a perfectly safe work site. One of the workers actually ran back to the main office and brought the manual to show they had one and had been using it, and they were told, you are out of luck. You did not have it here when I arrived; that is a $750 fine.

That type of ''gotcha'' technique is continuing to go on and it is exactly the type of problem that we need to address with this legislation.

We have heard from farmers as well. Mr. Van Dyke, a muck crop farmer in Michigan, was fined this year for not having the proper employment disclosure paperwork. This was his first violation. He had always filled it out, he did not have it for some reason, and he ended up settling for $17,000. This is a

farmer who has workers who help him harvest his crops who had a $17,000 fine this year as a result of a paperwork violation.

Now, this is all the paperwork, as I said, that is required for America's small businesses. We need to do better by them. We need to reduce that. We need to put the agencies on the side of small businesses, and we need to do our job in making sure that the Paperwork Reduction Act is working and helping America's small businesses. Madam Chairman, I look forward to the debate on the amendments.

Madam Chairman, I reserve the balance of my time.

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

I have my remarks prepared, but there is something that I heard the gentleman from Indiana (Mr. MCINTOSH) say relating to the case involving Mr. Roberts, the owner of a small company which installs pipelines in Indiana.

We have been doing some research on this matter, and I would just like to report the results of our research and see if it is out of variance with the information which the gentleman from Indiana has. The inspections which he mentioned took place in 1987 and 1989, during the administrations of Ronald Reagan and George Bush. According to OSHA records, Mr. Roberts' company was not assessed any fine for any of the 3 paperwork violations uncovered during the inspection. Those violations included ''no written hazard communication program,'' ''no hazard warning labels on hazardous chemicals being worked with,'' and ''no material safety data sheets for hazardous chemicals.''

Instead, Mr. Roberts was fined after OSHA inspectors found substantive violations during 3 separate inspections, including violations determined to be serious. The first inspection on December 2, 1987 found 10 violations involving, among other things, flammable and combustible liquids and electrical hazards. On May 10, 1989, OSHA found 7 more violations, including actual safety violations. The third inspection on November 9, 1989 found 4 serious violations. It was only then, after the third inspection, that the company was fined. This included a $400 fine for failing to provide sufficient protection for employees from traffic, a $160 fine for operating equipment without appropriate wheel guards, and a $400 fine because the construction site did not have, this is a construction site, did not have the required hand rails, guardrails, or get this, manhole covers. No penalties were assessed for 12 other violations uncovered during that inspection, including the paperwork violation referred to by the gentleman from Indiana (Mr. MCINTOSH).

So much of this debate involves mythologies that need to be challenged. For instance, what is a small business? Well, the image I have of a small business is a mom and pop delicatessen; that is part of my memory growing up in America, but we know there are not many of those left anymore.

Let us look at what a small business, for purposes of this bill, would be identified as. How about a petroleum refining company of up to 1,500 employees. Or, a fire and casualty insurance company with 1,500 employees. Or, a pharmaceutical company with 750 employees. Or, an explosive manufacturer, an explosive manufacturer with 750 employees. That is a small business. They would be exempt from fines, even if they have willfully and intentionally violated the law with respect to reporting requirements. An explosive manufacturer.

Car dealers with $21 million in annual receipts, gas stations with $6.5 million in annual receipts, dry cleaners, banks with $100 million in assets. A small business.

Now, H.R. 391 waives penalties for most first-time violations by ''small business concerns.'' And the bill states that a small business is what is defined by section 3 of the Small Business Act. Just understand when we are speaking of small businesses what we mean and where the impact is on this bill.

The general rule is that a small business has less than 500 employees, but we have to remember that in this case, in this bill and in a number of cases, small business may be even larger.

Now, we all know that small businesses are the backbone of America. They are where the new jobs are being created. However, many small and family-owned businesses spend a great deal of their time and resources learning about and complying with applicable laws. It is good that we are looking at ways to simplify and streamline the resulting paperwork, but we are not looking for ways I hope to give someone a free pass on a willful violation, a get-out-of-jail-free card on a willful violation.

Madam Chairman, I oppose H.R. 391, and I am definitely not alone. The administration strongly opposes it. Four department heads would recommend a veto. A growing number of State attorneys general and labor, environmental, consumer, senior citizens, health and firefighter groups oppose it. The list of opposing groups is daunting, including names like the National Council of Senior Citizens, the AFL–CIO, and the New York State Attorney General's Office.

H.R. 391 contains a number of noncontroversial provisions that will reduce the paperwork burden on small businesses. That is good. However, the provisions that prevent agencies from assessing civil penalties for most first-time violations would create a number of unintended, but serious, negative consequences. These provisions could endanger seniors' pensions, threaten the quality of nursing home care, interfere with the war on drugs, undermine food safety protections. Think about that in an era where pfiesteria has confronted American consumers.

□ 1130

Think about that, in an era where food contamination has become a greater concern. This legislation would also undercut controls on fraud against consumers and investors, and this legislation would threaten the environment and provide a safe harbor for violators, even when the violation is longstanding, intentional, and committed in bad faith.

Of interest to those who are devotees of the Tenth Amendment, this bill would preempt State law. The National Governors Association wrote, and I quote, ''States are best able to direct State enforcement policy on the issue, and we believe that Federal preemption of State authority is unjustified.''

So I rise not simply as a Member of Congress representing people in the northeast area of the State of Ohio, but I rise on behalf of the State of Ohio in stating that, and of other States who are concerned that a Federal preemption will occur.

Madam Chairman, let me give some examples of the possible pitfalls created by these provisions.

Food safety. In 1996, the FDA implemented the hazardous analysis critical control point, pronounced HACCP, system of seafood inspection. This is a serious inspection program that would prevent the centuries-old what was known as the poke-and-sniff test as the primary method of preventing the sale of seafood contaminated with dangerous pathogens. HACCP, the law, requires seafood companies to identify local food safety hazards, such as toxins, parasites, bacteria, and they have to develop procedures to monitor onsite preventive control measures. Shellfish producers are also required to keep records of the origin of shellfish, in case a recall is necessary. The entire system depends on processing plants to report their own compliance with food safety requirements. It is kind of an honor system.

Under H.R. 391, however, FDA officials will be unable to enforce seafood safety laws because the violations of recordkeeping requirements will be unenforceable. FDA's only alternative, and get this, America, the only alternative that the FDA would have would be to take enforcement action after the consumers have been poisoned.

Opponents of the amendment which I will offer argue that the exception for violations that pose a ''serious and imminent danger to the public health or safety'' adequately protect the public. This is simply not true. And notwithstanding any other amendment that may be offered, if a business fails to report where it received its oysters, there is no imminent danger. The imminence of the danger only becomes apparent after someone has gotten food poisoning and the agency is attempting a recall of the poisoned foods.

Worker safety. In fact, the exception for imminent and substantial danger

offers little protection under any set of facts. For example, if an employer fails to provide a worker with instructions on how to safely operate machinery, this is a paperwork violation. Again, there is no obvious imminent danger until after the worker has been injured.

Madam Chairman, there are so many things wrong with this bill that even an attempt to amend it, to clean it up, is going to be lacking in sufficient import to be able to protect the health, the safety, the environment, of the people of the United States of America.

I believe the gentleman from Indiana may now have the opportunity to respond to the concerns that I expressed about food safety or any other matter that he certainly has information about.

Madam Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, what I would simply like to point out, and I think the gentleman knows this, and I would ask him to amend his remarks to reflect this, the FDA has ample authority to go in and close down an unsafe food production facility before any injury to the public. They have used it often. Perhaps the gentleman was misinformed, or in the heat of the debate overstated the case, but I think if he goes back and checks he will realize that that is the case. There are serious things that can happen and that we need regulations for, and the agencies have the tools to do that under this legislation.

Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Chairman, I am something unique around here. I actually am a small business person and have run small businesses in the past. I think I have a pretty good understanding of what happens in America.

I am kind of shocked to find out that we are going to have to increase the amount of paperwork that small businesses are obligated to do in order to save America as we know it. I did not know that the minority in the administration are predisposed to the idea that all businessmen are criminals, or that we want to destroy the environment or contaminate America's food supply. I always thought the small businessmen in this country were honest, hardworking men; we try to do the best thing, we get up every morning, we make the payroll, we work hard. We do the things that are necessary to keep this country on track.

Fifty-three percent of the private workforce in this country are represented by the small business people, or are hired by small business people, not just large companies. I would agree with the gentleman that 1,500 employees is a pretty good-sized company, but I did not have that many employees. I had less than 100. I would define that as a small business.

It is tough out there. It is tough to meet all the requirements that are put upon us every single day. So not only am I here to support this gentleman in his legislation, but enthusiastically support it. It amounted to over 7 billion man-hours a year to complete paperwork in 1998, a cost of $229 billion annually to businesses. It accounts for one-third of regulatory costs in America.

What is wrong with trying to have more efficient operations of the United States government? Do we want more government? Do we want more paperwork? Do we want more bureaucracy? I do not think so. This is an opportunity for us to do a small, little bit to cut back on the costs and the burdensome regulations that are placed on businesses every day.

I do not understand why the minority is opposed to this. I guess I do. I guess they want more paperwork and more regulatory costs. But I certainly cannot support that. I am happy to be here to support the gentleman on this good piece of legislation.

Mr. KUCINICH. Madam Chairman, I yield 5 minutes to my good friend, the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I had come down here hoping to engage in a high-level debate. I am a little disappointed to see the cynicism and skepticism creep in, and there is some sort of contest here about who is most in love with America's small businesses.

I suspect all of us appreciate and acknowledge the importance of America's small businesses. My colleague who just spoke is not the only Member of Congress who is a small business person, nor is it unique among our colleagues here to have a small business experience in their past before they came to this body. So I would hope we start with the assumption that all of us are here intending to do what is best, not just for small businesses, but for America and for our population, including our consumers, and including all of us who have a concern about the environment and law enforcement, and all of the other agencies that are involved in making our quality of life at a high level, or as high a level as possible.

I rise in opposition to this bill, having been somebody who has a long experience with small business and with their regulatory affairs, having represented numerous small businesses as they dealt with regulations and their application.

But I look at this bill, Madam Chairman, and I see it has some good points and it has some deficiencies. The problem that I see is in the efforts to work with the other side to correct some of these deficiencies, and we are met with sort of a challenge that any correction of the bill in a bipartisan manner will take away the opportunity for somebody to be the champion and somebody not to be the champion. I do not think that is the way we ought to proceed in moving legislation through this body.

There is much in this bill that in fact can be supported. I think that we all agree that businesses should not be burdened or overburdened by overzealous application of the law. The proposal in this bill to publish in the Federal Register an annual list of the requirements that pertain to small business makes sense. We ought to do that.

The establishment of an agency point of contact, a liaison for small businesses to work with, should make compliance easier. That, too, is something everybody should be able to support, as is the proposed task force that would examine how the requirements for information collection can be streamlined.

Everybody here wants to make sure that small business gets a break when it is deserved. We just want to make sure that we do not provide a disincentive for filing reports that protect our health and our safety. I believe we should be able to achieve that goal if we put aside the concept of winners and losers here.

We all agree with my colleague's comments about small business being the backbone of America, creating the majority of new jobs; the fact that small business owners work hard in their communities to help build them, and that we should make sure that everybody in small businesses is encouraged in creating jobs and new jobs. That is something we definitely want to do.

But we know that most small businesses do in fact obey the law. There is no question about that. They are good Americans. We were all good Americans when we were small business people. We salute them, and we are sure Members on both sides of the aisle do.

However, there are problems with this bill, because not all of us are angels, in fact. Some of the small businesses we find in this bill are not in fact small businesses by our normal account of how that word might be defined.

In this bill, I might note, Madam Chairman, there will not be any requirement for the filing of one less piece of paper when this bill passes. Every small business will be filing just as much paper the day after.

As I mentioned, there is nothing actually in this bill that reduces paperwork. If this legislation is enacted, no individual will file one less piece of paper tomorrow or the day after than they would have filed before, but this H.R. 391 would bar agencies from assessing civil fines against those who violate a large variety of laws, even those when the violations were intentional. I do not think that is someplace where small businesses want to go or the American public wants to go.

The administration is strongly opposed to this bill for obvious reasons, as it is currently written. There is a Statement of Administration Policy on the bill which states that if presented

to the President in its current form, the Attorney General, the Secretary of Labor, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency would recommend that the President veto this bill.

All of those people, Madam Chairman, cannot be against small business in America. They do, however, see that this bill needs some remedial action, and they are going to suggest that.

I think when we talk to the amendment the gentleman from Ohio (Mr. KUCINICH) is proposing, it takes that action. It allows and requires, in fact, the agencies to look at the nature and seriousness of a violation, the good faith efforts to comply that might be there, and other relevant factors in determining whether or not there should be a waiver.

I think the American people want to lessen the burden of paperwork everywhere, they want to lessen the burden of regulation, but they want it done in a reasonable way, they want it done with common sense, and in a way that still provides for protection of our health and our safety in all counts.

So I would ask, Madam Chairman, that everyone reconsider their hardened positions and their concept that people are going to be better than others or more a champion of small business, and settle in on what is best, not just for small business, but to help small business keep maintaining the health and safety of the American public; simply allowing agencies to waive when appropriate, but to retain the ability to check all different circumstances when it is appropriate and when it is not.

Mr. MCINTOSH. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I would mention one of the examples. If we would check and examine the paperwork from a dermatologist in Columbus, Indiana, who does his own lab work, fills out his own forms, he is required to fill out on a form a report that he has been trained on how to change the light bulbs in his microscope.

This is a doctor, highly trained, and a medical technician who could be subject to a civil penalty if he did not fill out a form correctly certifying that he has gone through the training in changing a light bulb. That is the type of paperwork that we need to eliminate, and certainly need to say we are not going to play gotcha and fine you $1,000 if you do not fill it out right.

Madam Chairman, I yield 3 minutes to my colleague, the gentleman from Oregon (Mr. GREG WALDEN), a new Member.

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

□ 1145

Mr. WALDEN of Oregon. Madam Chairman, I want to follow up on the comments of my colleague from Massachusetts that this bill does not reduce one piece of paperwork that has to be filed. Well, I would say this is a good step in the right direction. And if that gentleman would like to work with us, I am sure there is a lot of this sort of unnecessary and burdensome paperwork that maybe we could strike a bipartisan effort to eliminate. That should be our absolute goal.

My wife and I, for nearly 13 years, have owned and operated a small business. We have been on the forefront, right there on the battlefield with our neighbors and friends in a small rural town who are trying to make ends meet and employ people and fill out the forms, and risking the fines and the penalties because we did not do it right.

Now, there are those in big companies who can go down the hall and turn to a legal staff or an implementation staff at some point and they can fill out all the forms for them. But in a small business, in a small town, the owner of that business becomes that legal staff. That owner becomes that personnel department. The owner becomes everything in that business. The owner is trying to make ends meet, he or she is trying to meet a payroll and trying to serve their clients and trying to serve their community.

And then the government comes along with another form or another inspection or another penalty. I am regulated by the Federal Government in the business I am in. I have a one-week window to pay the fees each year to that government. And my colleagues can smile about it. I understand that. But this is serious business, because we have a one-week window to fill out the form and send the fee to the Federal Government. If that form is filled out incorrectly or if that fee arrives late, it is a 25 percent penalty that I may be subject to. I cannot send in that form or fee ahead of time. It has to be done in a 5-day window.

This government of ours, unless an individual is right there on the forefront, they cannot appreciate the number of forms and the number of inspections. And not that they come in, in each case and drop the hammer and issue a fine on first-time offenses, but the threat is always there that they will. And in some cases there may be an overzealous inspector, an overzealous bureaucrat who decides to drop the hammer and do that.

That is what we are trying to say here. Give us a break in small business. Give us a little relief. Give us the benefit of the doubt that what we are doing is trying to follow the rules, trying to follow the government's regulations, and do it honestly and fairly.

I do not believe that most small business people in my town, in my district, are trying to circumvent what the government wants them to do. Indeed, the farmers and ranchers and small businesses are trying to follow the rules. But I tell my colleagues what gets unfair is when a fruit grower has farm housing, and OSHA comes in and fines him $75 because the toilet paper is out in the toilet paper dispenser in the bathroom. There is a roll on the tank behind, but that does not count.

Madam Chairman, we need to pass this measure and pass it today.

Mr. KUCINICH. Madam Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 12½ minutes remaining; and the gentleman from Indiana (Mr. MCINTOSH) has 10 minutes remaining.

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

Some comment was made about some smiling on this side of the aisle. I am totally unaware of what the gentleman was referring to, but I will submit if this bill passes as written, there will be a lot of people smiling who are deliberately and willfully and intentionally failing to fill out paperwork which relates to the public safety, the public health and the environment of the country. That is where the smiles might be coming from. But they are sure not coming from this side.

There is a lot of discussion about the reduction of paperwork we have heard here. Paperwork, paperwork, paperwork, blah, blah, blah, blah, blah. I want to make it very clear that the controversial positions that the administration and I are opposing have nothing to do with reducing paperwork.

The administration strongly opposes H.R. 391 in the statement of administration policy, which says, in part, and I quote, the waiver provision, the waiver provision for first time violators. The bad actors, not the people who want to keep the law, not the good Americans out there who are faithfully doing the right thing, who are filling out the forms, who are running those businesses who we salute, but the bad actors would get off.

This waiver position would seriously hamper an agency's ability to ensure safety, protect the environment, detect criminal activity, criminal activity, not talking about the small businesses of America who are good Americans who do not violate the law. This waiver provision would seriously hamper the detection of criminal activity and the government's ability to carry out a number of other statutory responsibilities.

If H.R. 391 were presented to the President in its current form, the Attorney General, Secretary of Labor, Department of Transportation, and the Administrator of the Environmental Protection Agency would recommend that the President veto it.

Madam Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Madam Chairman, I yield myself such time as I may consume to note that my colleague uses the terms ''willfully'', ''intentionally'', ''deliberately'' and ''off the hook''. These are terms that are used in talking about criminals and crooks.

The difference on this bill is fundamental. We do not think America's

small businesses are criminals. On the whole, the vast majority of them are good, decent, honest, hard-working American men and women who deserve to be cut a break when they try to fill out the myriad of paperwork the government asks them to do.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Madam Chairman, I thank the gentleman for yielding me this time and for allowing me to talk about something that is very close to my heart.

This is my fifth term in the Congress. And from the very beginning, I can tell my colleagues that in Illinois, in the part that I represent, that if there is resentment of government, it comes from how we enforce our rules and regulations. And it comes from people who have good intentions, who are not criminals, who are not trying to poison the environment or poison any citizens. They are there doing their job. But they get some pretty heavy fines for pretty insignificant violations.

This bill does not let anyone off who is doing something criminal. This bill merely says to the regulator, work with these people. It should not be an adversarial relationship between the regulated and the regulator. We need to work together.

I think that is what we have been talking about in this new Congress, is working together, trying to find common ground to do things to make America better. But I am afraid, and I say to my colleagues on the other side, if we played back the tape of today's debate, the vitriolic part is coming from over there. The scare tactics that we are going to do all these terrible things hearken back to the Contract days and the same type of attack on just good common sense legislation.

If we go back to the Contract, most of it was signed by the President, most of it became law, and we are all taking credit for it today. I would just like to see us work together. Work together and let us do some things that are good for Americans.

Mr. KUCINICH. Madam Chairman, I yield 7 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding me this time. And I want to express to the previous speaker that I very much agree with his sentiments. I understand what he is saying.

We want to help small business people who get tangled up in regulatory bureaucracy and find themselves a victim from those who are overzealous. But let us step back and look at the bill before us, not what we would like the bill to be. Because if the bill did what the gentleman said, I would support it, and I hope we can get the bill to reflect that goal.

The first problem we have is that we are voting on a bill that never had a hearing. It never had a hearing in a subcommittee, there was never a hearing in the full committee, so the groups and individuals that wanted to give input into this legislation, particularly those who would be affected, do not know why they were not heard, and we have not been able to get their reactions on the record in the usual legislative process.

This bill is called the Small Business Paperwork Reduction Act. We all want to reduce paperwork, but it is a misnomer. I think a better name for this bill, in the way it is framed now, is the Lawbreakers Immunity Act. It is not about small businesses, since it applies to gun manufacturers with a thousand employees, oil refineries with 1500 workers, and drinking water utilities with millions in annual revenues.

And it is not just a bill about paperwork. What is at stake here is the public's right to know about toxic emissions, an employee's right to know about workplace dangers, and a senior's right to know about safe conditions in nursing homes.

Make no mistake about it, the scope of this bill is far-reaching, with huge effects that deserve a full hearing and deliberation. Over 57 groups have expressed their opposition to this bill. Few issues have attracted such a diverse range of voices in opposition. Groups ranging from the State attorneys general, the labor organizations, the National Breast Cancer Coalition, consumer organizations, religious groups, fire fighters, environmentalists, handgun control advocates, they all oppose this bill.

Now, why are all these groups concerned? They were not given a chance to come before a hearing and express their concern. This bill gives first-time violators of important health, environment and consumer protection laws a free pass, making enforcement of our laws more difficult, if not impossible. By taking a blanket waiver approach, the bill creates a disincentive to comply with the law.

Now, let me give my colleagues some examples of this, and it is important to realize that there are serious consequences to this bill. The National Council of Senior Citizens wrote: ''We believe that passage of this legislation will present serious problems in regard to the protection of older persons receiving care in nursing homes. Because inspections of nursing homes and their records are often infrequent, passage of H.R. 391 could cause deliberate violations of required procedures.''

Let me elaborate a little on that, because I was the author of the Federal law on nursing home standards. Nursing homes have to submit paperwork to show that they are monitoring drug use by their patients; that they are monitoring the treatment and quality of care given to their patients. If they do not submit the paperwork because they know that in submitting that paperwork they will be found to be poorly treating the patients in that nursing home, and therefore they intentionally do not file that paperwork, knowing that nothing will happen to them for violating law, they will be off scot-free. But the consequences will be a lot of people will be overdrugged in a nursing home and ignored and left to just sit there.

The fire fighters, the International Association of Fire Chiefs joined five other fire service organizations in a letter expressing concern over, and I quote, ''Provisions of this legislation that would permit or facilitate the relaxing of regulations designed to warn fire fighters and other emergency personnel of the presence of hazardous materials. The bill raises serious safety issues for fire fighters.''

Well, we do not want to do that, and we do not have to do that to give small business people some relief from inadvertent errors in their paperwork obligations.

The Sierra Club, the National Resources Defense Council, they wrote on behalf of their membership stating, and I quote, ''Numerous crucial health and environmental programs, including those for tracking hazardous materials, assuring food safety, reporting on hazardous emissions, reporting on drinking water contamination, and giving notice of chemical accidents rely on crucial reporting requirements that would be undercut by this legislation.''

□ 1200

The gentleman from Indiana (Mr. MCINTOSH) a few minutes ago told us an anecdote that none of us had ever heard before, about a dermatologist who had to change his light bulb and was fined as a result of that.

Well, we will have to check out whether that was true or not. And the reason we have to check it out is that that gentleman told us last time we had this bill up that OSHA had a regulation, that is the Occupational Health and Safety Administration, which would require that all baby teeth be disposed of as hazardous waste materials rather than given back to the parents.

Well, we were all in dismay over such a regulation. The problem is there was no such regulation. The New York Times investigated this claim and found that it was completely false.

In 1991, under the Bush administration, OSHA issued regulations to protect health workers from blood-borne pathogens. One rule required dental workers to handle extracted teeth safely because they are contaminated with blood. So contrary to this claim, the regulation allowed a gloved dentist or employee to take the tooth, place it in a container, and give it to the parents.

I want to cite the New York Times, February 28, 1995. Too often on the floor of this House Members state things that they just made up, or maybe they heard it from somebody, but it turns out under further examination to be absolutely false. It may fit in with their theory, but if it is not true, it is not very helpful.

This bill has not had hearings. It has not had the airing that it should in the

legislative process. It is astounding that not one of these groups had an opportunity to express their views to our committee. This is a bad bill. It makes intentional violations of vital laws unenforceable. We should not want that.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The Chair will advise that the gentleman from Ohio (Mr. KUCINICH) has 3½ minutes remaining and the gentleman from Indiana (Mr. MCINTOSH) has 7½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 3 minutes to the honorable gentleman from Texas (Mr. DELAY), our whip, who has been laboring in this vineyard even longer than I have. I appreciate his coming to the floor.

Mr. DELAY. Mr. Chairman, I appreciate all the hard work that the gentleman from Indiana has done in trying to bring some reasonableness to the regulatory policy of this country.

I think it is really interesting that some in this House base all their information and the veracity of that information on the New York Times. I would think that it would be more important to go straight to the agency itself and get the real truths from the agency, as the gentleman from Indiana (Mr. MCINTOSH) does, in supporting the claims that he makes.

But Mr. Chairman, I rise today in very strong support of this very reasonable legislation, in support of what the Clinton administration has claimed all the time in reinventing government, to reach out and create partnerships with the private sector and work with the private sector rather than bring down the regulatory hammer on small business people, and this legislation does that.

But in 1995 we passed a bipartisan Paperwork Reduction Bill that required a decrease in the Federal paperwork of 15 percent over the last three years. Do my colleagues know what the result of that legislation has been? Federal paperwork requirements have increased.

Do we have to reinvent the reinvention of government? What part of ''decrease'' do the bureaucrats and the regulators and their supporters not understand?

Mr. Chairman, the business of America is business; and over the last decade, American businesses have made huge strides to cut waste and improve the efficiency of their operations. But despite all these efforts, America's small businesses still have to spend too much time and too much money filling out unnecessary government paperwork, which prevents them from growing faster and creating new jobs and does not do anything to improve the health, safety, or the environment that the gentleman from California purports.

Remarkably, one-third of all Federal regulatory cost is the result of paperwork requirements. One-third. That amounts to $229 billion of an albatross roped around the neck of the small business person every year. Over seven billion man-hours are being drowned in this sea of red tape.

Mr. Chairman, Federal regulators need to start complying with the law. And this bill will list Federal paperwork requirements for small business on the Internet. It will assist rather than punish small businesses with their efforts at compliance. And it will create a multi-agency task force and an agency-specific paperwork czar to tackle this problem, and it is a problem.

Above all, it is lenient on first-time offenders when there are no health or safety concerns involved, so the Federal Government does not have to strangle this economy's biggest job creator in red tape and regulations and unnecessary paperwork. This bill takes another step toward lending companies a helping hand with this paperwork morass. I urge that my colleagues support it.

Mr. KUCINICH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague for yielding.

As part of my work on the Committee on Education and the Workforce, I chair the Subcommittee on Oversight and Investigations, and in 1998 we went to the GAO and we asked them to take a look at paperwork as it affected America's businesses. They came back with a proposal, and they were going to take a look at companies in the State of California, to take a look at the Federal laws and the overlay of State laws that would affect a business within that company. They would take a look at the compliance requirements flowing from the Federal and State laws. They would take a look at the types of assistance that was available to different firms. And then they would take a look at the impact of workplace and tax laws, the impact that they would have on human resource operations.

What did they find? Well, in the State of California they found that there were 26 key Federal statutes that would impact a small- or medium-sized business. Interestingly enough, they also found that there is no single public agency, State or Federal, that would coordinate or provide a single point of contact for these small businesses, no single place to go to to get an understanding of, as a small business person, what do I have to do and how do I comply with the law?

What did these managers tell the GAO? Here are some of the things they said: Rules and regulations from the Federal Government are ambiguous under the law. They are constantly dealing with shifting sands. It means the regulations or the impact or how they are interpreted evolve over time.

What H.R. 391 does is it starts to deal with these kinds of issues. It would put all of the rules or a comprehensive list of all the Federal paperwork requirements on the Internet, a single place to go to to get the information. It would offer small businesses compliance assistance. They go to a small business and say, we are going to help you comply with the regulations. Establish a paperwork czar. A single point of contact for small business so that there would be a place to go to to get an understanding. And finally the most important might be that we would get a process that would outline streamlined requirements for small business.

Mr. KUCINICH. Mr. Chairman, I continue to reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. KUCINICH) has 3½ minutes remaining, and the gentleman from Indiana (Mr. MCINTOSH) has 2 minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to our colleague the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Indiana for yielding.

I rise in strong support of H.R. 391, because small businesses are the backbone of our economy. Over the last 25 years, two-thirds of the new jobs in our country were created by small businesses, and overall small business employees are more than half of our private workforce, and they desperately need relief from the burdensome requirements of government, of more and more paperwork.

Regulations imposed by government cost a tremendous amount of money for each family, each working family. In fact, they cost a staggering amount. The typical family of four pays approximately $6,875 a year because of excessive government regulations. That would go a long way toward a college education, and it goes instead to regulations.

Families actually spend more on regulations than they do medical expenses, food, transportation, recreation, clothing, and savings. That is startling. Paperwork accounts for one-third of these regulatory costs. The American economy needs this bill and needs the relief it will afford.

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

Mr. Chairman, one of the parts of this debate that I think is perhaps confusing to people is the assertion that paperwork is not important.

We certainly want to relieve American small businesses of any paperwork which is unnecessary. But I think most reasonable Americans would agree that there are certain types of paperwork which can become very necessary.

For example, let us suppose that a jet plane which was a cargo plane had a particular type of cargo which had to be labeled ''cargo only'' and flown from one destination to another to arrive safely, and the cargo they had in some cases were oxygen cannisters; but let us suppose that cargo which happened to be oxygen cannisters was not labeled ''cargo only'' and ended up on a passenger plane. It is paperwork.

Well, actually this happened, that some oxygen cannisters ended up on a passenger plane instead of a cargo plane because they were not labeled ''cargo only.'' Paperwork. There was an explosion and 110 people were killed on a ValuJet, which I think everyone remembers the crash in the Florida Everglades. The FAA pointed out that the company knowingly failed to package, mark, label, identify, or certify a shipment of 125 unexpended oxygen generators and 10 empty generators aboard the ValuJet.

So we cannot say paperwork is not important. I think that we have to keep having incentives to comply. And the only way we have an incentive to comply is to make sure we do not waive the penalties, because otherwise we end up with the condition where lives are jeopardized. That is what so many people are saying, paperwork can save lives, that there is a reason to have paperwork.

That is why the International Association of Fire Chiefs pointed out that removing or relaxing penalties for failure to comply with regulations that require disclosure of the presence of hazardous materials will almost certainly result in lack of compliance and raise serious safety issues for fire fighters. So there is a reason to have paperwork.

More than that, we need to have compliance; and the only way we have compliance is we do not waive the penalties. This legislation is about waiver of penalties for violators.

The AFL–CIO said that H.R. 391 would make the American workplace more dangerous than it currently is and needlessly remove safeguards currently in place to protect American workers.

Many environmental organizations are opposed to this legislation. The Sierra Club and the Natural Resource Defense Council said, ''Numerous crucial health and environmental programs, including those for tracking hazardous materials, assuring food safety, reporting on hazardous emissions, reporting on drinking water contamination, and giving notice of chemical accidents, rely on crucial reporting requirements that would be undercut by this legislation.'' And there are dozens and dozens of groups who have similar concerns.

We are for small business. We support those small businesses who are trying to do the right thing. We want to lessen their burden. But no one in America wants to remove all paperwork, which would create a circumstance where America's health, safety and environment would be jeopardized.

Mr. MCINTOSH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in closing the debate on this bill, and then we will move into amendments, let me put into the RECORD all the groups who are supporting the legislation, from the National Federation of Independent Businesses, United States Chamber of Commerce, the National Restaurant Association, the Academy of General Dentistry, and about three dozen other groups who support this bill.

Mr. Chairman, one of the speakers on the other side of the aisle said that they view this bill as the Lawbreakers' Immunity Act, and I think that just about sums up the difference of opinion here. They view small businesses as potential criminals, crooks, people who are looking for ways to get out of their requirements to obey the law.

We view them as decent, honest men and women who are struggling to do a job, provide a service, build a product. And they are confronted every day, every time they hire a new employee, with a mountain of paperwork this high.

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We want to give them a break. We want to reduce that paperwork. We want to say to them if they make a mistake or they do not fill out one of the forms right, we will give them a chance to correct it and get their paperwork in order. It is that simple.

So, Mr. Chairman, I would urge my colleagues today to once again show bipartisan support as we did last year in the last Congress for this paperwork reduction bill.

Mr. PACKARD. Madam Chairman, I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act. It is time we cut the red tape of the government and give some long overdue assistance to our nation's small business owners.

The Small Business Paperwork Reduction Act will streamline federal paperwork requirements and waive fines for minor, first-time paperwork violations. Previous legislation has forced small businesses to spend over seven billion hours filling out paperwork. This costs small business owners over $229 billion dollars in expenditures.

Simply stated, H.R. 391 will allow business owners the opportunity to correct minor mistakes without being fined thousands of dollars. It is time we take the fear of federal agencies away from the law-abiding citizens of this nation.

Madam Chairman, this is just common sense. It is time we reduce the burden of frivolous paperwork and the enormous costs associated with it for our nation's small business owners.

Mr. EHRLICH. Madam Chairman, I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999, introduced by my colleague, Representative DAVID MCINTOSH.

Small business enterprises are the engine of our national economy. Today, small businesses generate half of all U.S. jobs and sales. Compared to larger businesses, they hire a greater proportion of individuals who might otherwise be unemployed—part-time employees, employees with limited educational background, the young and elderly individuals, and current recipients of public assistance.

Yet, the smallest firms bear the heaviest regulatory burden. Firms under 50 employees spend on average 19 cents out of every revenue dollar on regulatory costs. These businesses desperately need relief from the burden of government paperwork.

These entrepreneurs live in constant fear of fines for an innocent mistake or oversight. The time and money required to keep up with government paperwork prevents small businesses from growing and creating new jobs. Paperwork accounts for one third of total regulatory costs, or $225 billion. In 1996, it required 6.7 billion man hours to complete government paperwork.

This legislation will give small businesses the much needed relief from the burden of paperwork. H.R. 391 will place on the Internet a comprehensive list of all federal paperwork requirements for small businesses, organized by industry, as well as establish a point of contact in each agency for small businesses concerned with paperwork requirements. In this way, the auto parts dealer in Essex, MD, and the corner grocer in Dundalk, MD, will have a government-paid advisor—rather than having to pay a high-priced lawyer.

Further this legislation encourages cooperation and proper compliance by offering small businesses compliance assistance instead of fines on first-time paperwork violations which do not present a threat to public health and safety. Lastly, it will establish a task force to streamline reporting requirements for small businesses.

This legislation is a positive step in addressing the demands for reform from many of my small businessmen and women in the 2nd District of Maryland.

Madam Chairman, please join me in strongly supporting this common-sense paperwork reduction bill for small business.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 391 is as follows:

H.R. 391

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 ''Small Business Paperwork Reduction Act Amendments of 1999''.

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) publish in the Federal Register on an annual basis a list of the requirements applicable to small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)) with respect to collection of information by agencies, organized by North American Industrial Classification System code and industrial/sector description (as published by the Office of Management and Budget), with the first such publication occurring not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999; and

''(7) make available on the Internet, not later than one year after the date of the enactment of such Act, the list of requirements described in paragraph (6).''.

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT; SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS.—Section 3506 of such chapter is amended by adding at the end the following new subsection:

''(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork—

''(A) establish one point of contact in the agency to act as a liaison between the agency and small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)); and

''(B) in any case of a first-time violation by a small-business concern of a requirement regarding collection of information by the agency, provide that no civil fine shall be imposed on the small-business concern unless, based on the particular facts and circumstances regarding the violation—

''(i) the head of the agency determines that the violation has caused actual serious harm to the public;

''(ii) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(iii) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(iv) the violation is not corrected on or before the date that is six months after the date of receipt by the small-business concern of notification of the violation in writing from the agency; or

''(v) except as provided in paragraph (2), the head of the agency determines that the violation presents an imminent and substantial danger to the public health or safety.

''(2)(A) In any case in which the head of an agency determines that a first-time violation by a small-business concern of a requirement regarding the collection of information presents an imminent and substantial danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(B)(v), determine that a civil fine should not be imposed on the small-business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small-business concern of the violation.

''(B) In determining whether to provide a small-business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small-business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

''(iii) the previous compliance history of the small-business concern, including whether the small-business concern, its owner or owners, or its principal officers have been subject to past enforcement actions; and

''(iv) whether the small-business concern has obtained a significant economic benefit from the violation.

''(3) In any case in which the head of the agency imposes a civil fine on a small-business concern for a first-time violation of a requirement regarding collection of information which the agency head has determined presents an imminent and substantial danger to the public health or safety, and does not provide the small-business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

''(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.''.

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) in addition to the requirements of this Act regarding the reduction of paperwork for small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)), make efforts to further reduce the paperwork burden for small-business concerns with fewer than 25 employees.''.

SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY STREAMLINING OF PAPERWORK REQUIREMENTS FOR SMALL-BUSINESS CONCERNS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is further amended by adding at the end the following new section:

''§ 3521. Establishment of task force on feasibility of streamlining information collection requirements

''(a) There is hereby established a task force to study the feasibility of streamlining requirements with respect to small-business concerns regarding collection of information (in this section referred to as the 'task force').

''(b) The members of the task force shall be appointed by the Director, and shall include the following:

''(1) At least two representatives of the Department of Labor, including one representative of the Bureau of Labor Statistics and one representative of the Occupational Safety and Health Administration.

''(2) At least one representative of the Environmental Protection Agency.

''(3) At least one representative of the Department of Transportation.

''(4) At least one representative of the Office of Advocacy of the Small Business Administration.

''(5) At least one representative of each of two agencies other than the Department of Labor, the Environmental Protection Agency, the Department of Transportation, and the Small Business Administration.

''(c) The task force shall examine the feasibility of requiring each agency to consolidate requirements regarding collections of information with respect to small-business concerns, in order that each small-business concern may submit all information required by the agency—

''(1) to one point of contact in the agency;

''(2) in a single format, or using a single electronic reporting system, with respect to the agency; and

''(3) on the same date.

''(d) Not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, the task force shall submit a report of its findings under subsection (c) to the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives, and the Committee on Governmental Affairs and the Committee on Small Business of the Senate.

''(e) As used in this section, the term 'small-business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 631 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3521. Establishment of task force on feasibility of streamlining information collection requirements.''.

The CHAIRMAN pro tempore. 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.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. MCINTOSH

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

The Clerk read as follows:

Amendment offered by Mr. MCINTOSH:

Page 4, beginning on line 8, strike ''caused actual serious harm to the public'' and insert ''the potential to cause serious harm to the public interest''.

Page 5, beginning on line 1, strike ''an imminent and substantial danger'' and insert ''a danger''.

Page 5, line 6, strike ''an imminent and substantial danger'' and insert ''a danger''.

Page 6, line 13, strike ''an imminent and substantial danger'' and insert ''a danger''.

Page 8, after line 24, insert the following:

''(6) At least two representatives of the Department of Health and Human Services, including one representative of the Health Care Financing Administration.

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

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

There was no objection.

Mr. McINTOSH. Mr. Chairman, let me say very briefly this is an amendment that I think we have broad support for. It is a manager's amendment, frankly to respond to some of the concerns that there may be a potential harm to the public rather than an actual harm that would be addressed by the paperwork. I frankly am confident that the bill will cover that, but working particularly with the gentleman from California (Mr. THOMAS) and his staff on his subcommittee, we have crafted this amendment to make it very clear that where there is a potential to cause serious harm to the public interest or any type of danger to the public interest, that we will allow the agencies to go ahead and impose, in addition to all of their other remedies, a civil fine.

It also provides for two representatives from the Department of Health and Human Services, including one from the HCFA, to serve on the task force that we are creating. I think they will be a very beneficial addition and would welcome this amendment.

Mr. Chairman, I hope that it will receive support by all of my colleagues here, and then I understand the gentleman from Ohio (Mr. KUCINICH) also has an amendment where there will be some differences.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. DAVIS) to address the amendment in the bill.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my colleague for recognizing me on this. Let me just note this ought to take care of a number of concerns that were raised in the preliminary debate on this when we talked about the crashed ValuJet and so on, but language in this amendment when it talks about threats and harms and so on in section 2(b) really makes sure that those kind of paperwork violations are taken care of.

Am I correct in that assumption?

Mr. McINTOSH. Yes, absolutely.

Mr. DAVIS of Virginia. Mr. Chairman, as my colleagues know, I think what we do not want to do is get our small businesses in a ''gotcha'' situation where they fail to file one of the reams of technical filings and paperwork that we so often require in laws and amendments.

And if my friend would bear with me, Steve Lampges is the owner of Maysville Grain and Fertilizer in Maysville, Oklahoma, employs 13 people. As part of his business, Steve sells chemicals used for fertilizer. Three years ago Steve decided to switch from selling chemicals in 2½ gallon containers to a more environmentally friendly system of selling from bulk storage. His reward for switching to bulk storage of chemicals was a new set of environmental rules and regulations which he acknowledged and complied with. In fact, Steve built a container storage building that was praised by Oklahoma State officials as a model for other agri suppliers.

In Steve's second year of providing fertilizer chemicals from bulk storage he failed to submit the pesticide production report required by the Federal EPA and was fined the maximum allowable penalty of $5,500. He submitted the 2-page form to EPA, but they continued to insist on the fine, and even when the government admitted it was in the public's interest to settle this action, the settlement offered by EPA was $3,300.

Steve recently put up his hands, admitted he can no longer fight with an EPA that seems determined to put him out of business, and he paid the settlement. But he cites this multi-year battle with EPA as the straw that has broken his company's back, and is unsure of the business's future.

This is the kind of horror story we hear from companies doing environmentally friendly things, getting caught in reams of paperwork and having a Federal bureaucracy that will not bend and work with them to help them comply where the public is not endangered in any way, shape or form, and they are not harmed at all. But the ''gotcha'' mentality that we sometimes find in Federal regulators is putting small businesses like this around the country out of work, and I think this amendment protects the public, but at the same time I think puts the proper emphasis on allowing our small businesses to grow and prosper as we pass reams of more rules and regulations which we force them to comply with.

Would the gentleman agree with that?

Mr. McINTOSH. Mr. Chairman, absolutely, and I appreciate Mr. Davis' example there. We have heard hundreds of those in the various hearings that we have held on regulatory oversight, including the two on this bill that we held last year.

Mr. DAVIS of Virginia. Mr. Chairman, it just seems to me that the health, the safety, the environment does not need to be jeopardized with this amendment. We can in fact protect that. We can give our regulatory agencies the ultimate judgment. But when we get into these technical violations, when a company is late filing some paperwork or a new form comes in that maybe they did not get it when they inquired, or their country attorney went and inquired and did not know about, that instead of saying, ''We got you, you owe us, we're going to put you out of business and we're going to make you pay,'' that we can work with these small companies, help them nurture and grow, help employ people, help tax bases in these small communities across the country and suburban areas as well.

And it is a question, I think as the gentleman noted, do we trust the businesses to do the right thing, or do we think to come after them as if they are somehow crooks to begin with? The vast majority of small businesses are trying to do the right thing by their employees, by their customers and by the Federal rules and regulations, and I think this is a good sound amendment that gets to the crux of a lot of the opposition of this bill, and I congratulate the gentleman and hope that the House will support it.

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

The amendment offered by the gentleman from Indiana (Mr. MCINTOSH) is a step forward, but the bill would still preempt State law. It still does not exempt intentional violations. It still provides no environmental protections. It still has inadequate exceptions for the public health because it requires a high burden of proof, and exemption therefore has a potential to cause serious harm. And there is still a Catch 22: We cannot discover violations that threaten the public safety without the paperwork.

So this bill does, even with the amendment, still jeopardize public health, but I would say the amendment is a step forward, and I accept the amendment.

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

Mr. Chairman, I thank the gentleman from Indiana (Mr. MCINTOSH), and I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999.

Mr. Chairman, H.R. 391 provides our Nation's small businesses with desperately needed relief from the burden of government paperwork which has continued to grow each year. The number of hours required to complete government paperwork has increased more than 350 percent since 1980. Clearly we should do all we can to help relieve government paperwork demands that this Federal Government places on its citizens, and H.R. 391 helps us in this process.

Specifically, the legislation does the following:

It requires the posting on the Internet of a comprehensive list organized by industry of all Federal paperwork requirements for small businesses, it offers small businesses compliance assistance rather than fines for first time paperwork violations that present no threats to public health and safety, and it establishes a single individual in each agency to be the point of contact for small businesses on questions about paperwork requirements.

Mr. Chairman, these are all common sense provisions that every Member of this House should support.

Let me say also that they are consistent with other actions the House has already taken. Earlier this week the House passed H.R. 439, the Paperwork Elimination Act. This legislation will allow small businesses to take advantage of the information age when responding to government information demands. Both of these bills are designed to help small businesses meet the requirements that the government places on them in an efficient and fair manner.

I also want to address some of the concerns that have been raised by the opponents of this legislation. Some have claimed that H.R. 391 lets small business scofflaws go free, and that it protects drug traffickers, and that it undermines the ability to uncover illegal activity. But when I hear some of these statements, I am reminded of the story of Chicken Little in his warning that the sky is falling in. The fact is that the bill already contains numerous exemptions to ensure that bad actors are not rewarded for negligent or illegal behavior.

In conclusion, Mr. Chairman, let me simply state that I am a former small business owner. I know the frustrations that can be created by having to fill out mountains of paperwork from the Federal Government. This frustration easily turns to outrage when one is

fined for a small paperwork violation that they may not even have been aware of. H.R. 391 will remedy this situation.

This legislation simply ensures that small business owners who are honest law-abiding citizens, and this will cover the vast majority of them, are not penalized for a minor first time paperwork violation.

I urge all Members to take a good look at all amendments that are offered and possibly to reject the Kucinich amendment and support H.R. 391.

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

The CHAIRMAN pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. MCINTOSH. Mr. Chairman, I will not use all that time. I just wanted to thank the gentleman from Ohio (Mr. KUCINICH) for accepting this amendment, and we have no other speakers on this portion of it, but we will address his amendment when it comes up. I wanted to thank him for accepting it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. 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 offered by Mr. KUCINICH:

Page 4, strike line 1 and all that follows through page 6, line 24, and insert the following:

''(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

''(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

''(I) the health and safety of the public;

''(II) consumer, investor, worker, or pension protections; or

''(III) the environment;

''(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

''(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

''(iv) whether the small entity has obtained a significant economic benefit from the violation; and

(v) any other factors considered relevant by the head of the agency;

''(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, revise the policies of the agency to implement subparagraph (B); and

''(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

''(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.''.

Mr. KUCINICH. Mr. Chairman, this amendment replaces the controversial provisions that would prevent the assessment of civil penalties and preempt State law with language that requires agencies to implement policies for reducing or waiving penalties against first time violators in appropriate circumstances. Again, it replaces the provisions that prevent the assessment of civil penalties and preempt State law with language that requires agencies, we are going to require agencies to implement the policies for reducing or waiving penalties against first time violators in appropriate circumstances. The agencies would be required to implement these policies within six months and report to Congress on those policies six months later. So there is a strong attempt here to make sure that businesses who operate in good faith are rewarded.

This amendment dovetails a provision in the Contract with America. Section 223 of the Small Business and Regulatory Enforcement Act which enjoyed overwhelming bipartisan support in Congress when it was signed into law three years ago, that provision required agencies to implement policies for waiving or reducing penalties under appropriate circumstances. However, SBREFA, as it is called, did not target relief to first-time violators. Some of the SBREFA policies specifically provide relief for first- and second-time violators. However, many agencies did not specifically address the subset of violations. My amendment would require that every agency draft policies providing relief for first-time violations.

This amendment has numerous benefits. It would provide penalty relief to first time violators without giving a ''get-out-of-jail-free'' card to those who intentionally violate the law. It would provide relief without encouraging businesses to ignore their paperwork objections. It would protect the integrity of our system of regulation, which depends on self reporting instead of relying on surprise inspections.

□ 1230

It would protect the integrity of the laws that protect our seniors, workers and the environment. It would protect our drinking water, nursing homes, pensions, and more.

Mr. Chairman, the political reality is that without my amendment, this bill will doubtfully become law. Many environmental, labor, consumer and health groups, as well as several States Attorney General, have voiced their opposition to the bill. Moreover, the administration strongly opposes it and four agency heads have threatened a veto.

A similar bill did not pass the House with a veto-proof margin this year. It will doubtfully become law if my amendment is not adopted. On the other hand, if my amendment is adopted, the bill, likely, will be non-controversial and likely will gain overwhelming support.

We should seize this opportunity to provide real relief to small businesses who are waiting for Congress to provide them with relief. I urge the support of my amendment.

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said before, this bill has enjoyed much bipartisan support, and while there has been controversy swirling around the provision to suspend fines for first time paperwork violations so small businesses can have the chance to correct innocent mistakes, that controversy often has, frankly, overstated the cause.

I appreciate the gentleman from Ohio's efforts to point out legitimate concerns, as we did in the amendment today and the one earlier, in drafting a very clear statement that if there is a potential for actual law breaking or potential for harm to the public, that then those fines would go forward.

But, sadly, I cannot support the gentleman's amendment today, because it does not add anything new to the current law to protect small businesses. This amendment replaces the bill's suspension of fines with a provision that the agencies develop policies on the reduction, elimination and delaying of fines for first-time paperwork violations under appropriate circumstances.

This amendment essentially duplicates existing law. As I stated earlier, under Section 223 of the Small Business Regulatory Enforcement Fairness Act, or SBREFA for short, the agencies are already required to have these policies in place. They were supposed to submit them to Congress by March 31 of 1998, nearly a year ago. But nearly a year later, many of these agencies, including six cabinet departments, have not submitted their plans to Congress. In fact, only 22 of the 77 agencies that assess penalties have sent any policy at all.

This amendment simply reverts back to the status quo. It simply says to America's small businesses, we are going to ask the agencies to submit a policy, but not ask them to change their behavior when they play ''gotcha'' with innocent men and women who are attempting to run their small businesses.

It is clearly not working. It does not do anything to help the small businesses, and that is why the NFIB, the Chamber of Commerce and the National Restaurant Association have made opposition to this amendment a key vote today.

Last year we did amend the bill, as I stated earlier, in response to some of those concerns. I think the bill is a good bill today with the new amendment we adopted just a few minutes

ago. It does make sure that the agencies can protect the environment, can protect health and safety and can protect and enforce the laws. But what it also does is says to the agencies, we want to give America's small business a break. When you have innocent small businessmen, not law breakers, but innocent small businessmen who make a mistake, they deserve to have a chance to correct that mistake.

I do believe that is the fundamental difference in this debate. Last year in the debate one of the members of my committee said that they thought this would be an excuse for small business not to file the paperwork required of them, that a small business person should not be let off the hook.

That view, that America's small businesses are looking for excuses not to comply with the law, simply is not what we found. Most of America's small businesses try to follow the law, they try to fill out the forms, they try to do what is required. Every day it seems they get a new requirement or are confronted with a stack like the one we have here before us when they hire a new employee.

They are working hard to follow those requirements. They are not criminals, they are not crooks, they are not people looking for excuses to not obey the law. They are not people trying to pollute. They are people who are trying to help clean up the environment, doctors trying to help with the public health, small businessmen providing a service in their community.

I think that we have to recognize that, and that in this bill, with the provision we have with the six month leniency that allows them to correct any of those mistakes, we are saying to the American small businessman and woman, we know you are trying to do a good job, and we are going to be on your side; we are going to switch the emphasis towards compliance, and not, I repeat, not assess you with penalties and fines.

Last week I received a letter from the Small Business Administration advocacy, Mr. Glover, who is a member of the Clinton Administration and who does support this legislation. One of the things I would like to do is quote from that letter where he says, ''Small businesses generally want to comply with the law, but are inundated with these requirements. In some cases, violations occur not because small businesses are ignoring the law, but simply are unaware that such requirements exist. As always, there are a few out there that will try to take advantage of the law, and I believe section 2(b), which we have in the bill as it currently stands, leaves enough discretion to allow the agencies to punish those bad apples.''

Mr. Glover, I think, also would recognize that those bad apples are few and far between, and that is where we need to direct our enforcement, not harassing the vast majority of America's small businesses who are trying to comply with the law.

For that reason, I would ask my colleagues to vote no on the Kucinich amendment, and allow the bill to go forward with the strong bipartisan support as it was drafted and previously amended.

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. LEWIS of Georgia. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the National Governors Association wrote a letter to our leader, the gentleman from Missouri (Mr. GEPHARDT), and I would like to quote from it. ''We applaud the goal of reducing paperwork burdens for small businesses and would support the Federal Government taking steps to ensure that information collection and paperwork requirements on small businesses are reasonable. However, we must express concern over the preemption of state authority in section,'' and they spell out the section of the Small Business Paperwork Reduction Act of 1999.

''As governors, we understand the critical role that small businesses play in our economy. We appreciate the importance of ensuring that Federal reporting requirements on small businesses are sensible and that enforcement of those requirements are reasonable. Clearly the Federal Government can direct its own enforcement policy on this matter. Likewise, states are best able to direct state enforcement policy on this issue, and we believe that Federal preemption of state authority is unjustified. We urge you to take our views into consideration as you move this legislation forward.'' It is signed by Governor Thomas Carper and Governor Michael Leavitt.

My amendment addresses these concerns and removes the preemption provision.

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

Mr. Chairman, first of all let me just say that I have great respect for the gentleman from Ohio (Mr. KUCINICH), a member of our committee, a very hard working member, and I appreciate the input the gentleman gives us on a lot of legislation. The gentleman has helped a great deal. However, I disagree with the gentleman's amendment, and I would like to say why.

First of all, small business people across this country are overburdened by Federal regulations and paperwork, unnecessary paperwork, and, because of that, many of them have had their overhead increased to such a degree that they have to start letting people off. They have to lay people off. It has an adverse economic impact on them.

This legislation passed the House I think with 54 Democrat votes, it was a bipartisan bill last session. This bill is extremely important for the small businessman, the backbone of the economy of the United States of America.

Now, there have been some misstatements made by some of the special interest groups that want this bill to die. They have said that workers are going to ''die on the job'' because of this, that the environment is going to be ''devastated,'' senior citizens in nursing homes are going to ''perish.'' Fortunately, none of that is true.

I want my colleagues who are paying attention to this to listen to the safeguards in the bill, and I will not be redundant, because I think the gentleman from Indiana (Mr. MCINTOSH) has done an outstanding job of not only getting this bill to the floor and being the author of it, but also explaining it.

Agencies do not have to suspend fines if the violation causes any actual serious harm. That is in the legislation. They do not have to suspend fines if the violation presents a threat to public health or safety. That would take care of the senior citizens in nursing homes and so forth. They do not have to suspend fines if doing so would impede the detection of criminal activity.

These are very broad exceptions, and the agencies involved, if they detect any violations of the law, they can impose these fines. However, if it is a legitimate mistake that a small businessman has made, he has six months to rectify the situation. If he does not, then the penalties will be imposed.

So I think if an honest mistake is made by a small businessman, he should not be penalized by the agencies of the Federal Government, and, for that reason, I think this legislation is extremely important, and, although I have great respect for the gentleman from Ohio (Mr. KUCINICH), I urge my colleagues to defeat his amendment and pass the McIntosh bill as written.

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

Mr. Chairman, streamlining our Nation's regulatory system and eliminating overhanded regulations in our Nation's small businesses is a good idea. Paperwork reduction is an important part of these reforms, and who could be against reducing paperwork?

But what we are talking about today is far more important than just paperwork reduction. In our eagerness to shred paperwork, it is important that we be careful not to shred basic protections in areas like food safety, nursing home care, the environment and crime control.

These regulations can often mean the difference between life or death. At first glance, this bill sounds like a godsend, but, as the old saying goes, the devil is in the details, and the details here are a one-size-fits-all, blanket waiver for even deliberate violations of Federal law and Federal reporting requirements, that could result in serious and grave consequences to our public safety.

Mr. Chairman, consider the issue of gun sales to criminals. Mr. Chairman, I include for the RECORD a letter from Sarah Brady, the Chairperson of the

Board of Handgun Control, detailing how this bill would weaken the reporting requirements of the Brady law.

HANDGUN CONTROL,
Washington, DC, February 11, 1999.

Hon. HENRY A. WAXMAN,
Ranking Minority Member, House of Representatives, Committee on Government Reform, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: As the House prepares to debate H.R. 391, The Small Business Paperwork Reduction Act Amendments of 1999, I am writing to express our concern over a portion of the bill that may allow federally licensed firearms dealers to forego completion of background checks on gun purchasers using the new national criminal instant background check system.

Title 18, Section 922(t)(5) imposes a civil fine of not more than $5,000 on any federally licensed firearms dealer (FFL) who transfers a firearm to a prohibited purchaser if that FFL knowingly fails to check that individual's eligibility through the national criminal instant check system.

Firearms-related violence is one of our country's greatest concerns. In conjunction with state and local law enforcement agencies, the Bureau of Alcohol, Tobacco and Firearms has developed a comprehensive national firearms trafficking strategy aimed at reducing violent crime by investigating and prosecuting those individuals who are illegally supplying firearms to violent criminals.

Failure to comply with the ''paperwork requirement'' of the Brady Law poses a public safety threat to all Americans. There are over 100,000 federally licensed firearm dealers and most are small businesses. If each received a first time violation waiver, 100,000 dangerous weapons would be on the streets of our country.

We understand that Representative Dennis Kucinich (D-OH) will offer an amendment that will preserve individual agencies' ability to fine deliberate violations of their reporting requirements. I urge all Members to support the Kucinich Amendment.

Sincerely,

SARAH BRADY,
Chair.

Mr. Chairman, the Brady law is a law, I would point out, which has stopped over a quarter of a million handgun sales to felons and fugitives of justice.

Last November, the Bureau of Alcohol, Tobacco and Firearms issued a permanent regulation to implement the Brady Handgun Violence Prevention Act. A key part of these regulations are verification and reporting requirements by gun dealers that are designed to prevent the sale of firearms to a class of restricted individuals that includes convicted felons, fugitives from justice, domestic abusers and others.

Specifically, the Brady act imposes a $5,000 civil fine on gun dealers who fail to perform criminal background checks on prospective buyers. The blanket amnesty provisions of H.R. 391 would remove the incentives for sellers to abide by these reporting requirements.

Under this bill, gun dealers are given a free pass to sell weapons to criminals with impunity. According to Sarah Brady,

Failure to comply with the paperwork requirement of the Brady law posts a public safety threat to all Americans. There are over 100,000 federally licensed firearm dealers, and most are small businesses. If each received a first time violation waiver, 100,000 dangerous weapons could be on the streets of our country.

Now, the proponents of this bill may argue that the bill includes an exception that would prevent this from happening by giving to an agency head the discretion to oppose a fine if he or she determines it involves criminal activity. But, in reality, the threshold established in this exception as a practical matter virtually is impossible to achieve.

It is extremely difficult to prove that not conducting a particular background check definitely impedes or interferes with detecting criminal activity. Remember, in the mind of an unscrupulous gun dealer, he knows he has a free pass to sell guns to criminals, unless he gets caught.

□ 1245

And a scrupulous dealer has every reason to skirt the regulations because it would help maximize his profits.

But do not take my word or Sarah Brady's word for it. The Justice Department has also raised concerns. In a February 2nd letter from Acting Assistant Attorney General Dennis Burke, the Department of Justice stated that two standards set forth in the bill's exception were ''inappropriate.'' According to the Department of Justice, and I quote, ''It may be difficult for an agency to determine that the failure to impose penalties would in a given case interfere with the detection of criminal activity.''

Again, the point of the Brady law reporting requirements is principally to prevent criminals from getting guns.

Mr. Chairman, particularly in the area of protection against firearms, agencies should not be hamstrung or have to wait until serious harm occurs before imposing civil penalties. Every bill has unintended consequences. But in this case, although the consequences may be unintended, they are foreseeable and potentially deadly. All it takes is one dealer to pass up a background check for a life to be lost in a shooting.

I strongly urge my colleagues to oppose House Resolution 391 in its current form and to support the Kucinich amendment, which reduces paperwork and injects some common sense reforms into our regulatory system without jeopardizing public safety.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I pointed out earlier that the bill still preempts State law, and State officials have opposed H.R. 391. The Attorney General of the State of New York has said the most objectionable element of the legislation is the preemption of State enforcement efforts.

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

Mr. Chairman, I just wanted to say something. One of the things that bothers me in this debate is the assumption that small business people have an intention to do something dishonest. That is like saying that school teachers have the intention not to teach; that doctors have the intention to commit malpractice. If we continue in this country with the assumption that small businesses' goal is to do everything opposite of what the Federal Government would want them to do, we will not be long in terms of being an economic power.

To say that a gun dealer will blatantly disregard the Brady law if this bill is passed is absurd. There are significant penalties for doing that which will not be abated by this law.

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

Mr. COBURN. I yield to the gentleman from Indiana.

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

I appreciate the gentleman's remarks. In fact, it is that fundamental difference in the viewpoint of the good citizens of our country who run our small businesses, whether they are frankly lawbreakers, as they have been called today in the debate, or whether they are good, honest, decent people who are struggling to keep the doors open, struggling to provide a service, struggling to provide a good, and trying to comply with all of the paperwork.

As I mentioned earlier, this is the paperwork that has to be filled out, two huge volumes like this, whenever a small businessman employs a new employee. That is what they have to do. They have to make sure they get it all right. And then there are lots of other paperwork requirements as well.

I mentioned one of the people who testified at our hearing on regulatory problems, Dr. Proetst, who is a dermatologist, who told me he could be fined for failing to report to the government that he has been properly trained on how to change a light bulb in his microscope.

Now, when we have doctors, and the gentleman from Oklahoma (Mr. COBURN) knows this himself, who are having to spend their time filling out the forms rather than treating patients, that is bad enough. But for them to be subject to a several-hundred-dollar or a several-thousand-dollar fine because they have not reported that they know how to change a light bulb, something is drastically wrong.

Mr. COBURN. Mr. Chairman, let me reclaim my time and give a couple of examples.

Under OSHA now, every medical office, every container that might contain anything that would be contaminated, has to be labeled. So even if one has a container behind closed doors under a sink, one still has to have a nice orange label there that totally ruins the decor that somebody might

get there. If a child pulls that label off and I fail to report that, that it was not present until I could get another label there, and if I were to be inspected, or caught, that is subject to a fine under OSHA.

If the laboratory in my office, under its approval and certification procedures, makes an error on a testing, but yet we fail somehow, not to fill out the paperwork but if I as the medical director of that laboratory fail to sign that piece of paper, and when we are inspected, if I missed one of them, missed signing one of them, then I lose my CLEA license for failure to comply with a piece of paper that has nothing to do with the quality of care that we give our patients, has nothing to do with the certification and accreditation of that laboratory, but is simply based on a paperwork error that was never intended. It was just a mistake, a misstep, an oversight. Not because it was intended to violate the law, but because there are so many requirements that have so little benefit that are carried to such great extent by the bureaucracy that the penalty of it becomes, the penalty is not the fine, the penalty is that I do not get to practice medicine, I get to spend my time filling out paperwork for the Federal Government.

So with that, let us consider the examples that are very real that we all encounter if we are in any small business, on how the tremendous paperwork burden is affecting and cutting our productivity, eliminating our ability to enhance the wealth of those around us, offer jobs and opportunity to those that do not have it today.

I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, let me just say very emphatically, the bottom line, and I do appreciate the earlier work of the gentleman from Ohio (Mr. KUCINICH) with this as we fine-tuned this bill, but the amendment that he presents today frankly guts this bill and its chief provision of allowing small businesses to a have a chance to really correct the mistakes that are innocent mistakes. It is as basic as that. What it does is revert back to the existing law which is not being complied with by the agencies. So I must ask our colleagues to vote ''no'' on this amendment.

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

Mr. Chairman, I rise in support of the Kucinich amendment. I want to clarify what the disagreements are on this legislation. No one disagrees with the idea, as far as I know, that we ought to reduce the amount of paperwork which burdens small and large businesses. Unnecessary paperwork is inexcusable, and I think a great deal of credit goes to Vice President GORE in his efforts to reinvent government, to try to avoid the requirements that so much paperwork be required from different businesses.

The second thing we do not disagree about is that if a small businessman or woman inadvertently does not do what is required by way of paperwork regulations, we do not want them to be fined or penalized in any way when they do it inadvertently. The Kucinich amendment would make sure that if it is an inadvertent violation, there would be amnesty for the person violating the law.

The difference that we have is that the Kucinich amendment makes clear that if there is a danger to the public safety, if there is danger to the environment or health, and the violation is intentional, that we do not preclude the agency from giving the sanction to fit the offense.

The bill before us assumes that any time a violation occurs, it is innocent, but that is just not true. There are people who do wrong things on purpose, and if we tell them, if they do something wrong on purpose, they do not have to worry about being sanctioned, we are suggesting that they ought to go ahead and violate the requirements of the paperwork regulations. Now, that means that the businessperson who is trying to comply with the regulations is going to be put at a disadvantage with somebody who is not doing what they ought to do to meet the requirements of the law.

Now, this is not some insignificant matter, because there are far-reaching consequences for our Nation's health, environmental, consumer protection laws, that the Kucinich amendment would preserve the integrity of these laws while at the same time providing relief to first-time violators in appropriate circumstances. Not all circumstances, but appropriate ones. And the bill before us would give them a pass for all circumstances.

We have received a number of letters from our colleagues who are experts in certain areas. The gentleman from New York (Mr. TOWNS) is one of Congress's leading fighters against lead poisoning of children, and he described how H.R. 391 would undermine lead hazard disclosure, putting thousands of children at risk. We ought not to give that kind of encouragement for people who violate the law and put children at risk.

Our colleague from the State of Maryland (Mr. HOYER) is one of the co-chairs of the Congressional Fire Fighters Caucus, and he has pointed out that H.R. 391 would endanger the lives of fire fighters because this bill gives a first-time free pass to businesses that fail to report the storage of hazardous chemicals on site. This is different than somebody who does not change a light bulb. No one wants to penalize that person. But not to report hazardous chemicals that are stored on site which could hurt fire fighters is just not reasonable.

The gentleman from Massachusetts (Mr. MARKEY) is one of the leading congressional experts on the Securities and Exchange Commission, and he tells us that the bill undermines the SEC's ability to protect investors from fraud.

The gentleman from New Jersey (Mr. PALLONE) is a champion of the right-to-know laws which require polluters to report the level of their toxic emissions, and he says these laws would be unenforceable under this legislation.

The amendment that the gentleman from Indiana (Mr. MCINTOSH) offers, he claims would solve the problem, but it does not. We still have the goal of many reporting requirements, which is to prevent the public from being placed in danger, undermined. It defeats the purpose of these reporting requirements, to prevent enforcement until after the public is already in danger. That is locking the barn door after the horse has already gone.

We do not have adequate exceptions to protect the public health. Expert after expert has considered this argument and rejected it. Let me say who some of these experts are.

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

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

Mr. WAXMAN. Mr. Chairman, the Department of Justice, the Securities and Exchange Commission, the Environmental Protection Agency, the Attorneys General of California and New York, local district attorneys, State enforcement officials all reject this.

Now, why State enforcement officials? Because this bill is so far-reaching that it gives a free pass to violate local laws or laws that are enforced at the State level. My colleagues do not have to take my word for it, just listen to what the experts are saying.

It is amazing to me that Mr. MCINTOSH did not try to work out with us on the Democratic side a way to resolve this issue, because what we would all like to see is a bill that would say, if there is an inadvertent violation of some paperwork requirement, that person, that business person should not be fined or sanctioned. But if there is an intentional violation, if there is a violation that affects public health and safety, that person should not get a free pass. That person should not be told in advance, ''Go ahead and violate this paperwork requirement, we are going to turn the other way and not even pay attention to it.'' No one should defend that position.

Now, we hear from the other side of the aisle that they have addressed it, but they have not worked with us to make sure that they have addressed it adequately, and therefore, the Department of Justice, the State attorneys general, these people who work in the field, who were not given a chance to come in and even testify are now writing to us and saying, support the Kucinich amendment and have this problem dealt with adequately, so that we have some discretion with the agency to look at the violation and see if it is appropriate to sanction them under the circumstances at hand.

□ 1300

In fact, what we are being told is not to trust the agency to look at the facts of the case and deal with it in a reasonable manner. We are saying, trust all small business people, no matter what. I think that puts in jeopardy the reasons why we have legitimate requirements for paperwork to be filed.

I go back to nursing homes. We do not know if a patient is being abused in a nursing home unless we can look at some of the paperwork that is required of the nursing home when they inspect their own premises. If they do not have to file that paperwork because they know that even if they are by law supposed to and they are going to be left off the hook, it is an incentive for them to lower their standards.

Support the Kucinich amendment.

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

Mr. Chairman, I rise today in support of the Kucinich amendment. I have written a Dear Colleague letter at the request of the fire services of this country, both paid and volunteer. I understand that letter has been quoted from by the gentleman from Ohio (Mr. KUCINICH) and perhaps others. I appreciate the reference of the gentleman from California.

The amendment of the gentleman from Indiana, as I think the gentleman from California has said, has an objective that all of us I think support. The issue is the impact of the legislation if not amended as the gentleman from Ohio (Mr. KUCINICH) proposed. I support the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

As cochair of the Congressional Fire Services Caucus, I want to share with the House what I believe this legislation's impact would be on fire fighters. Despite what this amendment would say, this legislation, absent the Kucinich amendment, might well endanger the lives of the brave men and women in the fire service.

Why? Why? Because I believe this amendment, if it fails to pass, the disclosure of hazardous material will decrease. Disclosure will decrease, and one of these days a fire fighter in the Members' districts or mine will have to respond to a fire or Hazmat incident, and they are not going to know what they are dealing with. That is critically important, that they have a prenotice and knowledge of what the fire may be dealing with, what causes it and what fumes are being presented by the fire, and other matters of critical safety concerns to our fire fighters. They are not going to know what they are dealing with, and someone is going to get hurt or killed.

While some argue that this legislation still allows a regulatory agency to fine the offending small business, that is not the point. I do not think any of us are really interested in fining small businesses. I know I am not. Any fine we can levy after the fact, however, is of little solace to many fire fighters or their surviving families.

Mr. Chairman, I am a strong proponent of small business. It is a critical element in our economy. I, too, want to relieve them from needless and redundant paperwork. In fact, we have done some things to accomplish that objective in years past. I, too, want to relieve them from having to pay onerous fines from accidental or inadvertent paperwork errors.

However, without this Kucinich amendment, I very much fear that the legislation will encourage and result in the failure to notify, consistent with local and national requirements, our local firefighting departments, paid or volunteer, of the hazards they may face in a critical situation where there would be no time to find out or to in fact solve the breach after the fact. So that is why I rise in support of the Kucinich amendment.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, when I saw the gentleman's Dear Colleague, I was concerned about it. It is a question that none of us want to see our brave men and women who are fire fighters put in danger. As I understand it, the concern is that those notices, the Hazmat notices, are needed because without them there could be a potential to cause serious harm to the public; specifically, to the fire fighters who would go in and fight those battles.

Mr. HOYER. That is the concern.

Mr. MCINTOSH. The gentleman from Maryland may not find this sufficient, but we did try to address that in an amendment that was, by voice vote, accepted earlier.

The gentleman from Ohio (Mr. KUCINICH) did not find it enough to satisfy his concerns, but we changed the wording in the bill that said if there is that potential to cause serious harm, we do not have to actually show that harm has been caused, then the agency could decide that the civil penalty would continue to apply in that circumstance.

So as author of the bill and author of that amendment, I would say it is certainly my intention that that type of regulation would continue to be subject to a fine where there is a potential for serious harm to the public, including our fire fighters.

Mr. HOYER. Mr. Chairman, I appreciate two things, I suppose. First of all, I appreciate the fact that the gentleman recognizes that we are raising a legitimate concern, which I think is the import of the gentleman's comments and subsequent actions; and secondly, that he has taken action which he believes will ameliorate the fears that we have, or perhaps not eliminate, but certainly ameliorate.

The problem, I say to my friend, the gentleman from Indiana, is that if we give to businesses, and although we call them small businesses, in this case it is up to 1,500, I believe, employees.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

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

Mr. HOYER. Mr. Chairman, these can be businesses which do in fact have very significant risk factors attendant to their production or attendant to storage on-site of Hazmat material.

I am still concerned, even in light of the gentleman's amendment, which I think is a step in the right direction, that perhaps we have not gone far enough if they believe that they can nevertheless say that, well, we did not think it was a risk, and therefore we did not meet the letter of the request, either of the local, State, or Federal legislation.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, let me assure the gentleman that in this particular area, we will continue to work to make sure the legislative history is clear that that type of potential serious harm to the public and fire fighters will be taken care of.

Mr. HOYER. I appreciate the gentleman's observation. We will look forward to working with him.

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

Mr. Chairman, I think the intended purpose of the legislation before us is quite laudable. Although I have yet to hear any real cogent arguments against the amendment pending before the House, we are told by the author of the bill that it is going to gut the bill.

I do not think that is sufficient enough for any of us in this Chamber to not support the amendment before us, which I think is a reasonable correction to the bill, because in its current form I do not think the bill is passable. One can only look to last session, where early on in the session the House passed the legislation, it went over to the Senate, and they did not even take the time to take it up and debate it, even though there was a Senate counterpart also introduced in the Senate.

If in fact the authors of the legislation are serious about getting this bill signed into law, I think it is imperative that they work with not only this side of the aisle but the gentleman from Ohio (Mr. KUCINICH) to see if there is some kind of accommodation that can be had to address some serious flaws in the legislation.

We have heard from the gentleman from Maryland (Mr. HOYER) about a problem that is contained, should this bill become law. We have heard from the gentleman from California (Mr. WAXMAN) about nursing home regulations. We have heard about various other problems that could arise, and know full well that there is a reason this government asks business people,

large and small, to submit the various filings.

Let me point out that years back I was a small business person, also. We had between eight and 12 employees in the business. As I look at that stack of paper that is bounced around all the time, I cannot for the life of me figure out what filings the gentleman from Indiana is talking about, because we covered our employees with workmans comp, unemployment comp, we filed the FICA tax, we filed the quarterly Federal income tax, the State, and never did I see all those forms. So unless in the past few years those forms have multiplied like rabbits, I think that stack of paper, at least with this Member, is to be questioned.

Nevertheless, if the gentleman is serious about passing this legislation, let us look seriously at the Kucinich amendment.

The Labor Department requires every employer once a year to file a form 5500. The form itself indicates what the health of the pension plan for the employer is, whether or not there may be actual contributions on behalf of the employee. Under this legislation, an employer would not have to file that, regardless that it is important, in a timely manner.

Nevertheless, the reason for having that filed once a year is to let all the employees know whether or not that employer has submitted those funds into the various pension plans, be they 401(k) or whatever they might be.

We had a situation recently in my district where a company by the name of Louis Allis that subsequently went bankrupt, but prior to that withheld the contributions for the employees for their 401(k) plan, but never submitted them on to the plan managers. The effect of that was that the employees of that particular company have lost out on about $200,000 of contributions the employer should have made.

Again, the reason for the law and for the form to be filed is to let the employees know that those dollars have been deposited in their name in their accounts. So I think all of us have a particular problem that can be cited with the bill as originally introduced.

I think the Kucinich amendment would provide some reasonable relief from those problems ever occurring, yet give the small business people in the country some relief from the paperwork and from forfeitures where basically the error on the employer's part was just an oversight.

Again, I have a story on that side of the equation also, wherein a hotel owner in my district was fined by OSHA because on the closet door he did not post the chemicals that were contained inside, even though the chemicals were basically household chemicals. Under the bill and under the Kucinich amendment, that particular employer, that business owner, would get relief.

So what the bill tries to do in one fell swoop, in one-size-fits-all, which that side always accuses Democrats of attempting to do, but under their one-size-fits-all plan, I think they have some very unintended purposes. Again, if the authors of the legislation really want to see this bill become law, I think we should look at the Kucinich amendment.

I ask the Members on both sides of the aisle to give the amendment support when it comes to a vote.

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

Mr. KLECZKA. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, the gentleman asked a very good question, what are some of the forms.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KLECZKA) has expired.

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

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

Mr. KLECZKA. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, I will just briefly list some of these forms: the insurance information for COBRA; EEO form 1, listing race and gender of all of the employees; the EEOC employee evaluation, to document for them on that; the EEOC——

Mr. KLECZKA. Mr. Chairman, let me reclaim my time and ask the gentleman, are all those filings the initial filing upon hiring the employee, or is that the filings an employer would go through after an employee has been with him or her for a period of years?

Mr. MCINTOSH. These are for a new employee. Some of them are asking the employee when they join the firm to sign, and then it is basically information when they quit, like the COBRA, health insurance coverage that they would be eligible for. But this is for when you hire a new employee. Mr. Chairman, I will submit the full list for the RECORD.

GROUPS KEY VOTING KUCINCH AMENDMENT

National Federation of Independent Business;
National Restaurant Association;
Small Business Survival Committee; and
United States Chamber of Commerce.

GROUPS SUPPORTING SMALL BUSINESS PAPERWORK REDUCTION ACT

Academy of General Dentistry;
Agricultural Retailers Association;
American Electroplaters and Surface Finishers Society;
American Farm Bureau Federation;
American Feed Industry Association;
American Health Care Association;
Associated Builders and Contractors, Inc.
Chemical Producers & Distributors Association;
Food Marketing Institute;
Institute of Scrap Recycling Industries, Inc.;
IPC—Association Connecting Electronic Industries;
Metal Finishing Suppliers Association;
National Association of Convenience Stores;
National Association of Metal Finishers;
National Association of Plumbing-Heating-Cooling Contractors;
National Association for the Self-Employed;
National Automobile Dealers Association;
National Federation of Independent Business;
National Grange;
National Grain Sorghum Producers;
National Grocers Association;
National Paint and Coatings Association;
National Pest Control Association, Inc.;
National Restaurant Association;
National Retail Federation;
National Roofing Contractors Association;
National Small Business United;
National Tooling and Machining Association;
Painting and Decorating Contractors of America;
Printing Industries of America;
Small Business Coalition for Regulatory Relief;
Small Business Legislative Council;
Society of American Florists;
United Egg Association;
United Egg Producers; and the
U.S. Chamber of Commerce.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, February 9, 1999.

Hon. DAVID MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCINTOSH: This is in reply to your request for the Office of Advocacy's comments on H.R. 391, the ''Small Business Paperwork Reduction Act Amendments of 1999.'' While I have not had an opportunity to review the recently issued committee report in detail, I believe this bill will benefit small businesses nationwide. I understand that the current bill is essentially the same as the one on which I testified last year (H.R. 3310).

In my testimony before the subcommittee on March 5, 1998, I stated that paperwork and reporting requirements remain a major problem for small businesses that are confronted with requirements to complete a myriad of reports mandated by government. Enclosed is a copy of that testimony.

The issues I spoke of then have not gone away. Small businesses remain flooded by a sea of paperwork and reporting requirements. While it is true that there are existing statutes and regulations that address paperwork concerns, these measures are not enough.

This bill ensures that a single agency will be responsible for compiling an inventory of all reporting and record-keeping requirements. This compilation will provide significant insights into paperwork burdens overall. The legislative proposal also creates a task force to study the feasibility of streamlining information collection from small business. The inventory will be an invaluable resource for the task force.

The 1995 White House Conference on Small Business specifically included a recommendation that the Federal government publish an inventory of all small business paperwork requirements. H.R. 391 essentially implements this recommendation and would achieve two purposes. First, small businesses would be able to find, in one place, a compilation of paperwork and reporting requirements. Second, policymakers, both inside and outside the Federal government, would have the opportunity to review this inventory, and make informed decisions about eliminating duplicative and unnecessary mandates. The ''gas station'' rule that I cited last year, requiring gas stations to report that they do, in fact, store gasoline, probably would not have remained in effect as long as eleven years with a centralized inventory and a task force to examine the need

and usefulness of the reports. (A final rule virtually eliminating all gas stations from filing reports was published last week by EPA.) The inventory might also help guide decision makers as to the advisability of imposing new mandates.

Compliance with the Paperwork Reduction Act would be significantly enhanced by the availability of such an inventory. I strongly support this provision of the bill.

The White House Conference also recommended that agencies not assess civil penalties for first time, violators, where the violation is cured within a reasonable time. This bill adopts that approach for paperwork violations that do not involve serious health and safety risks, and where compliance is achieved within a reasonable time. I, too, support this approach.

Small businesses generally want to comply with the law, but are inundated with these requirements. In some cases, violations occur not because small businesses are ignoring the law, but simply are unaware that such requirements exist. As always, there are a few out there that will try to take advantage of the law. I believe section 2(b) leaves enough discretion to allow agencies to punish those ''bad apples.''

I am pleased to offer my support for the conceptual underpinnings of the proposed legislation, and I look forward to working with you and the Subcommittee.

Sincerely,

JERE W. GLOVER,
Chief Counsel for Advocacy.

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

Mr. Chairman, I rise simply in support of the Kucinich amendment. For the life of me, having listened to this entire debate on the amendment, I have not heard any real justification from the other side as to why they would not try to correct this bill and improve this bill by agreeing to accept the terms of the Kucinich amendment.

I have listened for some time here. What we are talking about on one side is an alleged reduction of paperwork. I repeat what I said earlier in talking about the bill, that the bill would not reduce one single piece of paperwork. The real crux of this addresses the issue that when someone fails to file a piece of paperwork that speaks to the health and safety, what action would be taken.

We all agree there should be some leeway for people who make innocent misfilings or failings to file. That is why the Kucinich amendment talks about the agency being able to look at the nature or seriousness of the alleged violation, whether or not there were good faith efforts to comply and other relevant factors, and in those instances where it is appropriate, to waive it; but not a carte blanche waiver, which in effect is a disincentive for some bad actors to not file papers.

We are talking about a business community that by and large is full of good actors. We all understand that. But regulations are for the bad actors, and to make sure they do not do that, and there is no reason not to put in the Kucinich amendment language so that the bad actors are not encouraged not to file on issues where safety and health are very important.

We have also heard a lot of discussion about the fact that this might be some sort of a partisan effort. I do not think that is the case at all. I think the evidence for that lies in who are the groups that support the Kucinich amendment, and make a point that they are very interested in health and safety.

We talked about the fire fighters. The International Association of Arson Investigators, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, all under the category of fire fighters, believe that the Kucinich amendment is necessary.

□ 1315

Senior citizens: The National Citizens Coalition for Nursing Home Reform and the National Council of Senior Citizens believe the Kucinich amendment is necessary.

Under the category of health: The Alliance to End Childhood Lead Poisoning, the American Lung Association, the American Public Health Association, the National Breast Cancer Coalition, the Physicians for Social Responsibility all understand that we could have a situation where waivers are made only in the right and proper conditions.

In the consumer category: Coalition for Consumer Rights, Consumers Union, Consumers Federation of America, the Institute for Agricultural and Trade Policy, Safe Food Coalition.

And public interest groups: The Center for Science in the Public Interest, the Government Accountability Project, the League of Women Voters, the National Partnership for Women and Families, OMB Watch, Public Citizen, U.S. PIRG.

Returning to the state attorneys general: The States of California, New York and Vermont.

Other State and local officials, including the California District Attorneys Association.

And environmental interest groups: The American Oceans Campaign, the Environmental Defense Fund, the Friends of the Earth, the League of Conservation Voters, National Environmental Trust, National Resources Defense Council, the Sierra Club, the Wilderness Society.

Mr. Chairman, I suggest all of these groups cannot be wrong; that there has to be some semblance of reasonableness in their position that the Kucinich amendment makes sense. And again I say, I heard no reason why the opposition does not stand up, take this bill off the floor and work with the gentleman from Ohio (Mr. KUCINICH), work with other Members on this side of the aisle and the other side of the aisle who understand the seriousness of giving carte blanche waivers to bad actors and, instead, giving it a process that allows the proper actors to get the waivers they deserve, under the proper criteria being applied, and still insist that the right paperwork for safety and health reasons be filed, and that those that willingly misfile or do not file receive the action they should receive.

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

Mr. TIERNEY. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, as a member of the committee, I certainly join with Mr. MCINTOSH and others in echoing what the gentleman from Maryland (Mr. HOYER) and others have said, and certainly the gentleman from Ohio (Mr. KUCINICH), in supporting paperwork reduction and making it possible for businesses to operate in a competitive way without onerous regulations. Nonetheless, I cannot help but wonder how so many organizations could be wrong in their assessment of this legislation, which is why I support the Kucinich amendment so forcefully.

I would just quote from two attorney generals, which was really the turning point for me and I hope for some of my colleagues on the other side. The Attorney General of the State of California, in regards to the McIntosh legislation, says, ''In fact, the effect of the legislation would deprive States and local authorities of the ability to regulate matters which present potential harm to the public for violation of local laws, even in situations where the violator may act with the knowledge of and intent to evade local laws and regulations.''

I think that my colleague, the gentleman from California (Mr. WAXMAN), said it best when he talked about putting businesses in an unfair advantage, particularly those who seek to comply with the law, in allowing those who know the law to intentionally evade the law knowing they will not be penalized.

I am hopeful we can find some agreement. On a personal note, this committee has certainly been riddled with a lot of divisions along partisan lines. Hopefully, this is one time we can come together and help bring this House together on this important piece of legislation. I would ask for Members to support the Kucinich amendment and do the right thing.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

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

RECORDED VOTE

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 10, as follows:

[Roll No. 19]

AYES—210

Abercrombie	Andrews	Baldwin
Ackerman	Baird	Barcia
Allen	Baldacci	Barrett (WI)

Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Buyer
Gejdenson
Herger
Hyde
Kolbe
Lantos
Lofgren
Maloney (NY)
Rush

□ 1337

Messrs. MCHUGH, HEFLEY, EWING, BARRETT of Nebraska and Mrs. CUBIN changed their vote from ''aye'' to ''no.''

Mr. BECERRA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GUTKNECHT, 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. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, pursuant to House Resolution 42, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is 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. KUCINICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 151, not voting 8, as follows:

[Roll No. 20]

AYES—274

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions

Shadegg	Stump	Walden
Shaw	Sununu	Walsh
Sherwood	Sweeney	Wamp
Shimkus	Talent	Watkins
Shows	Tancredo	Watts (OK)
Shuster	Tanner	Weldon (FL)
Simpson	Tauscher	Weldon (PA)
Sisisky	Tauzin	Weller
Skeen	Taylor (MS)	Weygand
Skelton	Taylor (NC)	Whitfield
Smith (MI)	Terry	Wicker
Smith (TX)	Thomas	Wilson
Smith (WA)	Thornberry	Wise
Souder	Thune	Wolf
Spence	Tiahrt	Wu
Spratt	Toomey	Young (AK)
Stabenow	Traficant	Young (FL)
Stearns	Turner	
Stenholm	Upton	

NOES—151

Abercrombie	Gonzalez	Neal
Ackerman	Green (TX)	Oberstar
Allen	Gutierrez	Obey
Andrews	Hastings (FL)	Olver
Baird	Hilliard	Ortiz
Baldacci	Hinchey	Owens
Baldwin	Hoeffel	Pallone
Barrett (WI)	Holt	Pascrell
Becerra	Hooley	Pastor
Bentsen	Hoyer	Payne
Berman	Inslee	Pelosi
Blagojevich	Jackson (IL)	Phelps
Blumenauer	Jackson-Lee (TX)	Quinn
Boehlert	Jefferson	Rahall
Bonior	Johnson, E. B.	Rangel
Borski	Kanjorski	Reyes
Boucher	Kennedy	Rodriguez
Brady (PA)	Kildee	Ros-Lehtinen
Brown (CA)	Kilpatrick	Rothman
Brown (FL)	Kleczka	Roybal-Allard
Brown (OH)	Klink	Sabo
Campbell	Kucinich	Sanders
Capuano	LaFalce	Sawyer
Carson	Lampson	Schakowsky
Clay	Larson	Scott
Clayton	Lee	Serrano
Clyburn	Levin	Shays
Conyers	Lewis (GA)	Sherman
Costello	Lipinski	Slaughter
Coyne	Lowey	Smith (NJ)
Crowley	Maloney (CT)	Snyder
Cummings	Markey	Stark
Davis (IL)	Martinez	Strickland
DeFazio	Mascara	Stupak
DeGette	Matsui	Thompson (CA)
DeLauro	McDermott	Thompson (MS)
Deutsch	McGovern	Thurman
Dicks	McKinney	Tierney
Dingell	McNulty	Towns
Dixon	Meehan	Udall (CO)
Doggett	Meek (FL)	Udall (NM)
Engel	Meeks (NY)	Velazquez
Eshoo	Menendez	Vento
Evans	Millender-McDonald	Visclosky
Farr	Miller, George	Waters
Fattah	Mink	Watt (NC)
Filner	Moakley	Waxman
Ford	Morella	Weiner
Frank (MA)	Nadler	Wexler
Gejdenson	Oberstar	Woolsey
Gephardt	Obey	Wynn

NOT VOTING—8

Brady (TX)	Kolbe	Maloney (NY)
Buyer	Lantos	Rush
Hyde	Lofgren	

□ 1356

Mr. NEAL of Massachusetts and Mr. STUPAK changed their 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.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100–19)

The SPEAKER pro tempore (Mr. LAHOOD) 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 Ways and Means and ordered to be printed:

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia was not in violation of the freedom of emigration criteria of sections 402(a) and 409(a) of the Trade Act of 1974, as amended. This action allowed for the continuation of normal trade relations status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. The report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 11, 1999.*

GENERAL LEAVE

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 391, the bill just passed.

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

There was no objection.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 44 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President. 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 the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. 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.

□ 1400

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Texas (Mr. SESSIONS) is recognized for one hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 44 is an open rule providing for consideration of H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999, a bill that will build on the success of the CFO, Chief Financial Officers Act of 1990, by providing a CFO in the Executive Office of the President of the United States.

H. Res. 44 is an open rule, providing one hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Government Reform. The rule provides that the bill will be for consideration as read. Members who have preprinted their amendments in the record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules.

The rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15 minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this legislation builds on the legislation the House passed just this week, the Mandates Information Act, by making the Federal Government more accountable. Additionally, it is one more example of a common theme in this Republican Congress, making the Federal Government accountable to the American people.

As an original cosponsor and advocate of the identical legislation, H.R. 1962, that passed the House 413 to 3 in the 105th Congress, I am pleased that the Presidential and Executive Financial Accountability Act is before us

today. The other body was unable to take up this important legislation in the last Congress.

This legislation brings the agencies of the Executive Office of the President under the requirements of the Chief Financial Officers, or CFO, Act. The CFO Act was inspired by the realization that billions of dollars was lost through waste, fraud and abuse in the Federal Government each year.

As chairman of the Results Caucus, a bipartisan team of Members focused on ridding our Federal Government of its major management problems, I have seen report after report which has focused on insufficient and inefficient financial management systems that fail to produce consistent and reliable data.

In fact, the General Accounting Office in a report issued in January of this year gave details about the Department of Defense's accounting system. It reported that ''over $9 billion in known military operating materials and supplies were not reported.'' That same Defense Department did not have reliable information on important items of inventory, including ''the number and location of military equipment items, such as F–4 engines and service craft.''

The CFO Act was designed to improve financial management and to coordinate internal controls and financial accounting. Chief Financial Officers oversee all financial management activities in their agencies and report directly to the head of an agency on financial matters. It certainly is clear that such practices are needed in the White House.

This legislation fixes an oversight in the original CFO Act. Unfortunately, the original act never applied to the Executive Office of the President. H.R. 437, the Presidential and Executive Office Accountability Act of 1999, will do so in a way that recognizes that unique circumstances of that office exist. It will establish a chief financial officer in the executive offices of the President, and will review and audit the White House's financial systems and its records. The CFO duties are to comply with those requirements set forth in the CFO Act, but is limited by discretion of the President.

When the annual fiscal report on the Federal Government was recently released, the government accounting office told us that ''significant financial system weaknesses, problems with fundamental record keeping, incomplete documentation and weak internal controls, including computer reports, prevent the government from accurately reporting a large portion of its assets, liabilities and costs.''

In other words, this administration cannot tell you how much money it receives, how much money it spends and what it spends its money on, what property it owns, where that property goes, or how much that property is worth. There is no evidence that the executive offices at the White House are any different from those reports that have been issued already.

Passage of this bill is another signal to the taxpayers that we will ferret out waste, fraud and abuse wherever it is found. Once again, the White House is not immune to this, and, thus, is no different than any other agency.

Mismanagement is found throughout the Executive Branch also. Investigation after investigation has turned over evidence of waste, fraud and abuse. The White House Travel Office, the White House Communications Agency, the FBI files matter, are all evidence that the White House needs its own watchdog. This legislation puts us on the right track.

I urge my colleagues to pass this fair, open rule and the underlying legislation.

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

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

Mr. Speaker, H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999, is identical to a bill passed by the House in the 105th Congress under suspension of the rules by a roll call vote of 413 to 3. The Senate failed to act on this legislation in the last Congress, and so the House is again considering this proposal.

Mr. Speaker, H.R. 437 will be considered under an open rule, but, because there was no opposition to the bill when the Committee on Rules held its hearing Tuesday, it is unlikely there will be any substantive amendments offered to it.

The bill requires the President to appoint or designate a chief financial officer in the Executive Office of the President in order that financial management practices in the Office of the President might be brought into conformity with the practices in the 24 cabinet departments or major agencies that have been in place since the passage of the Chief Financial Officers Act of 1990 and the Government Management Reform Act of 1994.

Mr. Speaker, I know of no opposition to this legislation or to this rule.

Mr. Speaker, I reserve balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise in support of the rule for H.R. 437, the Presidential and Executive Office Financial Accountability Act. I commend the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY), on this fair and open rule. I am pleased that Members have the opportunity to amend the bill at any point, and I urge my colleagues to support this resolution.

As the Vice Chair of the Committee on Government Technology, I am committed to the sound management of our Nation's government. This year the subcommittee has an ambitious agenda of hearings and legislation designed to make government more efficient. As an original cosponsor of the Executive Office Financial Accountability Act, I am pleased that the House has affirmed the importance of the subcommittee's work and that it will consider this act as one of its first orders of business.

Mr. Speaker, every CEO in corporate America, every director of a large nonfor profit institution, even the leaders of our Nation's churches and synagogues, rely on one key individual within their organization, the chief financial officer.

Why do all of these leaders rely upon the CFO? It is to protect the resources of their shareholders, their donors, their congregations. It is to guard against mismanagement and inefficiencies, waste, fraud and abuse. It is to ensure that there is in place the sound fiscal management and strict internal controls that allow their organizations to run smoothly and achieve their goals.

Nine years ago this body voted to give the CEOs of our major Executive Branch agencies the same important resource that America's CEOs have enjoyed and relied upon for decades, the chief financial officer. In the nine years since our agencies created these offices, billions of dollars in taxpayer dollars have been saved through more efficient management practices and the ferreting out of waste, fraud and abuse.

Yet, today, some of our Nation's most important government business is handled in offices that lack this key resource, the office of the U.S. Trade Representative, the Office of Drug Control Policy, OMB, the White House Office, National Security Council and seven others.

Mr. Speaker, the nature of the work of these executive offices is no less deserving of these important financial safeguards and efficiencies than our other Executive Branch agencies. In fact, with a budget of more than $246 million this year, the Executive Office of the President would rank among the top 200 companies in the Chicago area.

Let us give to the CEO of our Nation's highest office, the President, the same important resource enjoyed by all the other CEOs in America. Let us ensure that taxpayer dollars are guarded from waste, mismanagement and inefficiencies in all areas, in all offices of government.

I urge my colleagues to support the bill sponsored by the gentleman from California (Mr. HORN), which will extend the CFO act to the Office of the President. In addition, I hope all Members will support this open rule.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. Speaker, I rise to extend congratulations to my friend from Dallas for the very, very hard work he has put

into the product that we are seeing here. I say that not because of his work on the Committee on Rules, but because he formerly served as a member of the Committee on Government Reform and Oversight and has been very, very involved in many of these key issues which were designed to increase accountability and ensure that we streamline operations so that we can deal with the taxpayer dollar in the most effective way.

The prospect of establishing a chief financial officer to look at the litany of questions that are there is the right thing to do.

When I think of the beginning that the gentleman from Texas (Mr. SESSIONS) has launched here as a member of the Committee on Rules in managing his first rule on the floor, I know it is an indication of the fine work to come, because it has been evidenced in the work he has done on so many other committees in the past.

□ 1415

So I appreciate his fine leadership here, and I strongly support the rule, and I urge my colleagues to join in a bipartisan way in supporting both the rule and the underlying legislation.

Mr. SESSIONS. 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. SESSIONS). Pursuant to House Resolution 44 and rule XVIII, 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. 437.

□ 1418

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. 437) to provide for a Chief Financial Officer in the Executive Office of the President, with Mr. CALVERT 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 California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, for purposes of debate, I will be yielding myself and others particular time to speak on this issue, and at this time I yield myself such time as I may consume.

Mr. Chairman, during a speech in Ashland, Kentucky in March of 1829, the distinguished former Speaker of this House, Henry Clay said, ''Government is a trust, and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people.'' If the government is created for the benefit of the people, as Clay so eloquently argued, the government must be accountable to the people.

The Constitution of the United States recognizes the need for accountability in its Federal Government. It is in the spirit of this concept that the framers of the Constitution formulated a three-branch, separation of powers form of government, instilled with a system of checks and balances. The nature of oversight, which is to monitor, review, supervise, or investigate executive activities, was implied in the Constitution rather than explicitly enumerated. In ''Congress Investigates: 1792–1794,'' historian Arthur M. Schlesinger, Jr., noted, ''expressed authority to conduct investigations and compel testimony was not considered necessary to make an explicit grant of authority, because the power to make the laws implied the power to see whether they were faithfully executed.''

Congress oversees the executive branch by reviewing, monitoring and supervising the implementation of public policy. Early Congresses developed their oversight by using techniques such as special investigations, reporting requirements, and resolutions of inquiry. Public laws and congressional rules have enhanced Congress' implied power under the Constitution to conduct such an oversight.

It was not until the Legislative Reorganization Act of 1946, the so-called La Follette-Monroney Act, that oversight was given explicit recognition by statute. That Act required Senate and House committees to exercise ''continuous watchfulness'' over programs and agencies within their jurisdiction. The House Committee on Government Operations, which grew out of that act, the predecessor of the present Committee on Government Reform and Oversight, was given an explicit oversight mandate in connection with its broad jurisdiction.

The creation of the Committee on Government Reform and Oversight stemmed from the concept that the Federal Government must be financially accountable to the taxpayer by verifying the way in which government spends taxpayers' monies. The Committee on Government Reform and Oversight has existed in many forms since the earliest days of the Republic.

We have had dozens of committees on executive expenditures, and under the Budget and Accounting Act of 1921, it was made very clear that the President at last would have a unified budget to send to the Congress, and an office then known as the Bureau of the Budget to help him design that budget. That office is now the Office of Management and Budget, OMB.

But another interesting thing happened in 1921, and that was the development of the General Accounting Office in the legislative branch, headed by a Comptroller General of the United States with a 15-year term, the emphasis being on the fiscal accounting primarily of the executive branch.

With the 1946 act, the La Follette-Monroney bill, program review also came under the purview of the General Accounting Office. So chief financial officers, in essence the idea has gone back 200 years, that the legislative branch wants to make sure that the leadership of the executive branch have the tools that will help them administer the laws and faithfully see that they are carried out.

It has been stated that the bipartisan Chief Financial Officer Act of 1990 was one of the most important legislative efforts in the last half century, and has gone very far in improving the government's fiduciary accountability. After several years of oversight and legislative hearings, Congress passed and the President signed the bill into law on November 15, 1990. This act sought to improve financial management practices by creating a new leadership structure for Federal financial management.

The Act created, among other things, two new positions within the Office of Management and Budget: a chief financial officer and a deputy chief financial officer of the Federal Government, the executive branch. It also instituted chief financial officers in each of the major cabinet departments and independent agencies. The Act was intended to improve agency accounting and financial management, to assure reliable financial information, and to deter waste, fraud and abuse of government resources.

Since passage of the Chief Financial Officer Act, other congressional initiatives have attempted to bring the major Federal departments and agencies into compliance with existing Federal financial management laws. The Government Management Reform Act of 1994 established a requirement for department and agency heads to submit to the Office of Management and Budget audited financial statements. In addition, the Act established a mandate for the department and agency heads to submit to the President and Congress an audited financial statement covering all Federal executive branch agencies for the preceding year.

That bipartisan legislation gave the executive branch five years in order to give us a balance sheet, and progress is slowly being made. But once we get the systems there, we can use the comptrollership and the financial officer function to assure that deterrence is made to any that would abuse the fiscal resources of the taxpayer as budgeted by Congress to the executive branch.

The Chief Financial Officer Act and those initiatives have incorporated concepts developed over 50 years to improve the Federal Government's financial management. The Federal Government must perform its financial management practices in a more businesslike manner, we all know that, using

financial practices that have proved successful in the private sector, in the nonprofit sector, in universities, in any organized human entity. Obtaining better control of government spending will restore public confidence. It will also serve to eliminate the unacceptable costs associated with waste, fraud, abuse and mismanagement that are prevalent in many types of government spending, and with money that would be better used in helping people in programs that have been created by the President and by the Congress.

Those who administer Federal departments and agencies must be accountable to the citizens and taxpayers of the Nation for their financial management. This right and proper notion should be no less true for the executive office of the President. In that spirit today, we are proposing to extend application of the Chief Financial Officer Act of 1990 to the Executive Office of the President.

The Executive Office of the President is a collection of various agencies, most of which seek to advise the President and help him in the management role that he has as the chief executive of the United States in charge of the executive branch of government. Under President Franklin Roosevelt's Executive Order 8248 of September 8, 1939, divisions within the executive office and functions were designed and defined and established by that order. A variety of agencies were transferred to the Executive Office of the President by President Roosevelt's Reorganization Plans I and II of 1939. After that, often by statute or other Presidents.

The executive office currently now consists of the Executive Residence, the White House; the Council of Economic Advisors, which was authorized under President Truman; the Council on Environmental Quality; the National Security Council, another major agency authorized during the Truman administration; as well as the Offices of the Vice President; Office of Administration, to try to bring some order out of the functions within the Executive Office of the President; and of course the very powerful Office of Management and Budget, OMB, the descendent of the Bureau of the Budget that started out in the Treasury in 1921, until President Roosevelt reorganized it and put it in this executive office. Also, the National Drug Control Policy. Then there is the Office of Policy Development, the Science and Technology Policy that goes back to President Eisenhower; and the United States Trade Representative, a key position to coordinate other cabinet officials in terms of America's global economy and trade.

Over the years, in both Democratic and Republican administrations, there have been some egregious examples of financial waste and abuse in the Executive Office of the President due to poor accounting controls. For example, a chief financial officer might have uncovered and corrected the unorthodox accounting practices that prevailed in the White House Travel Office. That was not a partisan situation; that was a bipartisan Travel Office that did not have the kinds of financial safeguards they should have had in many areas. A chief financial officer would have provided the Travel Office managers with the guidance and the expertise that they sorely needed, but they never received.

Similar to the chief financial officers in 24 Federal departments and agencies, a chief financial officer in the Executive Office of the President would enhance accountability and ensure fiscal responsibility throughout the Executive Office of the President. H.R. 347, the Presidential and Executive Office Financial Accountability Act of 1999, will accomplish this goal. Specifically, the bill would ensure that the Executive Office of the President complies with The Chief Financial Officers Act.

H.R. 437 stems from the Presidential and Executive Office Accountability Act of 1996, which passed the House by an overwhelming margin of 410 to 5 in the 104th Congress. The purpose of that act was to apply Federal workplace laws to the Executive Office of the President. Unfortunately, with little time remaining in the 104th Congress, several provisions of the House-approved bill, including the provision to apply the Chief Financial Officer Act to the Executive Office of the President, were removed prior to passage in the Senate.

In the 105th Congress, the Committee on Government Reform and Oversight's Subcommittee on Government Management, Information and Technology held a hearing on the proposal before us on May 1, 1997. The witnesses featured the gentleman from Florida (Mr. Mica), the author of the Presidential and Executive Office Accountability Act of 1996, Edward J. Mazur, and Cornelius E. Tierney. Mr. Mazur was Vice President of Administration and Finance at Virginia State University, former Controller, Office of Federal Financial Management, part of OMB.

□ 1430

He was the first controller to be appointed pursuant to the Chief Financial Officers Act, and oversaw its implementation in executive branch agencies. Mr. TIERNEY was director, Center for the Public Financial Management, George Washington University School of Business and Public Management. Mr. TIERNEY was instrumental in drafting the Chief Financial Officers Act and in guiding its subsequent implementation.

The bill before the House today, H.R. 437, is identical to the legislation passed by this House in the 105th Congress, then known as H.R. 1962. The Committee on Government Reform and Oversight completed its consideration of H.R. 1962 on September 30, 1997. The House of Representatives passed the measure by a vote of 413 to 3.

On February 2, 1999, 1½ weeks ago, I introduced the identical legislation, now known as H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999. The bill was considered by the Committee on Government Reform on February 3, 1999, and subsequently passed unanimously by voice vote.

This measure places the agencies of the Executive Office of the President, to the fullest extent practicable, within the framework of the Chief Financial Officers Act. But in deference to the President, it is designed not simply to establish a position of chief financial officer within the Executive Office of the President, but it also gives the President the power to appoint or designate a chief financial officer who must meet the qualifications stipulated in the act of 1990.

For example, the individual must possess a demonstrated ability and knowledge of general financial management and extensive practical experience in financial management practices at large governmental or business entities.

The bill also provides that the chief financial officer in the Executive Office of the President shall have the same authority and functions that are required of chief financial officers under that act. The President shall grant this authority to the extent the President determines it is appropriate in the interests of the United States.

In recognition of the decentralized structure of the Executive Office of the President and the separation of powers, and the respect for the presidency, since the unique functions that are performed in agencies by CFOs would not necessarily be performed in the Executive Office of the President, H.R. 437 anticipates that some exemptions may be necessary, and the President would have a right to make those exemptions.

In fact, the bill provides considerable discretion for the President to exempt the new chief financial officer from a number of the responsibilities stipulated in the Chief Financial Officers Act.

Notwithstanding such possible exemptions, the bill requires that the chief financial officer in the Executive Office of the President shall perform, to the extent practicable, the general functions and duties established under the CFO Act.

The chief financial officer would oversee financial personnel, would report directly to the head of the agency regarding financial matters, and in extending the CFO Act to the Executive Office of the President the bill provides that the President, at his discretion, may designate an employee as the ''head of the agency'' for purposes of complying with the reporting provision of the CFO Act.

The chief financial officer would be required to develop and maintain an integrated agency accounting and financial management system, which would include financial reports and strengthened internal controls. The chief financial officer would direct and manage

the preparation of audited financial statements and the development of all executive office budgets.

Other responsibilities would include monitoring the financial execution of the budget in relation to the actual expenditures and the submission of timely performance reports. In addition, the chief financial officer must review on a biennial basis fees, royalties, rents, and other charges that might be imposed by an agency for services it provides. When necessary, the chief financial officer is required to make recommendations on revising those charges to reflect the actual costs incurred.

H.R. 437 requires the President to notify Congress of any provision of the CFO Act that the President deems inapplicable to the chief financial officer in the Executive Office of the President. Within 90 days of enactment, the President is required to communicate to the chairman of the House Committee on Government Reform and the Senate Committee on Governmental Affairs a plan for the implementation of H.R. 437.

Within 180 days of enactment, the President is required to appoint or to designate a chief financial officer under the provisions of the bill. The bill provides that the President may transfer offices, functions, powers, and duties, while promulgating the proposal.

The intent of this legislation is to foster improved systems of accounting and financial management throughout the components of the Executive Office of the President. This should facilitate prevention, or at least early detection, of waste and abuse within the Executive Office of the President. Implementation of these provisions will promote better accountability and proper fiscal management, which will provide greater efficiency and cost reductions.

H.R. 437, the Presidential Executive Office Financial Accountability Act of 1999, is an important step forward toward ensuring confidence in the ability of the Executive Office of the President to conduct its financial affairs in a responsible manner.

I urge all of my colleagues to support the important reform that was adopted last year, as I noted earlier, with only three opposing it. I would hope, if a rollcall is sought, that we would have the same outcome this year.

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

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

First of all, Mr. Chairman, I want to thank the gentleman from California (Mr. HORN) for his hard work on this legislation. As he mentioned, this bill passed this Congress overwhelmingly in a bipartisan fashion last session. I want to say, as the new ranking Democratic member of the Subcommittee on Government Management, Information, and Technology, that it has been a pleasure to work with the gentleman from California (Mr. HORN). He conducts his committee in a bipartisan way, and we have come up here with a piece of legislation that will have overwhelming support from both sides of the aisle. I thank him for that.

H.R. 437 was reported out of our committee just last week, as the gentleman from California (Mr. HORN) mentioned. The White House has been consulted regarding this legislation, and I appreciate the efforts of the gentleman from California (Mr. HORN) in that regard.

This bill is called the Presidential and Executive Office Financial Accountability Act. Its major component is that it requires the appointment of a chief financial officer in the White House. It would mandate that this chief financial officer in the White House comply with all the provisions of the Chief Financial Officers Act that was passed in 1990. But it does give the President significant discretion in implementing the act to meet the unique needs of the executive office.

This bill, as I said, is an expansion of an existing law which was noted to be landmark legislation when it was passed in 1990. I am proud to say it was sponsored by the gentleman from Michigan (Mr. CONYERS), then the chairman of the Committee on Government Operations. This bill was passed in a bipartisan way in 1990, and it brought about needed improvements to the executive branch by requiring for the first time financial audits and sound management practices in all of our executive agencies. This legislation is widely credited with changing the way the Federal Government keeps track of all of its finances.

In addition to this landmark legislation passed in 1990, this Congress passed in 1994 the Government Management and Reform Act, another bipartisan piece of legislation which mandated that major Federal agencies conduct independent annual audits of their financial statements. The Government Management and Reform Act of 1994 grew out of Vice-President AL GORE's National Performance Review initiatives.

I was very pleased to see the Clinton administration and Vice President GORE initiate the National Performance Review because, as a former member of the Texas legislature, our State during that time provided the initial leadership for the idea of reinventing government, making it more accountable to the taxpayers.

In 1993 Vice President GORE was appointed to lead the National Performance Review. That effort has resulted in saving over $137 billion in taxpayer monies. It has reduced the Federal civilian work force by 351,000, creating for us the smallest Federal civilian work force as a percentage of the national work force since 1931. The National Performance Review has placed in our Federal agencies over 350 reinvention labs, where management and labor are working together to try to make government work more efficiently.

In the process of implementing the recommendations of the National Performance Review, we have eliminated over 16,000 pages of Federal regulations and we have rewritten and recodified an additional 31,000. In our Federal agencies we have created organizations, over 500 of them, that are attempting to make the Federal Government and its agencies more customer-friendly.

I am pleased that this legislation to create chief financial officers in all of our Federal Government was part of Vice President GORE's National Performance Review. Again, I commend the gentleman from California (Mr. HORN) for his leadership in expanding that act to cover the office of the President.

When we look at this legislation, what we see is that the Federal Government, in a bipartisan way, is attempting to make the Federal Government and its financial practices accountable to the taxpayers. The presence of a chief financial officer in our Federal agencies and the requirements of that act have dramatically improved the financial management practices throughout government.

We believe that a chief financial officer in the Executive Office of the President will continue that positive trend which has been established in our Federal Government. For this reason, we are pleased to join with the gentleman from California (Mr. HORN) in bipartisan support of H.R. 437.

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

Mr. HORN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to say that the gentleman from Texas (Mr. TURNER) and two of his predecessors have done an outstanding job on the Subcommittee on Government Management, Information, and Technology. I have been fortunate to have the gentlewoman from New York (Mrs. MALONEY), the gentleman from Ohio (Mr. KUCINICH), and now the gentleman from Texas (Mr. TURNER). We are all working together to try to bring order out of a very complicated executive branch that numerous presidents, regardless of party, regardless of ideology, have had difficulty managing.

What we try to work on and have done historically out of this committee is to get the type of functions and systems that would then provide leadership by whatever administration is in power so that the taxpayers could get the most for their money.

It is much like the creation of the city manager movement back in the 1920s. The question was not was it Democratic garbage or Republican garbage on the sidewalks, it was a matter of cleaning it up and getting the garbage out of the city and getting an efficient type of governance. That is exactly what we are about here, is a results-oriented type of government. The chief financial officers are absolutely integral parts of such a responsible government.

Mr. TURNER. Mr. Chairman, I yield 5 minutes to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman from California (Mr. HORN), whose committee I do not serve on, who is promoting this legislation. But we have the pleasure, I hope, of serving on the Committee on Science, and I want to commend him for his overwhelming interest and efficiency, and particularly his interest in technology.

I would like to thank the gentleman from Texas (Mr. TURNER) for his leadership as the ranking member, and rise to support this legislation and offer a few thoughts, if I might, to suggest that Congress does in fact have good ideas. It is very helpful when Congress can work in a bipartisan manner for efficient government, and to provide the government with the right kinds of tools in order for government to be both effective and efficient.

I am glad that the gentleman from California (Chairman HORN) emphasized that the CFO that might find its way into this Administration's White House is not an indictment or comment on the present administration, but in fact this legislation will provide for a chief financial officer for all of the executives to come, and that it is in fact a bipartisan approach, as was the Office of Management and Budget and as is the Congressional Budget Office. It is to make all of us more efficient.

I am reminded of Vice President GORE's leadership on reinventing government. In fact, I can say how proud I was to be part of the first effort to reward government agencies for their efficiency in that the U.S. General Store, located in my district, in the Eighteenth Congressional District, was one of the first to receive the hammer award, hammering out waste, fraud, and abuse.

So we must acknowledge when we are able to present legislation that can hammer out waste, fraud and abuse, and I hope that the chief financial officer, as it did pass overwhelmingly in the House the last time, will be rewarded with such a vote, but that it will be taken as a signal, again not of indictment, but of recognition as an asset and a tool to be more effective.

□ 1445

I cannot go to my seat, then, without acknowledging these waning moments of the impeachment process, and hopefully that this vote will signal that we in Congress, and as the administration has already been doing, are ready to roll up our sleeves and get back to work. So many in America have acknowledged that this very tragic period, delaying period in our history, has taken us away from the real business of efficient and effective government. We have been bogged down with accusations and charges and personal accusations. But now we are able to signal the call for coming together and work in a bipartisan manner.

I think this particular committee that deals with the oversight and technology, offering this legislation on efficiency is a fine signal to suggest to us that we must end this terrible process in our history, and we must cease and desist and move forward to heal this Nation and begin to work on issues dealing with Social Security and education and other vital issues.

For that let me thank the gentleman from California (Mr. HORN) and the ranking member for the time allotted to me. I certainly will be supportive of this efficient tool. I do think it is important that Americans realize that Congress does have good ideas and we can work in a bipartisan way with the hand of friendship extended across the aisle.

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

I believe that the gentleman from California (Mr. HORN) said that he had no further speakers, so I will close by simply saying that I appreciate again the gentleman's leadership on this legislation and his efforts to work in a bipartisan way; and I also want to thank the minority members of the committee who worked on this bill, the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from New York (Mr. OWENS), the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from New York (Mrs. MALONEY) for their efforts. I urge an ''aye'' vote for this legislation.

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 is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 437 is as follows:

H.R. 437

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 ''Presidential and Executive Office Financial Accountability Act of 1999''.

SEC. 2. CHIEF FINANCIAL OFFICER IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) IN GENERAL.—Section 901 of title 31, United States Code, is amended by adding at the end the following:

''(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

''(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

''(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

''(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed 'the head of the agency' for purposes of carrying out section 902, with respect to the Executive Office of the President.''.

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the President shall communicate in writing to the Chairman of the Committee on Government Reform of the House of Representatives and the Chairman of the Committee on Governmental Affairs of the Senate a plan for implementation of the provisions of, including the amendments made by, this Act.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the date of the enactment of this Act.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (30) the following new paragraph:

''(31) a separate statement of the amount of appropriations requested to carry out the provisions of the Presidential and Executive Office Financial Accountability Act of 1999.''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking ''respectively.'' and inserting ''respectively (excluding any officer designated or appointed under section 901(c)).''; and

(2) in paragraph (8) by striking ''Officers.'' and inserting ''Officers (excluding any officer designated or appointed under section 901(c)).''.

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.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the Chair, Mr. CALVERT, 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. 437) to provide for a Chief Financial Officer in the Executive Office of the President, pursuant to House Resolution 44, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 18, as follows:

[Roll No. 21]

YEAS—413

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Royce

NOT VOTING—18

Ackerman
Bono
Brady (TX)
Buyer
Ehrlich
Engel
Everett
Graham
Kingston
Kolbe
Lantos
Lofgren
Maloney (NY)
Meek (FL)
Mica
Rush
Sanders
Taylor (MS)

□ 1508

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. Bono.

Mr. Ehrlich.

Mr. MICA. Mr. Speaker, on rollcall No. 21, because of my participation in a Florida Anti Drug Summit and meetings with Florida Governor Bush in Tallahassee I was not present. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. HORN. 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. 437.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, may I inquire of the distinguished majority leader the schedule for today, the remainder of the week, and when next we meet?

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

Mr. BONIOR. I yield to the gentleman from Texas.

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

Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week.

Tomorrow the House will meet at 10:00 a.m. for a pro forma session. As today's Whip Call indicated, there will be no legislative business and no votes tomorrow.

Next week, the House will stand adjourned for the President's Day district work period.

The House will return from the work period on Tuesday, February 23, at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business. Votes are expected after 2:00 p.m. on Tuesday, February 23.

Mr. Speaker, a Whip notice outlining legislative business for the week of February 23 will be distributed to Members' offices next week. But we do expect to conclude legislative business that week by 6:00 p.m. on Thursday, February 25. Mr. Speaker, there will be no votes on Friday, February 26.

I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I could inquire from my friend, the gentleman from Texas (Mr. ARMEY), about the schedule for tomorrow.

I thank my colleague for letting us know that there is no session tomorrow. I would just say that, as we know, tomorrow was going to be a legislative voting day on an uncontroversial bill and we had announced to our colleagues on this side of the aisle that it was going to be a voting day. In fact, at our whip meeting this morning I made that same announcement. And then later in the morning, less than 24 hours in advance, we received notice that it had been canceled.

Now, I appreciate the gentleman doing that, and I understand that sometimes it is difficult to get a gauge on whether or not we are going to go forward with the rest of the week. But I would hope that, in the spirit of bipartisanship, that we could get a commitment to these changing schedules at least a day in advance so that we could notify our colleagues about their travel plans.

And so I understand it is a common problem, and we had the same problem when we were in the majority, but to the extent that you can help accommodate us with respect to more advance on this, we would indeed appreciate it.

Mr. ARMEY. Mr. Speaker, if the gentleman would further yield, let me thank the gentleman from Michigan for that observation.

Mr. Speaker, as we know, the Members do have a very difficult time making arrangements, especially in the face for example of a temporary strike by one of the major carriers, and so forth. We did find out this morning that the markup that we were so dependent upon in one of our committees went well and so expeditiously that we could change plans for tomorrow.

I join the gentleman from Michigan in hoping that we can get that kind of information earlier; and I assure him that as soon as I know that we can change any portion of the printed schedule, I will inform him.

That is why I am so delighted to be able to tell him, as I learned just yesterday, that we will be able to afford every individual an opportunity to know now that we will conclude business on the 25th at 6:00 and there will be no votes as previously announced on that Friday the 26th.

If the gentleman and I can work together and with our committees and with the cooperation of key people within the committees, perhaps we can expedite this information and flow it to our Members more quickly, and I certainly look forward to that opportunity.

□ 1515

Mr. BONIOR. Mr. Speaker, I thank my colleague, and one other point: Does the gentleman expect that the week of February 23, those days that we are in any late-evening sessions?

Mr. ARMEY. I thank the gentleman for the inquiry. No, I do not believe so. We do, of course, have a lot of committee work that will be getting done during that week, and we have a good deal of important legislation we will schedule for, but I do not anticipate any late evenings.

Mr. BONIOR. I thank the gentleman from Texas.

TECHNICAL CORRECTIONS REGARDING REPORTS BY POSTMASTER GENERAL ON OFFICIAL MAIL OF HOUSE OF REPRESENTATIVES

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 705) to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, and I have no intention of objecting, but I yield to the gentleman from Michigan (Mr. EHLERS) for the purposes of explaining the bill in question.

Mr. EHLERS. Mr. Speaker, H.R. 705 improves the efficiency of mail reporting for Members by removing the requirement that the percentage of the mail allowance expended each month be reported. As our Committee on House Administration has increased the flexibility of Members with regard to the Member's allowance, this percentage report has become unnecessary and also creates inefficient paperwork. The actual amount used for mail each month will be reported, but this will remove the monthly reporting requirement and increase the administrative efficiency of the House.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his explanation.

As this technical amendment was explained to me, Mr. Speaker, current Postal Service reporting requirements are continued with a modification which conforms those reports to the way the House now administers Members' allowances. I understand that there are additional technical amendments to this section which need to be worked out but that this particular amendment is time-sensitive, and that staff will present additional amendments for committee consideration in the next few months.

Is that the gentleman's understanding?

Mr. EHLERS. Mr. Speaker, if the gentleman from Maryland would continue to yield, that is my understanding, and I believe it is a good action that we should take at this point.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I thank the gentleman from Michigan (Mr. EHLERS), and, Mr. Speaker, based upon the gentleman's representation, if that is all this technical amendment does, then I will certainly withdraw my reservation of objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 705

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

SECTION 1. TECHNICAL CORRECTIONS REGARDING REPORTS BY POSTMASTER GENERAL ON OFFICIAL MAIL OF HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Section 311(b)(2) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(b)(2)) is amended by striking ''any person with an allocation under subsection (a)(2)'' and inserting the following: ''any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to January 1999 and each succeeding month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 23, 1999, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 24, 1999

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 24, 1999.

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

There was no objection.

MAKING IN ORDER APPOINTMENT OF TWO MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the

recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 22, 1999.

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

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair announces the Speaker's appointment of the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 22, 1999:

Mr. WOLF of Virginia and,

Mr. MORAN of Virginia.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 1928a, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. BEREUTER of Nebraska, chairman,

Mr. BATEMAN of Virginia,

Mr. BLILEY of Virginia,

Mr. BOEHLERT of New York,

Mr. REGULA of Ohio,

Mrs. ROUKEMA of New Jersey,

Mr. GILLMOR of Ohio,

Mr. GOSS of Florida,

Mr. DEUTSCH of Florida,

Mr. BORSKI of Pennsylvania,

Mr. LANTOS of California and,

Mr. RUSH of Illinois.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, chairman.

There was no objection.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, chairman.

There was no objection.

APPOINTMENT OF MEMBERS TO THE HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provision of Section 127 of Public Law 97–377, the Chair announces the Speaker's appointment of the following Members of the House to the United States House of Representatives Page Board:

Mrs. KELLY of New York and

Mr. KOLBE of Arizona.

There was no objection.

DESIGNATION OF THE HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 23, 1999

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

WASHINGTON, DC,
February 11, 1999.

I hereby designate the Honorable Constance A. Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 23, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives,.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 11, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to subsection 127 of Public Law 97–377 (2. U.S.C. 88b–3), I hereby appoint the following Members to the House of Representatives Page Board: Mr. Kildee, MI.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 3(b) of Public Law 105–341, I hereby appoint the following Member and individuals to the Woman's Progress Commemoration Commission: Ms. Slaughter, NY; Ms. Clayola Brown of New York, NY; and Ms. Barbara Haney of Irvine, NJ.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 21, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, Pursuant to section 995(b)(1)(B) of Public Law 105–83, I hereby reappoint the following Member to the National Council on the Arts: Ms. Lowey, NY.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION OF HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 11, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to subsection (c)(3) of Division A, Public Law 105–277, I hereby appoint the following individuals to the Trade Deficit Review Commission: Mr. George Becker of Pittsburgh, PA; Mr. Kenneth Lewis of Portland, OR; and Mr. Michael Wessel of Falls Church, VA.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 852(b) of Public Law 105–244, I hereby appoint the following Member and individual to the Web-Based Education Commission: Mr.

Fattah, PA; and Mr. Doug King of St. Louis, MO.

Yours Very Truly,

RICHARD A. GEPHARDT.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3

Mr. EWING. Mr. Speaker, I am a cosponsor on H.R. 3, and I ask unanimous consent to have my name removed as a cosponsor of that legislation.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

KEEPING THE PROMISE TO OUR VETERANS

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

Mr. FILNER. Mr. Speaker, I rise today to call the attention of the House to five bills I have introduced to address some major concerns of our Nation's service members, military retirees and veterans.

The first is H.R. 363, the Military Survivor's Equity Act. It is hard to believe that we continue to condone a system that penalizes the aging widows of our Nation's veterans, but that is exactly what the Military Survivors Benefits Plan does. When a member of the military retires, he or she may join the Survivors Benefits Plan, known as the SBP. After paying a premium for many, many years, the retiree expects that his or her spouse will receive 55 percent of the retired military pay.

Most of the survivors who receive SBP benefits are military widows. You may not realize that when these widows who are receiving SBP benefits turn 62, a Social Security offset causes their benefits to be reduced from 55 percent to 35 percent of their husband's military retiree pay. This occurs even when the Social Security comes from the wife's employment.

What does this reduction mean to our Nation's military widows? I have received many letters on this subject. Let me just read from one. I am quoting:

''My husband, who served in the Army for 20 years, was on Social Security disability because of heart problems and could no longer work. He died in July, 1995. I was then 61 years old. I received Social Security income plus my SBP. With both of these incomes, I was doing fine paying my monthly bills and having enough left for groceries. When I turned 62, I was notified that my SBP was reduced from $476 to $302. What a shock. This was my grocery money that they took away from me.''

It is time to change this misleading, unfair law. We must provide some equity to the surviving spouses of our military retirees. My bill would fix this problem by eliminating the callous and absurd reduction in benefits and give what is expected and what is deserved: 55 percent of the military retired pay. To put it simply, no offset. A simple solution to a difficult problem, an equitable solution to a mean-spirited practice.

The second bill is H.R. 364, the Veterans' Training and Employment Bill of Rights Act. This would ensure that service-disabled veterans and veterans who serve in combat areas will be first in line for federally funded training-related services and programs. Under current law, veterans are often underserved by national programs such as the Job Training Partnership Act because it sometimes mistakenly assumes that the veterans receive the same services from the VA Department. My bill would reinforce our commitment to provide special training assistance for veterans and make it clear that eligible veterans have earned a place at the front of the line.

The bill would also establish the first effective appeals process for veterans who believe their rights have been violated under veterans' employment-related programs. The Secretary of Labor would be required to help veterans who believe that Federal contractors have not met their obligation to hire veterans and to help veterans who believe they were not given preference for enrollment in Federal training programs. This bill would provide the teeth that have been missing from some veterans' training programs and would go a long way toward ensuring that veterans' rights are respected.

A third bill is H.R. 366, the Veterans' Entrepreneurship Promotion Act.

□ 1530

Many veterans have told me that they would like to own a small business, and our national economy would certainly be strengthened if more veterans were able to establish their own companies. This bill is designed to do just that, by establishing a program to help disabled and other eligible veteran-owned small businesses compete for Federal contracts. Also included is a program of training, counseling and management assistance for veterans interested in starting a small business. Veterans who want to pursue self-employment should be supported and encouraged.

H.R. 365 is the Let Our Military Buy a Home Act. Under this plan, the Department of Defense, in cooperation with Veterans Affairs, would be permitted to test a program designed to relieve the military housing crisis. Military personnel stationed in areas where the supply of suitable military housing is adequate, as in my hometown of San Diego, could purchase homes for themselves and their families at reduced interest rates. This practice would reduce the cost of building on-base housing and would expand opportunities for service members to own their own homes.

Initially introduced in the 104th Congress by our good friend and former colleague, the honorable and legendary G.V. Sonny Montgomery, and included in Public Law 104–106, this program was inexplicably not implemented by the Department of Defense. Sonny's idea is a good one and I encourage you to join in pursuing this creative approach to dealing with the military housing program.

Finally, a bill to Extend Commissary and Exchange Store Privileges, H.R. 362. This legislation would allow veterans with service-connected disability to use commissary and exchange stores on the same basis as the members of the Armed Forces entitled to retired pay. I believe that these veterans have earned the right to commissary privileges.

REJECT THE PRESIDENT'S BUDGET

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

Mr. HERGER. Mr. Speaker, if one were to believe the White House and all they are saying regarding the debt of our Nation, one would be convinced that the President's recently released FY 2000 budget is good fiscal policy for future generations. Unfortunately, the exact opposite is true.

The White House would like the American people and this Congress to believe that the national debt is going down under their budget, but page 389 of the President's own budget from his Office of Management and Budget shows a very different picture.

Looking at the chart, we see that the total national debt goes up from $5.394 trillion in 1998 to $5.576 trillion in 1999, and to almost $5.8 trillion in the Year 2000, and the red ink continues to rise every year under Clinton's budget.

The truth is, the total Federal debt under the Clinton plan does not go down, as the President would like the American people to believe. In fact, the total Federal debt goes up to the tune of over $1.3 trillion over the next five years.

I asked the President's Budget Director, Jacob Lew, during a recent Committee on the Budget hearing about this discrepancy, and he was evasive about the fact that the President's own budget called for a $1.3 trillion more in debt on our children and grandchildren.

I then asked Treasury Secretary Robert Rubin the next day during a Ways and Means hearing the same question, and Secretary Rubin refused to answer a simple yes or no question about whether the total debt is going up.

Regardless of where the debt is placed, it will still need to be paid, and guess who will pay it? The answer is

the American taxpayer. Debt is debt is debt is debt. The Clinton Administration only wants to speak in terms of the publicly held debt going down.

Mr. Speaker, President Clinton and his administration are misleading the American people when they say the public debt is going down. They are telling half a truth. The President and his administration are correct in saying the public debt will go down over the next few years, but what they are not telling you is that the debt held by the Social Security and other trust funds is going up, and that it is going up at a faster rate than the public debt is going down, which means the total debt goes up by, yes, $1.3 trillion over the next five years under President Clinton's budget. No matter if debt is held by the public or in the various trust funds, it is still debt, and must still be paid back at some future point.

The Clinton Administration is doing future generations no favors in this budget. It is dishonest and disingenuous for the Clinton-Gore administration to tout huge surpluses on the one hand, when on the other their budget places even more debt on the shoulders of our children and grandchildren.

Mr. Speaker, this Congress and this President have not achieved true fiscal discipline and responsibility until our total national debt begins to go down.

Furthermore, as if forcing $1.3 trillion in more debt on future generations was not enough, the President's budget called for a net tax increase of $45.8 billion and requests $150 billion in new spending over the next five years.

Mr. Speaker, it is the duty of this Congress to stop this assault on our future generations and all taxpayers. I urge my colleagues to reject the President's budget.

PRESERVING SOCIAL SECURITY

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

Ms. NORTON. Mr. Speaker, I want to spend my time this afternoon talking about Social Security, one of America's great all-American programs. It is in a class by itself, except for Medicare, of course. But, like so many programs, its beneficiaries vary according to race, sex or class, even given the universality of this extremely popular program.

When people say that they think it will not be there for them, they also say that they do not want it changed much because they want it to be there for them.

There are proposals floating around for private accounts where people would invest in equities in the stock market themselves. In considering these proposals, I ask only that this body consider that women are hugely, disproportionately affected by whatever we decide to do to Social Security. Twice as many women who live past 65 are poor as men, and so, in its wisdom, the Congress has structured the Social Security program to reflect this basic reality.

Proposals for private accounts thus far do not take into account two characteristics that are unique to women: One, that they have less earnings over their lifetime, much of it due to discrimination, some of it due to family responsibilities; and, second, that they simply live longer. Personal savings accounts would, therefore, adversely affect them, because they have had less time in the workforce and because they have had lower earnings when they have been there.

So what does Social Security do? Recognizing this feature, instead of giving a benefit that looks the same for everybody, we have created a progressive Social Security benefit structure. The higher benefits go to the lower earnings, and I do not think there is anybody in America who would want that any different.

Let us look at two groups of women so as to make my point, housewives and widows.

Let us take a woman who has spent her life taking care of her family and has not gone near the workforce. She will get 50 percent of her spouse's benefit. She has never had and could never have a personal account in the stock market, no matter what we do for her.

Let us take an older woman whose husband dies. She gets 100 percent of her husband's benefit. Now, the majority has typically shown particular concern for these women, women who have taken care of their families and have not gone in the workforce at all, and older women whose husbands have died and do not have any income. These are the women that must be in our mind's eye if we toy with the Social Security System.

The great majority, 63 percent of women over age 62 have their own income, as to opposed wives and widows who get pensions. Thirty-seven percent have had no earnings history at all, no personal savings account of their own, and cannot control what a husband shall have done with the personal savings account that he may have. They are in our hands, and we have taken that responsibility through the Social Security system.

I ask this body to measure any proposal that comes before it, not by looking at the American population as if they were some big glob, but to look at who is likely to be most affected by whatever we do. Overwhelmingly, those most affected are going to be women. It is women who have the most to lose. It is women who are most vulnerable.

I ask the majority who call to the floor any discussion of changes in Social Security, especially discussion of personal savings account, to call to the floor the women whose lifelong work has been for their families and the women who have only their husband's pensions. Those women are in our hands and are dependent upon our doing the right thing with Social Security, bearing in mind that any personal savings account is not in their lexicon, has not been in their lives, and they need us to remember that salient fact.

FEDERAL FUNDING FOR BIOMEDICAL RESEARCH

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

Mr. NETHERCUTT. Mr. Speaker, I rise today to speak to the issue of federal funding for biomedical research. Over the past four years, this Congress has led the effort to double the budget for biomedical research at the National Institutes of Health and other federal agencies which do scientific research to help cure diseases.

This effort has already begun to show results in areas such as Parkinson's disease, cancer, Alzheimer's's disease, and many others. It is a worthwhile undertaking for our federal tax dollars.

Now, while the President wants to take credit for this research effort, unfortunately his budget would severely impede the progress we have made and would jeopardize future advances.

The NIH budget has begun to grow exponentially, because it is the right thing to do for people who are sick with chronic diseases. For the next fiscal year, however, the President has requested an increase of $320 million, or 2.1 percent, for the National Institutes of Health.

Now, by comparison, last year this Congress increased NIH by $1.99 billion, or 15 percent, and that is still inadequate funding when you look at all of the opportunities for research grants that come before the NIH and those which are able to be accepted. There just is not enough money to do all of the good research that needs to be done.

The President was recently reported to have remarked to a member of the other body, a Democrat, the President said, ''Don't worry about our budget. The Republicans will increase NIH funding.'' Well, certainly we will. So much for honesty in the President's budget.

A 2.1 percent growth rate is two-tenths of a percentage point less than the projected rate of inflation. That is a growth rate less than inflation, which is in the President's budget, for attempting to cure our Nation's diseases and improve the lives of millions of Americans who suffer from disease.

What the President does under this budget game is put in a low number for NIH and put a high number for other spending, new federal spending programs that he puts in to satisfy special interests, and then criticizes those of us who say ''no'' to such excess spending, for budget-busting spending, and then politically the President seems to want to take credit. In reality, the President's budget says to people who

seek a cure for cancer, I do not care about you.

□ 1545

For the 16 million diabetics in this country, he says, ''I do not care about you.'' For those with Parkinson's, multiple sclerosis, Alzheimer's, lots of other diseases, he says, ''Sorry, I do not care about you.''

We can be sure that if this budget were proposed by the majority Congress, the administration would call it a cut in funding, and probably the media would say the same thing, that we do not care about the lives of people who are sick.

Well, in fact, we do. Both Democrats and Republicans in this Congress care deeply for NIH funding and deeply for those who are sick with chronic, debilitating diseases which affect all of us as Americans, regardless of our races or religions or genders. It is a fact of life that the government can help do something about.

So I think there should be outrage today over the President's budget game for biomedical research. Both Democrats and Republicans should rise up and say no. And I urge my colleagues to call on the President, Mr. Speaker, on this game he is playing with biomedical research, and anyone who cares about curing chronic disease in this country should do the same.

BUILDING OPPORTUNITIES BONUS ACT

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

Ms. WOOLSEY. Mr. Speaker, it has been nearly three years since we passed the Nation's welfare reform law, and most news reports paint a very glowing picture. The welfare rolls are at a 30-year low; more people than ever are working; billions of surplus welfare dollars stack up in government coffers, unspent and unused. The great social experiment, the 1996 welfare reform law, is a great success, right? Right?

But, Mr. Speaker, what about the 14.5 million children still living in poverty, or the 71 percent of welfare recipients who end up in dead-end jobs that pay below the poverty line? What about the many States that get people off welfare by simply turning away people asking for help, or the States that meet their goals by shifting welfare recipients into low-paying jobs with no benefits and no career or salary ladders.

We do not hear much about these families, Mr. Speaker, because we are still thinking about welfare reform in the wrong way. We had it wrong when we set out to end welfare as we know it. Our goal should have been then and should be now to end poverty as we know it.

Mr. Speaker, I know it is not fashionable or popular to talk about making changes in the welfare law these days. But, Mr. Speaker, I would say that today is exactly the right time to be rethinking our Nation's welfare policies. With the economy booming and a surplus growing in Federal welfare accounts, States do not have to content themselves to simply get people off of welfare. States should and could be taking advantage of the opportunity they now have to invest in helping low-income families become truly self-sufficient.

Yesterday, I introduced a new bill: The Building Opportunities Bonus Act, or BOB. It will be easy to remember. BOB provides $1 billion over five years to reward the ten States that do the best job in three key areas, key areas to getting welfare recipients in self-sufficiency. First, child care. Second, job training. And third, assistance for victims of domestic violence.

Services like these will ensure that poor children are not left behind; that welfare recipients can access good jobs, jobs actually that can weather a dip in the economy; and that battered women can get and keep jobs while keeping themselves and their families safe.

Thirty years ago, Mr. Speaker, I was a single mother on welfare. Because I was employed, I was forced to shuffle my kids, ages one, three and five, among 13 different child care providers in a single 12-month period. I was working at the time, using my welfare check to pay for child care and health care for my family, but it was not until I had a consistent, reliable child care situation that I was able to truly grow in my job, and immediately I was able to support my family without the welfare safety net.

Every family on welfare needs quality and accessible child care. Welfare moms also need educational and training opportunities. Americans have long realized that education is the door to success. But our new welfare law has too often told welfare recipients that the only door open to them is the employees' entrance to McDonald's. Without job skills, welfare recipients are shifted into dead-end jobs, entry level jobs that pay below the poverty line. These jobs cannot support a family, and they are the first to go when the economy falters.

Many poor women struggle not just with their economic situation, but also face the harsh reality of domestic violence. Studies show that between 15 and 30 percent of welfare recipients suffer from domestic violence and from abuse. We need to address this issue head-on and make sure women suffering from domestic violence can improve first their home situation, and then their economic situation. And we do not want to trap them in jobs that are dead-end.

The sad truth is that we are nowhere close to providing enough of these services: child care, job training, and help from domestic violence. We need to give States an incentive. That is the only way welfare reform is really going to work for all Americans, so that welfare-to-work equates into true self-sufficiency.

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

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

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

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

A FAIR AND SIMPLE PLAN TO CUT TAXES

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

Mr. KNOLLENBERG. Mr. Speaker, the American people are overtaxed, and it is time for Congress and the President to let them keep more of their hard-earned money.

This year, Federal taxes will represent 22 percent of the Gross Domestic Product. This means that the Federal tax burden is at an all-time high. With the Federal Government projected to run a budget surplus of $2.6 trillion over the next 10 years, there is no excuse for taxing the American people at a higher rate than was necessary to win World War II.

On the opening day of the 106th Congress, I introduced a bill that cuts Federal income taxes by 10 percent across the board. This proposal is the simplest and the fairest way to provide the American people with the tax relief that they deserve.

Instead of picking winners and losers among overtaxed Americans, this proposal increases the take-home pay of everyone who pays Federal income taxes.

We should not require taxpayers to engage in a government-preferred activity or force them to jump through multiple hoops in order to keep more of their own money. A broad-based tax cut avoids adding further complexity to the Tax Code and gives all American workers the relief that they need.

In recent years, efforts to provide the American people with significant tax relief has been derailed by the contention that cutting taxes would hurt Social Security. This has always been a shaky argument, but it does not even have a leg to stand on today. Here is some arithmetic or numbers to keep in mind.

A 10 percent across-the-board tax cut would cost the Federal Government $743 billion over a 10-year period. This means that more than $1.8 trillion of the $2.6 trillion budget surplus that the Federal Government will run over the same time span would be available to strengthen Social Security.

When looking at these numbers, it becomes clear that cutting taxes and

securing the future of Social Security are not mutually exclusive goals. We can do both and still have some money left over to invest in education and strengthen our national defense.

Excessive taxation is making it harder for middle-income families to get ahead. When adding State and local income taxes, or just taxes period to the Federal tax bite, the average American family ends up paying more in taxes than it is paying or spending on housing, food and shelter.

A 10 percent across-the-board income tax cut would save this average family approximately $1,000 per year. This is money that could be saved for a down payment on a home or used to pay for college tuition or put aside for retirement.

A broad tax cut like the across-the-board tax cut that I am promoting today is best for the American economy as a whole. It will increase economic activity across the widest number of individuals, thus creating jobs, greater financial security, and giving every American a bigger piece of the pie. However Americans choose to spend their own money, I am confident that it would be put to better use by the family who earned it than by the Washington bureaucrat who yearns for it.

As the debate over how to use the budget surplus heats up, the protectors of big government will scream bloody murder about any plan to return some of the windfall to the American people. To them I ask simply, if we cannot cut taxes when the economy is strong, the Federal Government is in the black, and taxes are at an all-time high, when can we?

Mr. Speaker, I urge my colleagues to support a 10 percent across-the-board tax cut.

MORE CHOICE FOR AMERICANS

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

Mr. BLUMENAUER. Mr. Speaker, I rise today to express concern about an article that our friend, George Will, has in Newsweek this week, attacking the administration and Vice President GORE in particular for dealing with livable communities. With all due respect to the journalist, he has it exactly wrong.

There is a national grassroots movement from coast-to-coast where people are now struggling to contend with the forces of growth, sprawl, pollution and congestion to try and have more livable communities. Contrary to the columnist's assertion, it is not about forcing people to do things, it is about giving Americans more choices. Today, too many people have no choice but to be trapped in congestion, soccer moms and dads forced to be out shuttling kids around, forced to burn a gallon of gasoline to buy a gallon of milk.

What the Vice President, what the administration, what Americans across the country who are concerned about livable communities are promoting is the concept of learning from our past mistakes, organizing ourselves to make sure that our plans for the future will make our communities more livable. It is not, as some would suggest, an attack on the automobile. To the contrary, it is simply not surrendering our communities to the cars.

At a time when the Berlin Wall has fallen, when there are capitalist markets in the former Soviet Union, in China, it is time to perhaps end socialism for the car by subsidizing the automobile more than other transportation choices. Planning makes it possible for people to do more with their lives and their time.

In his article Mr. Will attacks Portland, Oregon, my hometown, as a place where we are trying to crowd people, where we are trying to have zoned-out things like big box development, to somehow force people to do things they do not want to do, calling it some sort of planner's paradise. Well, it is ironic that the city Mr. Will is attacking is held up as one of the best models in the country for working with our citizens to promote liveability, to give people more choices.

□ 1600

It is a community where we have, in fact, not sprawled as much as other places around the country, but we have actually dramatically increased the housing stock without spreading out to farm and forest land. We have added 42 percent in population since 1979, but we have only increased the developed area 20 percent.

Some of the most attractive housing, the most valuable housing, is to be found in newly redeveloped areas with loft housing, with townhouses. In fact, they are worth more in terms of actual value than the typical single lot subdivision. It is not about crowding people together.

In Portland, like in most other communities, our neighborhoods are less densely populated today than they were 40 years ago when I was growing up. What has happened is because we have unplanned growth, exclusive reliance on the automobile, we have far more people driving and driving more miles, and as a result, it is the cars that people are upset about, not the citizens.

This has resulted from not turning over industrially-zoned land to big box retail, like a COSCO or a Wal-Mart. We have protected it for industrial jobs. Portland has added 180,000 new jobs since 1990. I would suggest that it is hardly a failure, that there is a reason why people come and look at what we have done.

Government has made many mistakes in the last 40 years that have contributed to the deterioration of the quality of life. It is time for us to take a step back, to learn from our mistakes in both government and the private sector, and plan for a better tomorrow. That is what the Vice President, the President, and not just his administration but people around the country are doing with the new livable communities movement.

I strongly urge that people support these initiatives and what they can represent for a more livable future.

CATHOLIC SCHOOLS: FAITH FOR A BRIGHTER FUTURE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, I rise today to address the subject of Catholic schools, a great gift to this country.

Catholic Schools: Faith for a Brighter Future, that is the theme for the 25th annual celebration of Catholic Schools Week January 31 through February 6, 1999, in the 10th annual National Appreciation Day for Catholic Schools February 3, 1999.

Catholic Schools Week celebrates the important role Catholic elementary and secondary schools across the country play in providing a values-added education for America's young people. Catholic schools are proud of their educational network, emphasizing intellectual, spiritual, moral, physical, and social values in their students.

The National Appreciation Day for Catholic Schools was established to encourage supporters nationwide to showcase the great accomplishments and contributions the more than 8,200 catholic schools nationwide make to our country. Celebrated in communities across the U.S. that have Catholic elementary and secondary schools, this day provides opportunities for State Governors, big city mayors, and small town councils to join in proclaiming Catholic Schools Week in their localities year after year and arrange special commemorative celebrations.

On February 3 this year a delegation of more than 130 Washington, D.C., Maryland, and Virginia area Catholic school students, teachers, and parents visited Capitol Hill to meet with congressional leaders and promote Catholic schools. They served as ambassadors for the students enrolled in Catholic schools nationwide.

Students met in the Dirksen Senate Office Building for a briefing by a Senator from Tennessee, and held a rally on the steps of the Capitol. Groups of students visited congressional offices, meeting with Members and staff to acquaint themselves with the mission and accomplishments of Catholic Schools, and to discuss issues of importance to Catholic school students.

As part of their activities, they hand-delivered letters from Catholic school superintendents of schools to their congressional and Senate Members, and provided a background package on Catholic schools to every congressional office. Today we congratulate America's Catholic schools, the students, the

teachers, and especially the parents, who make many sacrifices to provide their children the education offered in Catholic schools. The outstanding contributions of Catholic schools to our Nation are worthy of celebrating, and I offer heartfelt congratulations to all who participate in the work of Catholic education.

At present Catholic school student enrollment is almost 3 million students. Catholic schools welcome all students whose parents wish their children to attend.

Catholic Schools are proud of the diversity of their student body. Minority students, for example, comprise more than 24 percent of total enrollment, and nonCatholic students are approximately 14 percent of the enrollment nationwide.

Congratulations to the National Catholic Educational Association and the United States Catholic Conference, the national organizations that sponsored the National Appreciation Day event on Capitol Hill. NCEA is the largest private professional education association in the world, representing more than 200,000 educators serving 7.6 million students at all levels of Catholic education.

The United States Catholic Conference is the national public policy organization of bishops in the United States. Congratulations to Catholic Schools, students, teachers, and parents. You are giving this Nation faith for a brighter future.

CONGRATULATIONS TO THE NAACP ON THE CELEBRATION OF ITS 90TH ANNIVERSARY

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

Mr. LAMPSON. Mr. Speaker, I rise today to extend congratulations to the National Association for the Advancement of Colored People, sometimes known as the NAACP, as it celebrates its 90th anniversary on this Friday.

The NAACP is the oldest, largest, and strongest civil rights organization in the United States. On February 12, 1909, on the 100th anniversary of Abraham Lincoln's birthday, 60 prominent black and white citizens issued the call for a national conference in New York City to renew the struggle for civil and political liberty.

Participants at the conference agreed to work toward the abolition of forced segregation, promotion of equal education and civil rights under the protection of law, and an end to race violence. In 1911 that organization was incorporated as the National Association for the Advancement of Colored People.

Today the NAACP is a network of more than 2,200 branches covering all 50 States, the District of Columbia, Japan, Germany, and its membership exceeds a half million people. Born in response to racial violence, the association's first major campaign was the effort to get the anti-lynching laws on the books in the United States.

In 1919, to awaken the national conscience, the NAACP published an exhaustive review of lynching records. NAACP leaders, at potential risk to their own lives, conducted firsthand investigations of racially motivated violence that were widely publicized. Though bills succeeded in passing through the House of Representatives several times, they were always defeated in the Senate. Nonetheless, NAACP efforts brought an end to the excesses of mob violence through public exposure and the public pressure it mobilized.

The NAACP has always known how to respond to challenges, and is certainly no stranger to struggle. Through political pressure, marches, demonstrations, and effective lobbying, the NAACP has served as an effective voice, as well as a shield for minority Americans. From educational parity to voter registration, housing, and labor, the NAACP has been at the forefront of efforts aimed at securing civil rights and civil liberties. No longer do we see signs that read ''white'' and ''colored.'' The voters' booth, the schoolhouse door, now swing open for everyone.

It is important for us to all remember how effective the NAACP efforts have been. While much has been accomplished, much more needs to be done. Mr. Speaker, America still needs the NAACP.

I invite my colleagues to join me in congratulating the national organization and all its local chapters as they celebrate their 90th anniversary on February 12. I wish them continued success as they continue to focus on the protection of civil rights and civil liberties of all Americans.

THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT OF 1999

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. BERRY) is recognized for 45 minutes as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, I rise today in support of the Prescription Drug Fairness for Seniors Act of 1999. I want to thank my colleagues, the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER), and the gentleman from California (Mr. WAXMAN), for coming up with this great idea to help correct a tremendous injustice in America today.

Our senior citizens pay over twice as much as citizens in other countries. They pay over twice as much as the preferred customers of the prescription drug manufacturers in this country, and it is simply not fair.

This chart demonstrates the way that our seniors are overcharged and the amount they are overcharged for their prescription medications. They are forced to make a choice between food and medicine, between paying their rent and having medicine, between having utilities, having heat, and medicine. This is simply not right.

The First Congressional District of Arkansas, that I am so fortunate to represent, contains the most senior citizens of any Congressional District in this country that live only on social security. The cost of prescription medication is a tremendous burden for them. Yet, we allow them to continue to be overcharged by 40 and 50 and 60 and 70 percent.

They are overcharged by the most profitable companies in the world. These companies should be profitable. We are in favor of them being profitable. But that profit should not come at the expense of our senior citizens being forced to choose between food and the medicine it takes to keep them alive. When that happens, it becomes a moral issue. It becomes an issue that this Congress should address.

Our bill, the Prescription Drug Fairness for Seniors Act of 1999, will reduce the cost of prescription medication for our seniors approximately 40 percent. Our seniors should not be at a disadvantage because they are citizens of the United States.

The average prescription price for Canadians is 72 percent less than it is for Americans. For Mexican citizens, it is 103 percent less than it is for Americans. This simply does not make any sense. If the prescription drug manufacturers that sell product in this country can sell it at other countries at much reduced rates, if they can sell it to our Federal Government at much reduced rates, these same prices should be available to our seniors. That is what this bill does.

One company last year raised the price of one of their medications 4,000 percent in one day. The Federal Trade Commission looked at this. They decided it was unfair and they filed a $120 million recovery claim against this company. This is an outrageous attempt to make a profit.

The Prescription Drug Fairness for Seniors Act of 1999 will reduce those prices, as I have said, by 40 percent to most of our recipients. It is something we should do. It is the fair and right thing to do. It does not cost the Federal Government any money. This will simply make our seniors part of the largest purchasing pool in the world, and it will give them the ability to be dealt with fairly through their own local pharmacies.

I urge my colleagues to support this bill. It is a good bill, and it is what we should do for our seniors.

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I thank my good friend, the gentleman from Arkansas (Mr. BERRY), for his leadership on this issue, and as well, my colleagues, the gentleman from Maine (Mr. TOM ALLEN), the gentleman from Texas (Mr. JIM TURNER),

and the gentleman from California (Mr. WAXMAN) for their leadership on a crucial and devastating fact of life for our seniors in America.

It is important to note that those of us who have worked on this issue believe that this is the Congress to get it through. I am delighted that as an original cosponsor of this legislation for this Congress, I again stand up to be counted, as I did in the 105th Congress. I do that for the many constituents that I represent.

In fact, Mr. Speaker, allow me to share the story of a husband and wife from my district in Houston written to me just a few days ago in January. These individuals retired, having worked in our school system educating our young people, and now in their retirement they are pleading for relief because presently they are spending an average of $4,792 annually on drugs, paid by a Texas teacher's retirement income and social security. One-fifth of their income is used to pay for prescription drugs.

□ 1615

I would simply say, Mr. Speaker, this has got to stop. That means that these senior citizens who have worked all of their life, who, in fact, have a commitment to being part of the engine of this economy for many, many years, are now having to sacrifice the meager income that they have and to make choices, as my good colleague indicated, between room and board, and health.

The Prescription Drug Fairness for Seniors Act is not a giveaway. It does not interfere with competitiveness, as my pharmaceutical friends have said. It does not do damage to the marketplace, as they have attacked us so readily.

What it does is it simply tries to emphasize fairness. Pharmacies will now be able to purchase prescription drugs for Medicare beneficiaries at the same low prices available to the Federal Government such as the Federal supply schedule price or the medicaid price.

Since drug prices presently paid by the Federal Government are approximately half the retail prices paid by senior citizens, participating pharmacies will be able to pass on large cost savings to senior citizens.

I know that my good friend, the gentleman from Arkansas (Mr. BERRY) has been in his district and has seen the sincerity expressed by seniors who have said they do not want a handout, but after we have given them the option of Medicare why shouldn't Medicare have the same ability to be able to purchase low priced pharmaceuticals, competitively priced equal to that of the HMOs?

Has anyone ever been in the midst of seniors, maybe those who are a little older, in their seventies and eighties, and heard them plead to us for clarity about these HMOs? Who am I to pick? What are they giving me? The confusion abounds and yet now we have promoted these HMOs over Medicare that has been so helpful in providing good health care for our seniors, and we have given HMOs the upper edge by providing these incentives, and yet sometimes seniors are moved from one HMO to the next. It shuts down and they get letters, and it is confusing.

Oh, yes, I believe that HMOs provide a viable service, but those who are on Medicare should not be deprived the ability to get low-priced prescription drugs and to have a fairness process in place.

So I believe that we are, in fact, providing what the Constitution says we should have, and that is equality. And we are doing it for a population that is now suffering. They suffer because of the way pharmacies are doing business, and many Americans whose retirement plans rely in part on private pension plans are also struggling. This is because many of those plans which were designed decades ago do not contain comprehensive medical plans, and even the ones that do include medical insurance typically do not pay for medication.

In fact, I have talked to senior citizens who have said I am going to get that mail order program because I have heard that if you do mail order, that you can get cheap prescription drugs.

So I think it is important, Mr. Speaker, that this legislation not have one moment of a slow process. It should be expedited. It should go through the committees of jurisdiction with flying colors. We should respond to the tragedy of senior citizens having to make choices between what they will buy, whether they will pay for food for the evening meal or which meal they will escape or not be able to have so that they can get the necessary prescriptions.

I will just simply say, as we work together on this legislation, tears have come to my eyes when I have met with senior citizens who, first of all, are grateful for life, gratified for the medical care that many of them have been able to access, but when they give me the list of prescriptions that they have to take every single day, they do not do it in anger, they just simply say we have got to take it but give us a reprieve, help us not to be have to choose one over the other. So I want to thank the gentleman.

As I close, I want to just make a personal note that from my home district, in addition to these prescription drugs, I am gratified for the medical health system, of which we also need to look at with the Patients' Bill of Rights, access to medical care. I am grateful for the system that is in my community, the public hospital system, now under attack by county government. My commitment to the senior citizens of that community, the children of that community, is to say that I am going to fight for this legislation, the Prescription Drug Fairness for Seniors Act, as well as a patients' bill of rights, as well as fighting for Lois Morris, our health care director in Harris County, and fight against anybody who would move to shut it down or to deprive our citizens of good health care by cutting the budget.

I want to thank my friend, the gentleman from Arkansas (Mr. BERRY). I want to thank my good friends, the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER) and the gentleman from California (Mr. WAXMAN), and I see the gentlewoman from California (Mrs. CAPPS) and I know the gentlewoman from Michigan (Ms. STABENOW), and if I begin calling the roll we all can stand up here and be gratified that we are working together for what I know can be bipartisan legislation to see this legislation passed.

I thank the gentleman from Arkansas (Mr. BERRY) for his kindness. Let us roll up our sleeves and get to work.

Thank you Congressmen BERRY, ALLEN and TURNER for giving me the opportunity to speak on this bill, and for allowing me to help you tackle this tremendous problem.

This year, many of us have taken up arms to preserve Social Security and Medicare, so that we can ensure in the future that our Older-Americans have at least the bare minimums needed to live in this society.

However, seeing that Social Security and Medicare, are in some respects, anti-poverty programs, we must supplement the law to protect the interests of senior citizens who rely on them in the later years of their life. One of the ways that we can do that is by guaranteeing that the senior citizens that rely on those programs are subjected to discrimination by the private sector.

This bill does just that, by allowing pharmacies to purchase prescription drugs for Medicare beneficiaries at low prices. The bill uses naturally-occurring market forces to consolidate the purchasing power of our Medicare recipients. And by doing so, it, in affect, puts senior citizens on the same footing as the federal government when it purchases medication—which makes sense, because in a way, the government is paying for these drugs in an indirect manner.

This bill also aims to stop the price discrimination that affects Older-Americans that are unable to purchase their prescription medication through HMOs or other health care providers. As the studies underlying this bill demonstrate, it is a fact that our Medicare recipients' dollars are being used to subsidize the low drug prices that group health care participants are privy to in our current economy. I believe that most of you will agree with me when I say, that is not what our precious few Medicare dollars should be used for!

I would like to add that Medicare recipients are not the only ones who suffer because of the way pharmacies are forced to do business today. Many Americans whose retirement plans rely in part on private pension plans, are also struggling. This is because many of those plans, which were designed decades ago, do not contain comprehensive medical plans. Even the ones that do include medical insurance typically do not pay for medication. That means that most must still stretch their finances to pay for the medication that is required for their continued good health.

This is illustrated by a letter I recently received from a constituent in my district, in support of this bill, that reads: "My wife and myself have supplemental insurance which does not include prescription drug reimbursement. Presently, we are spending an average of $4,792 annually on drugs . . . (which is) one-fifth of our income." One-fifth of their income is a staggering amount Undoubtedly, something must be done to alleviate their problem, and the least we could do is protect them from price discrimination.

This bill is tremendous because it relies on tried and true principles of capitalism, purchasing power and competition, to craft a remedy that will save the federal government, and my constituents from inflated prices—and I will be glad to support it as it makes its way through the House of Representatives.

Mr. BERRY. I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), the author of this bill.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for yielding.

We should all know that the gentleman from Arkansas (Mr. BERRY) is a registered pharmacist. He is, with the gentleman from Texas (Mr. TURNER) and myself, a co-chair of our prescription drug task force. Really, no one has done more than he has to bring these issues out so the American people can understand that we in Congress are trying to do something about it.

I thought what I would do is take a little time and talk first about our seniors, then review the current status of some of the pharmaceutical companies and then talk about H.R. 664, the Prescription Drug Fairness for Seniors Act that I introduced yesterday with 66 cosponsors.

Let us talk first about our seniors. All across this country, as we speak, seniors are not following their doctors' orders. Some of them have been given prescriptions which they cannot afford to fill. Others have filled prescriptions which they cannot afford to take as directed.

What happens is, because they cannot pay the rent, pay the electrical bills, buy food and take very expensive prescription drugs, they are out there taking one pill out of three, mixing and matching. They are doing things that in the long run really are detrimental to their health.

I know for the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. TURNER) and others, we get letters in our Congressional offices, and I want to share some of those letters.

I received a letter last July, and I have had others like this since then, from a woman who said here is a list of the prescription drugs that my husband and I are expected to take, and when you added up the cost it came to $600 a month. Then she said, here is a copy of our two Social Security statements, and when you added up their two Social Security statements, which is all they had on a monthly basis, it was $1,350.

One cannot get there from here. The math does not work. There is no way that couple could afford to take the prescription drugs that their doctors tell them they have to take.

Perhaps the most poignant letters come to me from people who write and say, I do not want my husband to know but I am not taking my drug medication because we cannot afford both his and mine and it is more important that he take his medication than I take mine. So we have women out there, or men, not taking their own drugs so that their spouse can take his or hers. It is not right in this country and it should not continue.

The reason is, the study that we did in my district in Maine, back in July of 1998, which has since been replicated in 19 districts across the country, including the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. TURNER) and a variety of other people, and the findings are always the same. The findings show that seniors who have no coverage for prescription drugs walk into their local pharmacy and pay a price for their drugs that is, on average, twice what the drug companies' best customers are paying.

The best customers are big HMOs, the Federal Government, and others, who can buy in bulk and control market share.

It is not right. This degree of cost shifting has a result. This price structure in the pharmaceutical industry right now means that the pharmaceutical industry, in effect, is charging its highest prices to those who are least able to pay; and those least able to pay are a big group. They are 37 percent of all seniors in this country.

When Medicare was created in 1965, there was no prescription drug benefit because, frankly, it was not a big deal then. The drug companies have made enormous progress in developing new drugs. They have helped millions of Americans, old and young, live more productive lives. What we have got now is a degree of cost shifting in the industry that is imposing the highest costs on those seniors who do not have any coverage for their prescription drugs.

Medicare does not cover prescription drugs. Most medigap policies, when they cover prescription drugs, and often they do cover only a portion of the cost, and the result is that, as I said, 37 percent of all seniors have no coverage and others are uninsured.

The drug industry, pharmaceutical industry, is the single most profitable industry in the country. Last year, Fortune Magazine indicated they had the highest return on equity, the highest return on assets of any industry in the country. They are making their profits on the back of uninsured seniors who simply cannot take all the medications that their doctors tell them they have to take.

If I can talk about the bill just for a moment and then defer to others, the bill we introduced yesterday, H.R. 664, the Prescription Drug Fairness for Seniors Act, is probably one of the simplest pieces of legislation we could possibly introduce in this area. We are not creating a big new government program. We are making a suggestion that would involve very little expense to the Federal Government. All we are saying is that the Federal Government should, in effect, be the negotiating agent for Medicare beneficiaries so that they can get the best price that is given to the Federal Government through the Veterans Administration, off the Federal Supply Schedule or through medicaid. That is all we are saying.

They ought to have advantage, those people, Medicare beneficiaries, all of whom are now on a Federal health care program, Medicare, which is saying they ought to be able to get the best price from the drug companies that the Federal Government gets now, and the way that would work is through the Department of Health and Human Services. Participating pharmacists would be able to buy drugs for resale to Medicare beneficiaries at the best price the Federal Government buys those drugs. Simple bill, very simple, as close to a free market solution as you can get. The pharmaceutical industry objects.

I would thank the gentleman from Arkansas (Mr. BERRY) for yielding me this time and would ask to come back later, after others have spoken, to address a few of the arguments that I expect we will see as this debate moves along.

Mr. BERRY. I thank the gentleman from Maine (Mr. ALLEN) and again appreciate his leadership in this effort.

Mr. Speaker, I now yield to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for yielding.

I want first to thank the gentleman from Arkansas (Mr. BERRY) for his leadership in the last Congress and as we begin this Congress; also the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER), who has also worked so hard, and the gentlewoman from California (Mrs. CAPPS), who is here today.

This is such an important issue for all of us, and as we make a commitment, and I know on our side of the aisle we have made a commitment, that the majority of the surplus that we have been reaping as a result of a strong, vibrant economy, will go back into paying off the Social Security Trust Fund and keeping Medicare strong, an important part of that is this bill that we are talking about today, the Prescription Drug Fairness for Seniors Act.

□ 1630

I think of my own family, where I have had my aunt, who is having back problems and finding herself now needing to pay $200 to $300 a month for prescriptions; other friends of my mother's who are looking at $500 or $600 a

month in prescription drugs in order to be able to live at home and be able to continue to be able to live in the community and be able to move around and be independent, and when I look at those kinds of numbers, it is very clear to see that for too many seniors we are talking about the difference between food for the month and getting their prescription drugs so that they are healthy and pain free and able to stay well, or we are talking about the difference between paying the rent or paying the electric bill. This is basic survival for too many seniors.

When we look at the costs that continue to go up and up, as I know the gentleman from Arkansas (Mr. BERRY) has talked about, the fact that we are seeing these costs go up, and that we have not yet addressed this through the Medicare system or in some other way, I think this is really a tragedy, and that is why I am so excited to be a cosponsor of this legislation.

This legislation, in a very cost effective way, as the gentleman from Maine (Mr. ALLEN) said, has a very simple approach: Let us get the best price; let us let the Federal Government negotiate on behalf of all uninsured seniors that need prescription drug help; let us let them negotiate the best price for our seniors who are on Medicare; and then let the pharmacists be able to receive that best price and pass it along to the seniors. So it makes sense.

It does not involve a lot of new dollars being spent and it addresses one of the critical issues for our seniors as they are growing older: Living longer and wanting to benefit from all these wonderful new discoveries that allow them to live independently; to be able to leave a hospital sooner rather than later after an operation; to be able to avoid a nursing home as long as possible. There are wonderful new opportunities for them through prescription drugs. What a shame, what a shame if they are not able to afford these new opportunities because of the spiraling costs.

So I once again celebrate and really commend the leadership of the people who are here today, who are really fighting on the front lines for our seniors, and I am hopeful that by the end of the year we will see this in place so that we can really lower the costs for seniors and help them to be able to balance that budget of theirs just a little better.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Michigan, and I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mr. CAPPS. Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. BERRY) for organizing this important time for us to speak today, and I am so honored to join my colleagues and the others really who are speaking around the country who are trying to give voice to our seniors as we bring to the attention of the House of Representatives a veritable scandal, I believe, which is occurring in our country today.

I know that seniors on the central coast of California, where I live, and I believe that we are seeing evidence that seniors throughout the country, are paying outrageously high prices for their prescription drugs. Even worse, these inflated costs subsidize the discounts that high-profit HMOs get for these very same drugs. These inflated costs are rising every day, so they are rising at a faster rate even than the cost of living. Seniors are paying more this month than they paid a few months ago for their prescription medications. And this unfair practice has caused many of our older Americans to cut back on their medications, leading some to choose between buying food or filling their prescriptions.

Last September I conducted the first comprehensive study of the impact that these big drug companies' high prices are having on the central coast of California's senior citizens. My office then released a report on the cost of prescription drugs for seniors and, more importantly, a major reason why these costs are so high, and the findings are startling.

Seniors in my district pay, on average, 113 percent more for the 10 most widely prescribed drugs than do the HMOs buying the same drugs. These are critical medications, like Zocor, for reducing cholesterol; Norvase, for reducing high blood pressure; and Relafen, for relief from arthritis. Prescription drug companies give huge discounts to managed care companies for these and other drugs. Other buyers, such as pharmacists, pay substantially more for the same drugs and must pass those higher costs on to their customers, many of whom are seniors.

The average senior fills between 9 and 12 prescriptions a year. This is a far greater number than any other segment of our population. It is estimated that the elderly, who make up approximately 12 percent of the population, use one-third of all the prescription drugs.

Today, in Santa Barbara, in the News-Press, our local newspaper, it was reported that Ticlid, one of the most widely prescribed medications for persons who have had strokes, sells to HMOs for around $34 for 60 tablets. In my district, the average price seniors, who have to pay out-of-pocket for this drug, are being charged an overwhelming $131, nearly a 300 percent markup over the price the HMOs are paying.

This huge difference in prices is not going to the retail pharmacists in Santa Barbara or Santa Maria or Arroyo Grande. According to my study, the local pharmacists on the central coast are paying an average of $100 to $110 for Ticlid.

The final price seniors pay includes only a reasonable markup to the outrageous price that pharmacists are being forced to pay to the drug companies. No, the extra money the seniors are paying goes to the drug company so it can continue giving big discounts to HMOs and managed care companies.

It is a very sad story that seniors are paying more in money for drugs than they should while HMOs are reaping a huge profit based partly on the huge discounts they get from drug companies. But there is an even sadder element. Many seniors simply cannot afford these high prices. They live on fixed incomes, especially as they keep on rising. So, instead, they take half the prescribed dose or they do not buy these lifesaving drugs because they cost too much.

For example, Harriet MacGregor, in Santa Barbara, told my staff that because of the high cost of her five prescriptions she must sometimes skip or reduce her dosage. As a nurse, I am particularly appalled when I hear these stories. This is an intolerable situation. Seniors should not have to be subsidizing the profits of the HMOs, and they should not have to choose between filling their prescriptions or buying food or paying rent.

I want to give credit to the pharmaceutical houses for developing the medications that save seniors' lives and enable them to live quality lives longer. These drugs are keeping our older Americans out of hospitals and out of nursing homes. We want them to take the medications. We have to find a way for them to be able to do this.

Yesterday, I was a proud cosponsor of legislation to address this issue. This Prescription Drug Fairness Act for Seniors, introduced by my good friends and colleagues, the gentleman from Texas (Mr. JIM TURNER), the gentleman from Maine (Mr. TOM ALLEN), and the gentleman from Arkansas (Mr. MARION BERRY), will allow pharmacists an opportunity to receive the same big discounts that HMOs get for the drugs that they dispense to seniors. This cost saving will be passed on to the seniors. This legislation is long overdue and will ensure that seniors pay reasonable prices for the lifesaving drugs they so desperately need. I urge my colleagues to support this legislation.

This important bill brings to mind another related problem: 35 percent of American seniors have no prescription drug coverage. Medicare, this health safety net for millions of elderly and disabled Americans, does not cover outpatient prescription drugs. So many seniors are forced to pay for these spiraling costs with absolutely no assistance.

Mr. Speaker, we must examine ways to improve Medicare. As we do that, I believe we must seriously consider extending prescription drug benefits to the elderly and to the disabled. We should also ensure that seniors are not subject to pharmaceutical price discrimination.

In closing, we can and should do everything we can to safeguard access to these life-extending and life-enhancing prescription medications for our seniors. I thank the gentleman for the opportunity to speak.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from California, and I

yield 5 minutes now to the gentleman from Texas (Mr. TURNER) and congratulate him on his leadership in this matter.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for the leadership that he has given to this issue. And as a pharmacist, the gentleman knows better than any of us the difficulties that the cost of high drug prices are having on our senior citizens.

It is a privilege to have joined the gentleman from Arkansas, and the gentleman from Maine (Mr. ALLEN), the gentlewoman from California (Mrs. CAPPS), and the gentlewoman from Michigan (Ms. STABENOW) yesterday to introduce once again into this Congress the Prescription drug Fairness For Seniors Act, a bill that we introduced at the end of the last session of Congress and that we are reintroducing now, early in this session, because we believe that we will now have the opportunity to see this legislation become law.

When I first became acquainted with this issue it was because of my membership on the Committee on Government Reform and Oversight, where our staff prepared a study of prescription drug costs in my district, as well as in the district of the gentleman from Arkansas (Mr. BERRY) and many others who are with us here today. That study revealed that the big drug companies are heavily discounting prices to their most favored customers and passing on much higher prices to local retail pharmacists, which means that our senior citizens, who have to buy their prescription drugs in their own communities, are paying the highest prices of anyone.

This is not a new phenomenon. Local pharmacists, I understand, have known this for years. In fact, as I traveled across my district talking about this bill, I found that many of our local pharmacists, who have gone out of business in recent years, have done so because they have been unable to compete because of the discriminatory pricing practices that have been carried on for these many years by the big drug companies. And most citizens, for years, have known that if they just fly or drive into Mexico, or across into Canada, they can buy their prescription drugs much cheaper than they can in their local pharmacies here in the United States.

We all understand the big drug companies have made great progress in their research and in providing the best pharmaceutical products the world has ever known. And yet, in the course of the pursuit of that practice and that good research, they have engaged in a discriminatory pricing practice that has resulted in our senior citizens, those who are least able to afford to buy prescription medications, having to pay the highest prices.

One individual that particularly impressed me was a lady that I met in Orange, Texas, when I held a brief press conference talking about this bill toward the end of last year. Her name is Miss Frances Staley, and a story about Miss Staley was recounted in the Houston Chronicle back on November 22nd of last year.

Miss Staley is 84 years old. She has a Social Security check that she has to live off of that totals about $700 every month. She spends over half of that $700 just to pay for the 14 prescription medications she has to take every day. Miss Staley in this article said this: By the time I get through paying for my medicines, I have very little to live off of. She goes on to recount that at one point she began to take a pill and split it in half to stretch out her supply of her prescription, but she was stopped after a stern rebuke from her doctor.

No senior citizen in this country today should have to struggle to be able to pay for their prescription medications. Retirees, such as Miss Staley, who must pay the full cost of their prescription drugs, are the hardest hit of anyone due to the discriminatory pricing practices that have been pursued by the big drug manufacturers.

Let us look at what that discrimination really is. I have here a chart that shows three different prescription drugs that are used by our senior citizens. One of them, right here in the middle, is synthroid. That is a hormone treatment. The big drug companies sell synthroid, a month's supply, to their most favored companies, the big insurance companies, the HMOs, and even the government, for $1.78. People like Miss Staley, in my district in Texas, they would have to pay $25 for that same prescription. That is just not right.

Another drug, micronase, which is a medication for diabetics, the most favored customers, the big insurance companies can buy that from the drug companies for $6.89 for a month's supply. Miss Staley would have to pay a price of $45.60.

Now, those high prices to Miss Staley are not the result of the local pharmacy marking up that drug. The local pharmacies in this country today have a very small margin. In fact, that margin has decreased in recent years. That is why I was mentioning a minute ago that many of them are having to close their doors.

We want to solve this problem, and the way we try to solve it in this legislation is we simply provide that local pharmacies may purchase their prescription drugs that they resell to Medicare eligible beneficiaries directly from the drug manufacturers at the same prices that they are currently selling to the government, to the big HMOs, and to the hospital chains.

□ 1645

We think that is only fair, that is only right. Our senior citizens deserve to be treated better. I am proud to join with the gentleman from Arkansas (Mr. BERRY) and the gentleman from Maine (Mr. ALLEN) and the others here today in trying to enact this into law.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas for his leadership in this matter.

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

Ms. DELAURO. Mr. Speaker, I thank my colleague, the gentleman from Arkansas (Mr. BERRY), and I want to say I offer my congratulations to him and to the gentleman from Texas (Mr. TURNER) and the gentleman from Maine (Mr. ALLEN) for introducing this legislation. It really is so critical to what seniors in this country are facing today.

To bring this to the Nation's attention, I think we can really create no better opportunity than to provide some relief to people who we have all heard from, all of us. There are 435 Members of this body; 435 Members have heard that their seniors that they represent are in a difficult spot. Many are just deciding, as has been said on this floor today, between whether or not they are going to have a decent meal or whether or not in fact they are going to be able to take care of their health concerns.

Let me just talk a little bit about my own district, which is the 3rd District of Connecticut. I conducted a study and discovered that seniors in Connecticut's 3rd District pay an average of twice what the pharmaceutical companies' preferred customers pay. And by ''preferred customers,'' so it is clear, and I am sure others have made that clear here today, these are large corporate institutional customers with market power for which they can buy drugs at a discount price. And that is a good thing. That is a good thing.

While HMOs and others get the drugs at a discount, the cost is shifted to seniors and others who shop at their local store or their pharmacy. The bottom line is that we have seniors winding up subsidizing the corporate discounts out of their own pockets, and they live on fixed incomes. It is very difficult for them to make ends meet and to be able to afford prescription drugs.

I will give my colleagues an example. Prilosec, a drug commonly prescribed to seniors, HMOs are able to buy an average dosage for $56.38. Seniors in my district would pay $108.63, almost double. It really is no wonder that some of the seniors that I have talked to spend nearly half of their income each month just on prescription drugs.

On a personal note and a sad note for our family, my father-in-law, Sam Greenberg, passed away about two weeks ago. And something I did not realize when I talked with my mother-in-law is that they were paying up to $800 a month for prescription drugs. I do not know how they did it. I do not know how they did it. And I did not know that. My husband did not know that. But they were trying the best they could to pay $800 a month for prescription drugs.

When I released the study that I did last year, I met with the local pharmacists and I met with seniors in my

district who were affected by the problem, and I met the daughter of a woman who had a stroke because she could not afford to take her medications but she was embarrassed to tell anyone about the problem. I met a pharmacist who does all that he can to help his customers afford the prescriptions that they need, sometimes giving them credit until they find money to pay him. I saw people who are struggling to make ends meet on a limited income while buying the medicine they need to stay healthy.

One of those seniors, Irma Yoxall, is a 72-year-old resident of West Haven, Connecticut. Ms. Yoxall suffers from diabetes and high blood pressure and she takes six prescription drugs. Her monthly income is $750. She spends between $300 and $400 a month, almost half of her income, on her prescription drugs.

Until she became eligible for Medicaid, Ms. Yoxall had no insurance coverage at all for her prescription drug needs and at times was forced to skip medications because of the high cost. In fact, she recently suffered a stroke which her daughter believes was brought on because of the skipped medications.

Let me just say, and let me conclude, I want to say thank you to my colleagues. This is such an important piece of legislation. It simply says, let seniors purchase their medications at the same cost that our large corporations, HMOs, can make that purchase, and keep them healthy and keep them in a sense of security that in fact they can weather, weather the storm of a serious illness.

I thank my colleague again for letting me participate with all of my colleagues tonight.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) not only for her support in this matter but for her great leadership in the House.

Mr. Speaker, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from Connecticut for her support. It means a lot to us to have her come down and be with us in this debate.

I just wanted to say, in closing, one thing. I said earlier that what is happening out there is that the pharmaceutical companies are charging their highest prices to those least able to pay. And by those least able to pay, I mean those Medicare beneficiaries, those seniors who do not qualify for Medicaid but are not wealthy enough to buy and use prescription drug insurance coverage. So they are left on their own, paying out of their own pocket.

The industry is going to say that this bill involves price controls, and my final point is that that is flat out wrong. This bill will allow the Federal Government to act as a negotiating agent to make sure that it gets the best prices for our seniors across the country. It does not involve price controls. It simply puts a big negotiator, a big buyer, into a market where right now seniors or, more accurately, those wholesalers who sell to retail pharmacies really do not control market share and really do not buy in the kind of bulk that is necessary to get big discounts.

H.R. 664, the Prescription Drug Fairness For Seniors Act, is the right bill at the right time at a low cost, a bill that would be effective in lowering the prices for seniors all across this country.

I just want to say in conclusion how much I appreciate the work of the gentleman from Arkansas (Mr. BERRY) on this issue, the work of the gentleman from Texas (Mr. TURNER) on this issue. We are going to make a difference in this Congress and pass this legislation.

Mr. BERRY. Mr. Speaker, I will just conclude by mentioning what a heroic effort our local pharmacies have made in the last few years to try to take care of our seniors and see that they got the medicine they needed at the best possible prices, and the heroic effort that our seniors have made to deal with this very difficult situation.

The drug companies will say, ''We need this much profit.'' What we are saying is, we want them to make a profit but they should not make it all off of our senior citizens. We must level the playing field. We must treat our seniors the way that other preferred customers get treated. And this is the right thing to do. It is the fair thing to do.

I urge my colleagues on both sides of the aisle to support H.R. 664.

TRIBUTE TO THE PEOPLE OF GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 15 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation, as I have for each of my four terms here, regarding an issue that is very special to the people of Guam, and that is an issue that goes back to the World War II experience of the people of Guam.

I am often asked what I enjoy most about my service as the elected representative of the people of Guam to the U.S. Congress, and my reply is that I appreciate being able to educate and tell Guam's story to as many people as possible.

Since I have been here, the most compelling story the people of Guam have to offer is their wartime experience. It is a story which begins during a time when the people of Guam were not yet U.S. citizens but were in a sense Americans-in-waiting. The story is filled with horror and heroism, suffering and relief, anticipation and disappointment, captivity and freedom, life and death. These are all the ingredients to a blockbuster movie, including Guam's happy ending of liberation from her captors by primarily U.S. Marines of the Third Division.

Yet as time passes and the story of Guam's occupation is passed from generation to generation on Guam, this is often where the story ends. But like any great Hollywood movie, there is always more to the story that can be told but sometimes simply is not. In many cases the producers are constrained by budget, time, and attention spans of their audiences, and Guam's World War II experience is no different.

It has now been 54 years since the liberation of Guam and, if anything, time has not meant that all is forgotten or forgiven, not until there is some measure of national recognition of what happened to our fellow Americans on Guam and how the Federal Government failed to make them whole and right the wrongs which resulted from the Japanese occupation.

There was a woman by the name of Mrs. Beatrice Flores Emsley, who was the most compelling advocate of this cause, who came and testified several times in front of congressional committees until her death two years ago. At the age of 13 she survived an attempted beheading by Japanese officers.

In the capital city of Agana, she, along with another group of Chamorro people, were rounded up for beheading and mutilation and execution by swords. After being struck in the neck, she fainted, only to awake two days later with maggots all over her neck but thankful to be alive.

She would be haunted by her wartime experience for the rest of her life. And the long scar trailing her neckline, caused by the Japanese sword, was her constant reminder. Yet Mrs. Emsley never had words of bitterness, only that the people of Guam be made whole.

These stories are not meant to simply draw emotional attention to a very difficult time, but the people of Guam suffered enormously as the only American territory which was occupied by an enemy power since the war of 1812, in which hundreds of people died, thousands of people were injured, and thousands of people were subjected to forced marches, forced labor, and internment by the invading Japanese Army.

There have been many opportunities by America to recognize Guam's dramatic experience of World War II. In 1945 Congress passed the Guam Meritorious Claims Act, which is known as Public Law 79–224. This was the legislation which was meant to grant immediate relief to the residents of Guam by the prompt settlement of meritorious claims. That legislation had no forced labor, no forced march provision to it, even though later legislation which covered the same topic for other groups of Americans did allow for it.

While the Guam Meritorious Claims Act became the primary means of settling war claims for the people of

Guam, it was clearly inadequate. It was recognized by a number of Federal commissions, including the Hopkins Commission, Secretary of Interior Harold Ickes in 1947 and 1948, that the Guam Meritorious Claims Act, which was in existence for one year, was inadequate to deal with the thousands of claims that had to be submitted and in fact were not submitted.

It was inadequate to deal with the claims of a people who had simply lost all their homes and, instead of concentrating on the claims, they were all trying to find ways to be resettled. As a consequence, thousands of people, the vast majority of people of Guam never submitted claims. And most of the claims that were submitted and adjudicated by the United States Navy, which was the administering authority by congressional action for these claims, basically most of them were property claims.

To give my colleagues an example, one person who was beaten to death for saving a Navy pilot was given by the U.S. Navy, his family was given $665.10 for the sacrifice of their father. A Navy plane had been shot down. He tried to go and help the pilot. The Japanese discovered him. He was subsequently beaten to death. The pilot was also executed. And for this the family received compensation, $665.10.

□ 1700

If you wanted to personally, if you wanted to adjudicate a claim in 1946 dollars of more than $5,000, which was allowed for a death claim, you had to come to Washington, D.C. to personally adjudicate the claim, which was quite an impossibility for a community that was war-torn at the time and did not really recover from World War II until the 1950s.

In asking on Congress to revisit this issue I want to point out a couple of items:

In 1945 there was the Guam Meritorious Claims Act. This was the act designed to deal with the American nationals of Guam for their suffering during World War II.

In 1948 there was similar legislation for Americans and American nationals, that was the term used at the time, to adjudicate their claims as a result of their suffering at the hands of the Japanese and the Germans. This includes people like who were nurses, for example, or American civilians who happened to be caught in the Philippines when the Japanese came. These people, including some people from Guam who happened to be in the Philippines at the time of the Japanese occupation, were allowed to submit claims under the 1948 law, and as a result of the inefficiencies in that law, that later was amended in 1962 to further perfect and finalize the arrangements dealing with the wartime experience.

The people of Guam were not included in the 1948 law, and they were not included in the 1962 law, and I want to explain a brief personal example of how that worked.

My grandfather, James Holland Underwood, was from North Carolina and he was a civilian on Guam when the Japanese landed. He was taken by the Japanese as a civilian internee, put in Japan for four years. While he was in Japan for four years, his wife, my grandmother, his sons, including my father, and their families were subjected to the Japanese occupation under very horrendous conditions. My parents lost three children during the Japanese occupation.

My grandfather was allowed to file a claim with the 1948 law, later revised in 1962, but neither of my parents were ever compensated for any of the experiences that they had, despite the fact that they were the ones who suffered the most. Not to say that my grandfather did not suffer as well, but it was an anomaly of congressional law.

The first question that I am always asked on something like this is why do we not submit these claims to the Japanese Government, since they were the source of this problem to begin with? And the issue is rather simple. The U.S.-Japan peace treaty in 1951 forever closed the door. That is typically part of peace treaties, whereby if you sign a peace treaty with a country, that claims of your own citizens against the other country are inherited by your own government. This was acknowledged by Secretary of State John Foster Dulles when the issue was raised in the 1950s.

So what we have is a case of legislation that has fallen through the cracks, has taken the one single group of Americans in this century who directly experienced foreign occupation and has ignored their sacrifices and has not respected their loyalty.

Yet despite this experience, July 21, which is the day that the Marines landed on Guam, is by far the biggest holiday on Guam. People are eternally and genuinely grateful for the sacrifices of the men of the Third Marine Division, First Marine Provisional Brigade, units of the 77th U.S. Army infantry, the Coast Guard, the Navy, very genuinely grateful for the sacrifices in removing the Japanese from Guam.

Yet the people of Guam have not been treated the same as the people of the Philippines, who were granted $390 million by the U.S. Congress and who in turn, because they became an independent Nation, were allowed to submit separate claims against Japan. The people of Guam were not treated the same as other U.S. nationals and other American citizens and most noticeably sometimes different people, because they were in the same family, were treated differently.

This is an issue which will take some resolution. I am glad to see that there have been several cosponsors for this legislation. I have introduced this legislation today. I hope and I pray that this will be the Congress that will finally put this issue to rest. World War II, the sacrifices of the World War II generation, are no less the men in uniform and the people back on the domestic home front, but certainly for a very small group of people who were considered American nationals at the time, who endured a horrendous occupation by an enemy power, subject to forced marches, forced labor, brutal killings, many injuries and widespread malnutrition which itself caused hundreds of deaths, must not go unnoticed, must not go unrecognized.

And so I hope and I pray that this will be the Congress where we will finally bring an end to this wartime legacy.

Mrs. Beatrice Flores died two years ago. Under this legislation, if she had remained alive, she would be awarded $7,000 for injuries suffered as a result of World War II. Today, even if this legislation passes, nothing would happen. Her family would get nothing because the only legitimate claims that can be made were for those people who actually died during the Japanese occupation.

So, the longer we wait, the more justice is delayed, the more certain people who experience this directly will not get compensated, and so I feel very strongly about this. I feel that the people of Guam finally need for this to come to a conclusion, and I hope that Members of this body will support this piece of legislation.

GOOD FRIDAY AGREEMENT IN PERIL

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. WALSH) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALSH. Mr. Speaker, I would like to acknowledge at this time my good friend and colleague from Massachusetts (Mr. NEAL) who will join me and other Members, including the gentleman from New York (Mr. BEN GILMAN) in a bipartisan discussion concerning the Northern Ireland peace agreement.

Mr. Speaker, the peace process in Northern Ireland is in serious trouble. The Good Friday agreement we cautiously celebrated last spring is now under attack from within. Ulster Party leader David Trimble, who signed the agreement just nine months ago, is now balking and trying to reopen, renegotiate and re-interpret the terms of that hard-fought agreement. Over the past few months we have seen deadlines pass, deals reneged upon and a return to the ugly politics of exclusion.

Let me remind those who support the status quo that the people in Ireland, north and south, voted decisively for change in the referendums last May. History will not be kind to those who fail to deliver.

The next couple of weeks are critical. On Monday the Northern Ireland Assembly will meet to formally approve the creation of the 10-member executive and cross-border bodies. Over the

next two weeks the assembly will make preparations for the transfer of powers from the Northern Ireland office on March 10.

David Trimble wishes to lay claim to the title of first Minister of Northern Ireland. If he is ever to fulfill the tremendous responsibilities of serving as the first minister for both communities in Northern Ireland, he needs to move forward to implement the agreement that he is a party to and to appoint ministers to the executive. If he fails to do so, the two governments party to the agreement, namely Ireland, the Republic of Ireland, and Great Britain should reject the Trimble veto, take responsibility into their own hands and implement the agreement. They must support those who are working for peace, who wish to govern and serve in a new Northern Ireland. They should implement the agreement.

Mr. Speaker, why should the people of the United States care? Well, because first of all there are millions and millions of Americans of Irish descent who reside in the United States, some of whom have paid very close attention to this, others who have not but yet understand what all Americans understand, and that is that Northern Ireland must move forward into a pluralistic, democratically-elected government that makes it possible for everyone to live out their lives, and practice their religion, and practice their own philosophy, and raise their family and raise their children in a spirit of equality and under a government that allows for individual freedoms and beliefs.

One of the issues that has really hung this process up is something referred to as decommissioning. Decommissioning is the term that is used by the political parties of the north that in effect would disarm all of the combatants in this process, and I stress the words all of the combatants. As you probably know, there has been for the last 30 years at least a period of strife, civil strife, violence, and it has been a very difficult time. Decommissioning would require under the agreement that all parties to the agreement, all political parties to the agreement, would use their good offices and their political capital to remove all of the guns and all the bullets from Northern Ireland. The agreement provided two years for this to take place and urged that all parties work toward that end, and at the end of the two-year period ideally all the weapons would be removed.

Mr. Trimble has seized upon this issue and has, I think, really backed himself into a corner, because what he is saying now is that in order for him to implement the agreement, the IRA and the political leadership of Sinn Fein must deliver decommissioning prior to the implementation of the government, which is in direct contradiction to the agreement. The agreement says we all work together toward the end of violence and decommissioning, the end of arms, in a two-year period.

Meanwhile we have deadlines that have to be met in order to put this government together, and if Mr. Trimble would stick to the agreement, progress would be being made now, and in fact one of the things that has to occur along the way is to eliminate the root causes for violence. And if those root causes are not eliminated, then regardless of whether the weapons disappear now or later, if the root causes are still there, the violence will return.

So the agreement was hard-fought, every ''I'' was dotted and ''T'' was crossed with everyone watching, and words do matter over there. So the agreement needs to be implemented.

I will take another moment and focus on another very important element in this agreement, and then I will yield to my friend from Massachusetts (Mr. NEAL).

The Good Friday agreement calls for a new beginning to policing in Northern Ireland and contains a clear and unmistakable mandate for a new approach in this area, one capable of attracting and maintaining support from the community as a whole. In doing so it acknowledges the major defects in the current policing arrangement and the vital need for change.

□ 1715

At this critical juncture in the peace process, there is an enormous responsibility on Members of the Patten Commission. It is essential that they submit the kind of innovative proposals which the situation demands. It is no exaggeration to say that many in the Nationalist community will judge the value of the agreement by what the Commission delivers on policing. The terms of reference given to the Patten Commission, which are detailed in the Good Friday Agreement, are comprehensive and far-reaching. I propose today to include them in the record of the House.

They require that the Commission deal with key issues, such as the composition, future police structure, and the whole culture and character of the force. The objective is to provide a police service with which both communities can identify. That is definitely not the case at present.

The overriding problem is that the Nationalist community does not see the RUC, the Royal Ulster constabulary, as their police force. This is hardly surprising, given that 93 percent of the force is drawn from the Unionists, as opposed to the Nationalist community, and for much of its history the force operated as an arm, often an oppressive arm, of the Stormont Unionist administration.

People in Nationalist areas recall in the not too distant past the use of lethal force by police, the use of plastic bullets, the use of physical abuse and torture in interrogation centers. They want to know that these features of policing are gone, and gone forever.

In Northern Ireland, policing has been a major source of division, pushing the two communities farther and farther apart. In these circumstances, the demand for change is not about getting more Catholics into the RUC, it is about completely overhauling how policing operates in Northern Ireland. It is about creating a new police service with which the Nationalist community can fully identify.

The situation cannot be resolved by tinkering with the problem or merely changing the name or the uniforms of the force, however necessary those changes may be. It requires a fundamental reappraisal of policing structures.

The Good Friday Agreement identifies the objective, a police service enjoying the support of both communities. The Patten Commission must work back from that objective. It is its task to devise the kind of policing service which meets that standard. The status quo cannot be the point of departure.

The new agreement must include fundamental changes in the composition, structure, culture and character of the police. The Commission's guidelines stress the need for the police to become accountable to the community that they serve. This means real power over policing at the regional and local level, with input into recruitment and direction of the force.

The issue is not about adjusting simply the sectarian imbalance within the RUC. It is about creating a police service which Nationalists see as their own. They have never had that.

It is no exaggeration to say that getting the policing issue right will have a major bearing on the ultimate success of the agreement. It is vital, therefore, that the Patten Commission's recommendations be acted upon without delay.

We have seen too many examples of the so-called Securicrats, those shadowy bureaucrats who operate behind the scenes and appear to pay little attention to the political leaders, slowing down reforms to fit some alternative agenda. This must not be allowed to happen with policing.

Mr. Speaker, I yield to my friend and colleague from Massachusetts, who has shown great leadership on this issue, Mr. NEAL.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH).

Mr. Speaker, there is high significance to this issue as we confront it here again on the House floor in the sense that in terms of international relations, this issue was inspired by Members of the House. It was the constant vigilance of the Members of the House of Representatives many years ago that played an enormous role in bringing this question to the surface and allowing members of the international community to pass some judgment.

I want to thank Mr. WALSH. Time and again, like many Members of the Republican Party, he and others have

been of great assistance on this question over a long period of time.

As one who has been involved in the issue of Ireland for the better part of two decades, in fairness it should be acknowledged this afternoon how far we have come. But the truth is, as we have continued to role the boulder back up the hill time and again in the face of obstacles, some minor and some major, it has been the vigilance of this Congress that has ensured that all voices have rightly been heard.

But let me, if I can, speak for a few moments about the Good Friday Agreement and the issue of decommissioning, as it is commonly known.

The Good Friday Agreement states that all participants reaffirm their commitment to the total disarmament of all paramilitary organizations and to achieve the decommissioning of all paramilitary arms within two years following the endorsement of referendums in the north and the south of Ireland.

What is significant about this occasion, I believe, is that nowhere in the Good Friday Agreement is that issue compromised. It is pointed out time and again in a prescribed timetable that the people in the Republic of Ireland and the north of Ireland simultaneously voted for and endorsed.

So what brings us to this point on the House floor? We are here because, once again, the Nationalist community, the Social Democratic and Labor party, led by John Hume, and the Sinn Fein political party, led by its president, Gerry Adams, have met all of the agreements that were reached on Good Friday under the substantial and able leadership of former Senator and our friend George Mitchell.

And what has been their reward as they have gotten to the goal line? As they have gotten to the goal line, the response has been to move the goal posts back. Sinn Fein and SDLP both have stated emphatically that there are no preconditions that have been offered nor none that were accepted on the issue of decommissioning.

But what do we have as a response from David Trimble and the Ulster Unionist party? They have sought to rewrite and to renegotiate the agreement on the matter of decommissioning.

What is to suggest to the Nationalist community that if they want to subscribe to this precondition, that another precondition might not be offered in the near future, as it has always been done in the far and recent past?

David Trimble in this instance, who, by the way, has won a Nobel Peace Prize, and I held great hopes for just a few weeks ago, has attempted to review the agreement that the people on the island of Ireland have voted for. He and some of his allies have deliberately delivered a crisis in the peace process by refusing to cooperate in the establishment of the new political institutions in the north of Ireland that, once again, the people in those six counties have voted for.

They have repeatedly missed deadlines, and they have used decommissioning as an excuse to try to review the whole topic. What is sorely needed here is the leadership of the First Minister in Waiting to accede to the views of the electorate and to all of the political parties by Monday of next week, or February 15th.

David Trimble and the Unionist party should not be allowed to park, to rewrite, or to renegotiate this agreement that was approved by the vast majority. Ten months after the agreement and nine months after the historic North-South referendums, the Assembly, the Executive and the North-South Council have still not been established. The refusal to establish these new institutions is in fundamental conflict with the letter of the Good Friday Agreement. It is undemocratic and a denial of the rights and wishes of a majority of the people who voted for that agreement on May 22, 1998.

We cannot diminish on this occasion or on this floor how significant this achievement has been. To think that all of the political parties, with the exception of some fringe elements, have come to the bargaining table and hammered out an agreement with the endorsement of Bill Clinton and Tony Blair, who both have done a great job, now to discover as the deadline for the North-South bodies approach that the would-be First Minister has decided to erect a new barrier to the accomplishment of our overall goal, and that is to have a role for Dublin in the day-to-day affairs in the north of Ireland.

It was just a few weeks ago that we saw the process stumble and we saw Prime Minister Blair intercede to help pick it up. In this instance, we hope once again that he would be willing to do precisely that.

We should not underestimate how far this has come. We should time and again remind ourselves that we are now far up the hill as to where we once were. But it needs an extra nudge, and the nudge would be, I believe, to encourage Prime Minister Blair, and if it is the consensus of the political parties in the North, Bill Clinton, to once again intercede.

But if we are to find ourselves each and every step along the way in this process of having a referendum which parties agree to and the parties all endorse, and then to say at the end of the day that is not entirely what was meant, we have to go back and revisit all of these issues that have intervened in recent time, then the agreement will collapse of its own weight, and none of us here who have been party to this solution want to see that happen.

It is time for the development of these bodies, fully in compliance and in agreement with the wishes of the people in the North.

Mr. WALSH. I thank the gentleman.

Mr. Speaker, I yield to the distinguished Chairman of the Committee on International Relations, a real leader on this issue of peace and justice in Ireland, the gentleman from New York (Chairman GILMAN).

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

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

Mr. Speaker, I am pleased to be able to rise today on this very important issue as the new 106th Congress is taking time to address an ongoing issue of important foreign policy concern to our own Nation. The question of the difficult struggle for lasting peace and justice in the north of Ireland is one of concern to millions of Americans, as well as peace-loving people throughout the world.

I thank the distinguished gentleman from New York (Mr. WALSH) for arranging this special order, enabling us to discuss the status of the Ireland peace process. We welcome his remarks. I want to commend to the gentleman from Massachusetts (Mr. NEAL) for his supporting remarks and for his ongoing concern for peace in Ireland.

Last year, as we know, was an historic one in Irish history. The good Friday accord was signed in April of 1998. The Irish people, both North and South, overwhelmingly endorsed that peace accord in public referendum. The people in the North then elected as part of the accord a new Northern Ireland assembly, an assembly to govern much of their own internal affairs.

Sadly, as so often has been case over the many years, and as my colleagues have just recited, the issue of arms decommissioning is still a major obstacle to further progress in the effort to bring lasting peace and real concrete change in the north of Ireland.

These are goals we and most of the people on that island accept and want desperately. What is sadly lacking is the political will and leadership on the ground in the North. The arms issue is once again being used as the old Unionist veto, which blocks progress and blocks full implementation of the Good Friday peace accord.

While it is notable that some people have won Nobel Peace Prizes for their leadership up to and signing the Good Friday accord, the real prize should come when the terms of the accord are fully adhered to and agreed upon as negotiated by all the parties.

□ 1730

In particular, the decommissioning issue is being used to block creation of a Northern Ireland cabinet level executive intended to help govern the north, as well as to help implement the new North-South bodies under the Good Friday Accord.

The new cabinet executive must include Sinn Fein who won that legitimate right through the ballot box and a Democratic process to participate and to govern the north, as well as to be able to sit on the new North-South cross border bodies to govern the new Ireland.

Like it or not, the Unionists must acknowledge that Sinn Fein has a legitimate Democratic mandate which,

under the terms of the accord, entitles him to two ministerial posts on the new executive cabinet.

The Good Friday Accord never mandated that the issue of IRA decommissioning would be a precondition to Sinn Fein's entry into government and the new institutions it established. It provides only for ''best efforts'' and the ''hopeful completion of the arms decommissioning process'' by the year 2000.

The entire and complex Good Friday Accord and peace process will work only if everyone keeps their word and does not seek to renege on those portions of the agreement that they now profess to dislike. That is just how it is, and there can be no unilateral renegotiations, period.

Yet, sadly, the issue is back to being used as a red herring to rewrite and to undo the Good Friday Accord and thwart the will of the Irish people who voted in massive numbers for the accord and for peaceful political change.

It is time to get on with it and put an end to the Unionist veto which, for far too long, has been used to maintain the unsatisfactory status quo which is the north of Ireland today. We all know far too well how political vacuums in the past have been filled in Northern Ireland. No one wants a return to violence on all sides.

Change must come on the ground, and the nationalist community must be treated with equality. They must be given their rightful voice in the future of the new north. Many in the nationalist community have chosen Sinn Fein to represent them in a new government, and no one has a right to undo that election.

We also need to see new and acceptable community policing in the north, and equal opportunity, and a shared economic future. I am pleased to report today that our House Committee on International Relations will be holding hearings on April 22nd on policing in the north. We will be taking testimony from the north and from leading international human rights groups on the RUC question and the compelling need for new and acceptable policing, which is both responsive and accountable as envisioned by the Good Friday Accord. I am convinced that many constructive ideas for meaningful peace reform will emerge from our efforts.

It is important that we all work together to bring about concrete and meaningful change, and bring about reform in the north so that one day soon, the future of Ireland and its warm and generous people will be theirs and theirs alone to make. It is time to get on with it, to end the foot-dragging, and to implement the will of the good and generous Irish people.

I thank the gentleman for arranging this Special Order, and I thank him for yielding time.

Mr. WALSH. Mr. Speaker, I thank the gentleman for his thoughtful comments and his leadership, as always, and I welcome the prospect of hearings in the Committee on International Relations on policing in Northern Ireland. It is a welcome addition to this overall equation, and I am sure it will be very, very helpful to all of us who are interested in this important issue.

Mr. Speaker, I yield at this time to my distinguished friend, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) who has been a good leader on this issue and a faithful friend as well.

At this time, Mr. Speaker, I yield to the distinguished gentleman from Worcester, Massachusetts (Mr. MCGOVERN), who has had a long interest in the issues and affairs of Northern Ireland.

Mr. McGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. WALSH), and my dear friend and colleague, the gentleman from Massachusetts (Mr. NEAL) for their long years of leadership and advocacy for a fair, just and lasting peace in Northern Ireland.

Like so many of my colleagues, I have relied on their wisdom and their insights in understanding the complex issues confronting this country as it moves into a new era of peace. I want to thank them again for the opportunity this afternoon for Members to come together and discuss the status of the peace process in Northern Ireland. I would also like to acknowledge and express my appreciation to the gentleman from New York (Mr. GILMAN) for all of his efforts in bringing about a peaceful settlement to the troubles in Ireland.

Mr. Speaker, like the people of Northern Ireland, the Republic of Ireland, and England, the world was deeply moved and experienced a universal feeling of hope when all sectors of the Irish conflict signed the Good Friday Agreement last year and put in motion a process to bring lasting peace to Northern Ireland.

All of us watched the people of Ireland and Northern Ireland vote overwhelmingly in support of the peace agreement, and we watched with great concern as violent parties attempted to destroy or undermine the agreement with acts of violence. But the heart and the soul and the spirit of the Irish people held true to the calling of peace and they rejected these violent provocations.

The peace process has now reached yet another important crossroads. For over the next days and weeks, we will actually witness the transfer of power to the people of Northern Ireland, all the people of Northern Ireland. And we will see the various parties and sectors form a new executive, receive posts and ministries in that executive power, and have the new assembly ratify the North-South Agreement. In March, we will witness the formal transfer of power to this newly established executive.

But there are some who state that the establishment of these new political institutions cannot and should not take place without the disarmament of paramilitary groups, most notably the decommissioning of the Irish Republican Army. But Mr. Speaker, the Good Friday Agreement, as has already been mentioned, requires no such precondition for the initiation of these new political bodies and the transfer of power. Indeed, establishing these new institutions and empowering the various parties and sectors of Northern Ireland will contribute greatly to building the climate of confidence and trust so necessary for the successful disarmament of paramilitary groups.

Another key for successful disarmament will be what happens this summer when the proposals are reforming the police and completing the demilitarization of troops that will be presented. The reorganization of the police so that it is both responsible and responsive to all the communities of Northern Ireland is a critical item of the Good Friday Agreement. So is the withdrawal and the demilitarization of British troops on Irish soil a key element to a lasting peace and the rejection of armed conflict in the future.

According to the framers of the agreement and the British government, the IRA needs to lay down about 1,500 arms or weapons by May 2000. Mr. Speaker, I have been very actively involved in the peace accords that ended the Civil War in El Salvador and that required the guerrilla forces in that country to give up literally tens of thousands of weapons. Believe me, Mr. Speaker, it only needs a matter of days to disarm 1,500 weapons if, and I emphasize if, the political and social institutions called for in the Good Friday Agreement have been established and are allowing all the people of Northern Ireland to participate fully for the first time in determining the future destiny of the country.

Mr. Speaker, it is easy to overlook the tremendous progress that the peace process has brought to Northern Ireland. The British government, to their great credit, is ahead of schedule in the release of political prisoners. Families are being reunited. It is safer for people to walk home on the streets of Belfast and Ulster, and business and local commerce are expanding, and communities are coming together across sectarian lines, many for the first time, to plan a common destiny.

Those of us in the United States and the international community must continue to support the peace process, and we must salute the people of Northern Ireland for remaining firm in their commitment to creating a lasting peace. But we also must, as my colleagues have already said here today, put pressure on those who would seek to undermine or rewrite or amend the process which has already brought us and moved us so far along this goal toward peace.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to speak, if I could for just a few moments again,

about that policing issue. It was touched upon by the gentleman from New York (Mr. WALSH) earlier and the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MCGOVERN), but it is a crucial issue in terms of developing some faith in the institutions of governance in the north of the nationalist community that they fundamentally see a change in the identity of the police force. They cannot be seen as occupiers in a land that people see as their own. There have to be changes in the uniform, the name of the force, the emblems and the flag of the new force that will eventually command respect in both communities. We seek not the triumph of one community over the other as much as an agreed upon Northern Ireland.

What we ask for is that North-South policing cooperation reinforce community confidence, and that a permanent international team be sent to the north to monitor the implementation of the agreements and the reforms as proposed. This opportunity must be emphasized in terms of the overall agreements in the north. If we are to have a professional police force, it must be one that is acceptable to both sections of the community and indeed, to both traditions. And while the Good Friday Agreement calls for a new beginning to policing, it has been slow to come about, and we are anxious to see the Patten Commission deliver on the agreement of policing and to see the composition of the police force of the URC in the north be dramatically changed.

Mr. Speaker, I yield to the gentleman from Newark, New Jersey (Mr. PAYNE), an individual who again has been a great friend on this issue.

Mr. PAYNE. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I would like to add my support to the continuation of the peace process in the north of Ireland. As we all know, the Good Friday Accords were promulgated nearly a year ago this April, with the best intent in mind, to end the authoritarian rule and domination of the Protestant party over the minority Catholics. It gave Catholics a real voice for once by ending 3 decades of conflict in the north of Ireland.

Last marching season, last July 4th weekend I had the opportunity to travel again on my several trips to the north of Ireland, and I was there during that march when the Orange Order came into Drumcree, and the standoff was there. That was a tragic week. Following the standoff in Drumcree, 3 little boys were fire-bombed to death. Very sad and brutal.

People started to think that perhaps enough is enough, to continue to celebrate the victory of William of Orange, in which Irish land was seized and confiscated, is really an insult to the people of Ireland and Catholics everywhere. Sadly, this parade glorifies a part of history and is really provocative in nature. So we felt that with the Good Friday Accords that this would be behind us. So one can imagine the excitement when President Clinton, along with those of us here, went to celebrate the Good Friday Accords.

I believed that the political prisoner release of paramilitary groups on both sides was certainly an issue that was a tough issue. I know that perhaps Tony Blair is receiving pressure to overturn this rule. I think this would set a bad precedent for all involved if this was overturned.

In the same light, I know that the decommissioning issue was one of the last issues discussed before all parties made the last push towards peace. I think we know that disarming the paramilitaries was going to be very difficult, and we know it is a tough, sticky issue in most negotiations, even with the Palestine and Israel negotiations. The tough issues are put last, what should happen to the Holy City. So we are at the tough times.

But let me say that the peace agreement does not explicitly require a start on disarmament, but it seems like politics is dictating this. I would hope that we could work out a solution. We have gone too far, we have suffered too long. We really believe that peace in the north of Ireland is irreversible, but we do need cooperation from all parties.

I would also like to conclude by adding an article that was in today's Washington Post by a Mary McGrory who had an article called the Art of Understanding, and it talked about a dinner that was held Sunday evening at the Irish Embassy, but it was a little bit different. She said the number of blacks and whites were equally divided, and the new mayor of the city was there, and the chairman of the Republican National Committee was also there. They talked about issues of commonality, and the thing that was interesting about this is that the Anacostia area of Washington is an area where Frederick Douglas lived.

□ 1745

He moved into the area, although blacks were restricted, and he even had an integrated marriage. He moved there, anyway.

But there was an Irish patriarch named Daniel O'Connell who Frederick Douglass admired. Frederick Douglass heard him speak in 1845, when Frederick Douglass went to Dublin. The two men often spoke in public. Douglass and O'Connell often complimented each other. This article is extremely interesting.

Please allow me to include in the RECORD this article from today's Washington Post, which talked about two great fighters for freedom in the 1800's, Frederick Douglass, the great African American spokesperson of the time, and Daniel O'Connell, an Irish patriot.

The article referred to is as follows:

(From the Washington Post, Feb. 11, 1999)

THE ART OF UNDERSTANDING

(By Mary McGrory)

It wasn't your usual diplomatic do last Sunday night at the Irish Embassy. The guests, for one thing, were about equally divided between blacks and whites, which doesn't happen much unless African dignitaries are visiting. For another, the city's new mayor, Tony Williams, was there, and so was the chairman of the Republican National Committee, Jim Nicholson.

The company had been invited by the Irish ambassador, Sean O'Huiginn, and his artist wife, Bernadette, to stop by for supper on their way to Union Station, where an exhibit of art in Anacostia, the capital's stepchild ward, was opening. The mayor was there to encourage the ''Hope in Our City'' initiative as just the kind of rational enterprise he hopes will occur in his administration. And Nicholson was on hand as ''spouse of'' his artist wife, Suzanne. Her warm, evocative painting of three abandoned buildings on Martin Luther King Avenue so charmed the mayor that he put it on his Christmas card.

Suzanne Nicholson's husband's party may have trouble with African American voters, but she is a heroine in Anacostia. Although it is most known for its high unemployment and low rate of trash collection, she finds it a place of beauty and inspiration. She visits often, and patronizes the Imani Cafe, across the street from the scene of her painting.

The Irish ambassador told the gathering about an old tie between Anacostia's most famous inhabitant Frederick Douglass and the great Irish patriot, Daniel O'Connell. The two mighty champions of the oppressed were friends.

Douglass admired O'Connell's fiery speeches on liberty. He realized his dream of a meeting in 1845, when he went to Dublin. The two spoke often in public, Douglass of a race in chains, O'Connell about a nation deprived of all rights and liberties.

Bernadette O'Huiginn created a sculpture to commemorate the tie between green and black. She found a Celtic cross in the gift shop of the National Cathedral, chains to drape over it at Hechinger's; hunted down a slave's iron collar and bought a shotput ball that she ''aged'' for the exhibit.

At one side of the drawing room, which throbbed with the good cheer of people of the same town in search of the same thing, Chairman Nicholson talked more about politics than the arts. Guests sought his views on censure—he's against—and the luck of Clinton. ''Can you believe,'' he asked with hands spread wide, ''that the pope would come and the king would die all in the month he needed them the most?'' He meant, of course, that the pope's visit to St. Louis gave him a chance to place a filial hand under the pope's elbow and King Hussein's death gave him a chance to comfort a queen and be pictured with three ex-presidents.

Impeachment has only widened the gulf between Republicans and African Americans, who see Clinton as a fellow victim of persecution by the authorities.

Across the room, guests crowded around the mayor to wish him well or to give him advice. Williams has just weathered his first big flap—brought on by a career umbrage-taker in the city's employ who does not know the meaning of the word ''niggardly.''

After they had supped on curried lamb and Irish potatoes, the guests went to their cars and headed for Union Station to see a high display of photographs and paintings that were all by or about the people of Anacostia. They were pictured as prophets and angels or just infinitely appealing human beings. It is a vivid, intimate view of a neighborhood that never had much going for it, but that now has the attention of its fellow citizens. The Washington Arts Group, which arranged the show, says it seeks ''reconciliation through art.'' It seemed quite a plausible goal Sunday night.

Once again, I would just like to commend the gentleman from Massachusetts (Mr. NEAL) and the gentleman from New York (Mr. WALSH), and all those involved in wishing the peace process in Northern Ireland to continue. We need to keep the pressure on. It always gets tough when we are right near the end, but the end of the tunnel is in sight. We hope that the politics does not destroy this, whether it is in England, whether it is in Ireland, whether it is in the north of Ireland.

Mr. NEAL. I thank the distinguished gentleman from Newark, New Jersey (Mr. PAYNE).

Mr. Speaker, I yield to the gentleman from Baltimore (Mr. BEN CARDIN), a good friend to the Irish peace process, as well.

Mr. CARDIN. Mr. Speaker, I thank my friend, the gentleman from Massachusetts (Mr. NEAL) for yielding to me. I thank him for his leadership on this issue, and thank the gentleman from New York (Mr. WALSH) for his leadership on this issue.

Mr. Speaker, I have the honor of representing the Third Congressional District of Maryland. It is known as the ethnic district. We have many ethnic communities that are located in my congressional district. We have a proud Irish tradition in Baltimore and in Maryland.

The people of my district strongly support the peace process in Northern Ireland. I take this time to emphasize the importance of us staying the course for peace. I also wish to pay tribute to a young Belfast man named Terry Enright, who was slain a little over a year ago in front of a nightclub where he worked by those who would have hoped his murder would rekindle the smouldering ashes of sectarian strife and the mindless killings in Northern Ireland.

One year later, though talks on the implementation of the historic peace agreements have stalled, the streets of Belfast, Antrim, and Omaugh and all of Northern Ireland are relatively calm and quiet. Terry Enright's murder could not eclipse his life and its message.

You see, Terry was a young youth counselor, a lover of the outdoors, sports, and children, who realized that bringing these things together was part of the solution to the troubles. Terry Enright worked with children from all walks of life, Protestants, Catholics, Unionists, Loyalists alike.

I mention this, Mr. Speaker, because his murder did not prompt the resurgence of violence that his killers had hoped. Rather, it prompted a collective recoiling in horror from people all over the island of Ireland. Following a deep and profound sadness, there was a recommitment from all sides to keep their eyes on the goal line. That is what Terry would have coached.

Seamus Heaney, the Nobel Prize-winning poet from Northern Ireland, tells the story of his aunt, who planted a chestnut in a jam jar the year of his birth. When it began to sprout, she broke the jar and planted it under a hedge in the front of his house. As the chestnut sapling grew, Heaney came to identify his own life with that of the chestnut tree.

Eventually the family moved away, and the new family that moved in cut down the tree. Reflecting on that tree as an adult, Heaney began to think of the space where it had been, or what would have been.

He writes, ''The new place was all idea, if you like; it was generated out of my experience of the old place but it was not a topographical location. It was, and remains, an imagined realm, even if it can be located at an earthly spot, a placeless heaven rather than a heavenly place.''

Mr. Speaker, let the words of Seamus Heaney and the life of Terry Enright be a reminder to us all, especially Irish leaders, as they steer through the particularly rough shoals of implementing the peace talks. We ask that these men and women be remembered; that we understand and reflect on their lives.

Terry's life has been reflected on by his parents and by his two sad and mystified daughters, who hope all remember Terry in life, just as Heaney remembered his chestnut tree in life. But let us hope that also the imagined realm of peace and equality in Northern Ireland generates ''an earthly spot of placeless heaven'' for all those in Northern Ireland.

Through the work of President Clinton, Senator George Mitchell, David Trimble, John Hume, and the citizens of Northern Ireland, we can almost glimpse it.

Though the negotiations in Stormont may be stalled, they should not stall the momentum of hope. Let these leaders hear and speak the words of present compromise instead of stumbling over the words of past conceits. Terry's father reminds us it was a similar impasse in the peace talks before the Good Friday agreement that created the political vacuum in which his son was murdered.

Terry Enright's mother, Mary, when asked how she can cope with the rage and frustration over her 28-year-old son's tragic killing, explains: ''But if you drive a car looking through the rearview mirror, you'll end up crashing.''

Mr. Speaker, the imagined realm of Heaney's fallen chestnut tree and the reality of Terry Enright's work in life ought to direct these leaders in this perilous moment of peace to look up and to look ahead. I know I speak for all Members of this body in urging us to remember the goal of peace in Northern Ireland. It is within our grasp. We must stay the course. I urge us to continue to do so.

Mr. NEAL. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CARDIN) for calling attention to what happened on the night of January 14, 1998, when Terry Enright, a 28-year-old nationalist, was killed by the Loyalist volunteer forces outside of a Belfast pub. He was the 3,233rd person killed in the 30 years of sectarian conflict in the north of Ireland. His wife, Deidre, is a niece of Gerry Adams.

His funeral was the largest burial service since Bobby Sands in 1981, attracting thousands of people from both the Nationalist and the Unionist communities. They came in such numbers because Terry Enright was a popular social worker and an athlete who worked with disadvantaged youths. He was a role model to both Protestant and Catholic youngsters who participated in his Outward Bound program and admired his message of nonviolence.

Many people said they would remember the funeral, where two bright rainbows appeared when the casket was brought to the church and when it was eventually taken away to the cemetery. On the 1-year anniversary of his death, let us remember the life and spirit of Terry Enright, and let us pay tribute to a brave young man who rose above the conflict and dreamed of an Ireland free of violence and sectarian hate.

This life highlights how difficult this task has been, but at the same time, the acknowledgment demonstrates how far we have all come in this process. We should note the work of not only the friends of Ireland here in this Congress, with the gentleman from New York (Mr. WALSH) and many others on the Ad Hoc Committee on Irish Issues, but also the role that President Clinton, Prime Minister Blair, Mo Mowlam and Bertie Ahern have played, as well as John Hume and Gerry Adams.

We should not be discouraged at this time. We can only hope and pray that the best instincts of all the parties will prevail in the next few weeks as we enter this critical phase once again of Irish history. We hope and conclude in the near future that all the people on the island of Ireland will live in an agreed-upon Ireland. I thank my friend, the gentleman from New York (Mr. JIM WALSH) for organizing this special order.

Mr. Speaker, I include for the RECORD this article from the Online Edition of the Irish News.

The article referred to is as follows:

(From Irish News: Online Edition, Feb. 11, 1999)

SQUARING THE ARMS CIRCLE

The future of Northern Ireland will be decided within weeks. Next week the assembly will decide whether or not to adopt proposals for a 10-member executive and cross-border bodies.

In the next week or two the executive will be established in shadow form, ready to accept powers back from Westminster.

The deadline for that is March 10—though Tony Blair and Mo Mowlam have both said they are prepared to allow some slippage.

Progress depends on reconciling David Trimble's refusal to sit alongside Sinn Fein ministers in the absence of concrete decommissioning with Sinn Fein's refusal to link membership of the executive with the handover of arms.

Nobody knows how this particular circle will be squared. One thing is certain, neither

Mr. Trimble nor his Sinn Fein counterpart Gerry Adams seems willing to give way first.

The most likely formula revolves around the status of ministers.

It has been suggested that the appointment of ministers with shadow powers would be a clear signal to republicans of unionist bona fides. This in turn would give republicans space for the beginning of actual decommissioning.

There may be an element of wishful thinking here. But it is difficult to see any other solution which would give both sides the space they need.

Mr. Trimble would be able to tell his electorate that republicans would not bet a hand on the reins of power without movement on weapons. Mr. Adams would be able to say that Sinn Fein ministers had been appointed without decommissioning being given in return.

Both men should take encouragement from the real desire for movement within the community they serve.

That was well articulated yesterday by the G7 group which represents business and the trades unions.

Their interests are at one with the interests of the entire community. They know all too well that political stability will bring enormous economic rewards.

Sir George Quigley put the issue succinctly when he said: ''For everybody to wait for somebody else to move before moving themselves is a sure recipe for permanent immobility.

''Northern Ireland has no future of any quality except as a stable, inclusive, fair, prosperous and outward-looking society.''

That fact has not been lost on the prime minister. Yesterday Downing Street let it be known that Tony Blair intended to become ''much more fully engaged'' in the coming weeks.

Mr. Blair has played a crucial role in moving the process forward. He has done so because he has earned the respect of both traditions.

He should know that the vast majority of people on this island, as well as within Northern Ireland, will support efforts to find a way around this problem which recognizes the concerns of both sides and strives for an accommodation.

Mr. WALSH. Mr. Speaker, I thank the gentleman. As always, I am inspired by the thoughts and words of my colleagues. Certainly nothing stirs the blood of an American more than the issues of war and peace and freedom and liberty versus subjugation of philosophy or religion or free speech.

My colleagues who have spoken tonight not only have given their thoughts and words to this, but their time. Many, many of them have traveled back and forth over the Atlantic to lend whatever assistance we can to this very critical process at a very critical time. I am inspired by their actions, and I am comforted by their actions, and I am comforted by the leadership that both parties have provided, that our president has provided. Progress would not have been made without that effort.

I would also like to thank our dedicated staffs who have put so much time, of their time and energy into this, providing us with a the background, making the phone calls, staying on top of the issue. It is not just out of the fear that they will not have their job, they are doing it because they believe in it. Their effort is appreciated.

I would also again like to thank my colleagues. There were many who had planned to attend this evening's special order, but with the change in schedule they headed home, people like the gentlemen from New York, Mr. PETER KING, Mr. VITO FOSSELLA, and Mr. JACK QUINN.

For the good of the order, I would like to make my colleagues aware, and the gentleman from Massachusetts (Mr. NEAL) knows that, that the gentleman from Illinois (Mr. HASTERT), the new Speaker of the House, accompanied President Clinton on his first visit to Ireland back in 1995 at the historic beginning of the American role in this peace process under President Clinton's leadership.

This is a critical time. As has been mentioned, there are several critical dates coming up. We will be watching. The price of failure is great. The judgment of history if we fail will be cruel and harsh.

With the receipt of the Nobel Peace Prize, Mr. Trimble, along with Mr. Hume, was recognized. Their efforts were recognized, but the stakes were raised. Surely with the receipt of this prize comes a tremendous responsibility to fulfill the obligation of truly creating peace.

If Mr. Trimble is to be a leader of all of the people of the north of Ireland, certainly he must address the hopes of the vast majority of those people who voted for the agreement, not his interpretation of the agreement.

We have worked together well, Republicans and Democrats, House and Senate, President and Congress. We cannot stop now, we are so close to the end. I am reminded, after we had spent a good 5 or 6 days in Northern Ireland this summer with Speaker Gingrich, full of hope, we returned to the United States, only to be advised on landing that a bomb had exploded in Omaugh, killing little kids and pregnant women and old folks and people with hope and promise and belief that peace is at hand.

Let us not let those lives go for naught. Let us continue this effort. Let us close the deal. Let us bring peace and justice to all of Northern Ireland.

Mr. COYNE. Mr. Speaker, I rise this evening to urge the participants in the Northern Ireland peace process to continue carrying out the agreement that was reached and ratified last year. I also want to thank my esteemed colleague and good friend, RICHARD NEAL, for organizing this evening's special order.

Mr. Speaker, many of the Members of Congress who, like myself, have been actively involved in Irish affairs were greatly pleased when negotiations last year were successful in producing the Good Friday agreement on the future of Northern Ireland, and when the people of Ireland subsequently voted to approve the agreement. This was a major step in resolving this unfortunate, bloody stalemate. I was honored to have been asked to be part of the official U.S. delegation visit to Ireland and Northern Ireland last September.

No one anticipated that there would not be further setbacks and obstacles to peace as the process agreed to last year was implemented. The Omagh bombing in Northern Ireland, the conflicts during last summer's ''marching season,'' and the debate over the scheduled release of IRA prisoners, all threatened last year to derail the peace process that was set in place by the Good Friday peace pact. Now, the peace process has become stalled over disagreement over Sinn Féin's participation in the new executive assembly.

I want to urge the signatories to the Belfast Agreement to abide by the clear terms of the agreement they signed. All of the signatories agreed that the terms that they agreed to were fair to all involved. Moreover, the voters overwhelmingly approved this process. Now is not the time for anyone to back out of their commitments or to renegotiate the parts they don't like. No, Mr. Speaker, the peace process has been clearly laid out and agreed to. The alternative is more violence and terror and stalemate. The people of Northern Ireland deserve peace. Enough blood has been shed. I urge the parties to the Belfast Agreement to carry out their obligations under that document and take the brave steps necessary to achieve a lasting peace in Northern Ireland.

A RESPONSE TO LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 60 minutes.

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to respond to letters that were sent to me by many of my constituents. I would also like to thank each of these individuals for notifying me of their concerns. I want to encourage more of my constituents to become proactive in issues that are important to them. Writing letters, sending E-mails, and even picking up the phone and calling my office is a great start.

The first letter that I will read addresses the topic of abortion, and although I have received over 200 letters this year on this topic, I unfortunately only have enough time to read one. The letter that I have chosen to read was written by Tasha Barker, a 17-year-old high school student from Vandalia. This is her letter.

Tasha wrote, ''Dear Congressman Shimkus, I am writing you this letter to express my feelings about abortion. I feel that abortion is a horrible thing, and that killing an innocent life is awful. When it comes to making decisions or taking stands about abortion, please remain pro-life. It would be greatly appreciated by many people. Thank you for taking the time to read these letters, Sincerely, Tasha Barker.''

Good letter, Tasha. I also received letters from Charles Hake of Nashville, Robert Smith of Quincy, and Mary Black of Springfield, to which I would also like to extend my responses.

Plus I would like to thank the group of young people from Vandalia whose

names are Becky Bowerly, Lorin Keck, Marlis and Bob Hayner, Joe Sebright, Kathleen Gale, Amanda Beth Bowerly and Lauren Roberts, who sent letters to me on this issue.

I, too, am very concerned with the lack of regard for human life. Abortion is a sad commentary on our society and a procedure which, once again, should be outlawed. Already since the U.S. Supreme Court's 1973 Roe vs. Wade decision, more than 38 million unborn children have been killed in the womb. Thomas Jefferson said it best: ''The protection of human life and happiness, and not their destruction, is the first and only legitimate object of good government.''

To fulfill my role as a pro-life leader in Congress, I supported three separate bills in the 105th Congress that were designed to prevent the destruction of human life. The first bill was H.R. 929, the Partial Birth Abortion Ban Act of 1997, which would amend the Federal criminal code to prohibit performing a partial birth abortion in or affecting interstate or foreign commerce unless it is necessary to save the life of the mother and no other medical procedure would suffice.

□ 1800

This bill passed the House by a veto-proof majority in this body.

The second bill was H.R. 3682, Child Custody Protection Act, which would amend the Federal criminal code to prohibit and set penalties for transporting an individual under the age of 18 across a State line to obtain an abortion and thereby abridging the right of a parent under a law of the State where the individual resides requiring parental involvement in a minor's abortion decision.

However, the bill makes an exception if the abortion was necessary to save the life of the minor.

The third and final bill was H.R. 641, Right to Life Act of 1997, which states that the Congress declares that the right to life guaranteed by the Constitution is vested in each human being at fertilization.

I want you to be assured that I will always vote to protect human life and the rights of the unborn. I plan on cosponsoring the Partial Birth Abortion Ban Act again in this Congress and have recently added my name as a cosponsor to the Right to Life Act of 1999.

For my next letter, I would now like to address an issue that has been brought to my attention by 102 constituents in the form of postcards.

The issue of concern is private contracting for health care. The postcard reads, ''Dear Representative John Shimkus: The Balanced Budget Act of 1997 contains a provision (Section 4507) which prevents seniors from privately contracting for certain healthcare services with the doctor of their choice. This new law gives the bureaucracy even more control over seniors' healthcare and prevents them from getting all the care they need or want. I urge you to cosponsor and work for passage of legislation which will repeal this unfair and dangerous law.''

I would like to say that I am fully supportive of this position. In fact, I have already cosponsored legislation, H.R. 2497, the Medicare Beneficiary Freedom to Contract Act, in the 105th Congress, that would address your concerns. Unfortunately, H.R. 2497 was not brought up for a vote in the 105th Congress. However, I look forward to supporting this type of legislation once it is introduced in the 106th Congress.

The provision (Section 4507) which prevents seniors from private contracting was added to the Balanced Budget Act of 1997 under pressure from the administration. The President threatened to veto the entire budget agreement if we did not give in to the administration's demands. For example, if a healthcare provider such as a doctor chooses to privately contract with one patient, they could not accept Medicare assignment for any patient. Additionally, the provider must refrain from accepting any other Medicare patients, and submitting bills to Medicare on their behalf for a period of 2 years.

This provision is detrimental not only to providers but to those who want to contribute their own money to receive the services of their personal choice. This is a prime example of the Washington knows best mentality, the kind of thought which I have real problems with. Consumers, not bureaucrats, know best.

H.R. 2497 would have returned the right to individuals to be treated by a physician of their choice outside of Medicare when they are paying for that service entirely out of their own money.

Thank you again for taking the time to contact me regarding this very important issue.

The issue of my third and final letter is taxation of the Internet. I have received over 900 letters, or shall I say e-mails, on this issue, and here is an example of one that was printed out for this period of time. Therefore, I have chosen a letter that I would answer the general premise of each letter.

Debbie Brown-Thompson of Edwardsville, wrote: As a taxpayer in your district, I would like to urge you to vote against paying Internet charges to the phone company in order to use the Internet. It is my understanding that the Internet was designed to make communicating with the rest of the world much easier. If we are forced to pay long distance charges for these local calls, the Internet will no longer be easier than other forms of communication.

There are also many children who use the Internet for school projects, and this may end the educational benefits of using the Internet for them as well. Please vote no on any Internet tax.

Not only would I like to address my response to Debbie, but I would also like to include Gene Ralston of Rushville, Charles Byars of Texico and Kim Lohman of Hillsboro, all of whom wrote similar letters addressing the Internet tax.

I share your concern that the growth and usage of the Internet may be stifled by costly charges, and I will fight any effort which attempts to do so.

Neither I, nor the Republican Congress, have any intention of increasing charges or taxes on the Internet. I serve on the Subcommittee on Telecommunications, Trade, and Consumer Protection which hears about all the exciting new things that are occurring in the technological field, and the thing that we will be fighting very fervently about is to make sure that this great new form of communication commerce will not be obstructed by taxation.

I have heard that news outlets have erroneously reported that Congress was considering charging long distance fees for going on-line.

In fact, the 105th Congress enacted a bill which I cosponsored called the Internet Tax Freedom Act, which established a moratorium on Internet taxation. The Internet Tax Freedom Act will protect against taxes on Internet access, prevent discriminatory taxation of electronic commerce and protect traditional commerce against the imposition of new tax liability if it merely happens to be facilitated over the Internet.

Mr. Speaker, the Federal Communications Commission has created a fact sheet to answer Members' questions regarding this issue. I recommend that they visit their web site at: www.fcc.gov/Bureaus/Common __ Carrier/Factsheets/nominute.html.

As a former teacher, I remember my lesson plans on how to contact Members of Congress, and in that lesson plan we talked about contacting them through the use of letters, and letters are a very great form. Letters can now be used on the Internet, as e-mail, and the thing that makes letters so important and that most members want to see are letters that are personal, are letters that have heart and meaning, soul searching, but also short and sweet and to the point.

So I want to thank my constituents who have been very helpful in making me understand the concerns of the 20th district, and I look forward to sharing their questions and my responses to them at another time throughout this year.

GENERAL LEAVE

Mr. SHIMKUS. 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 the special order of the gentleman from New York (Mr. WALSH).

The SPEAKER pro tempore (Mr. GARY MILLER of California). Is there

objection to the request of the gentleman from Illinois?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KOLBE (at the request of Mr. ARMEY) for today and tomorrow on account of attending his brother's funeral.

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. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FORD, Jr., for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. HERGER, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on February 12.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, February 12, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Submitted January 19, 1999]

A communication from the President of the United States transmitting a report on the State of the Union (H. Doc. No. 106–1); referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted February 8, 1999]

A communication from the President of the United States transmitting his economic report, together with the annual report of the Council of Economic Advisers (H. Doc. No. 106–2); referred to the Joint Economic Committee and ordered to be printed.

[Submitted February 2, 1999]

A communication from the President of the United States transmitting the budget of the United States Government for fiscal year 2000 (H. Doc. No. 106–3) referred to the Committee on Appropriations and ordered to be printed.

[Submitted February 11, 1999]

476. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–495, ''Office of Citizen Complaint Review Establishment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

477. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–472, ''Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

478. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–473, ''Salvation Army Equitable Real Property Tax Relief Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

479. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–475, ''Extension of Time to Dispose of District Owned Surplus Real Property Revised Temporary Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

480. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–474, ''Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

481. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–481, ''Regional Airports Authority Temporary Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

482. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–493, ''Opened Alcoholic Beverage Containers Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

483. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–486, ''Special Events Fee Adjustment Waiver Temporary Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

484. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–485, ''Drug Prevention and Children at Risk Tax Check-off Temporary Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

485. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–468, ''Prohibition on Abandoned Vehicles Amendment Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

486. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–469, ''Closing of a Public Alley in Square 198, S.O. 90–260, Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

487. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–470, ''Drug-Related Nuisance Abatement Act of 1998'' received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

488. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–471, ''ARCH Training Center Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998'' received January 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

489. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–215–AD; Amendment 39–11001; AD 99–02–10] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

490. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 98–NM–279–AD; Amendment 39–10996; AD 99–02–07] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29437; Amdt. No. 1909] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbus, NE [Airspace Docket No. 98–ACE–62] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29438; Amdt. No. 1910] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Dodge, IA [Airspace Docket No. 98–ACE–61] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, IA [Airspace Docket No. 98–ACE–56] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Des Moines, IA [Airspace Docket No. 98–ACE–55] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

497. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269D Helicopters [Docket No. 98–SW–13–AD; Amendment 39–11002; AD 98–26–06] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters [Docket No. 98–SW–68–AD; Amendment 39–10998; AD 98–24–31] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 Helicopters [Docket No. 98–SW–43–AD; Amendment 39–10990; AD 98–19–13] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, –342, and A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 98–NM–310–AD; Amendment 39–10997; AD 99–02–08] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters [Docket No. 98–SW–24–AD; Amendment 39–10989; AD 98–12–30] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 98–NM–108–AD; Amendment 39–10802; AD 98–20–35] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Romulus, NY [Airspace Docket No. 98–AEA–40] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Carrollton, GA [Airspace Docket No. 98–ASO–18] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29430; Amdt. No. 1903] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Victorville, George AFB, CA [Airspace Docket No. 98–AWP–32] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay, Tampa, Florida [CGD07 98–041] (RIN: 2115–AE46) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulation; Illinois Waterway, Illinois [CCGD08–98–073] (RIN: 2115–AE47) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE; Explosive Loads and Detonations Bath Iron Works, Bath, ME [CGD1–98–183] (RIN: 2115–AA97) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–308–AD; Amendment 39–10982; AD 97–20–01 R1] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–08–AD; Amendment 39–10985; AD 99–01–17] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–356–AD; Amendment 39–10986; AD 99–01–18] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–357–AD; Amendment 39–10987; AD 99–01–19] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 97–NM–238–AD; Amendment 39–10981; AD 99–01–16] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell IC–600 Integrated Avionics Computers, as Installed in, but not Limited to, Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 98–NM–142–AD; Amendment 39–10979; AD 99–01–14] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 98–NM–297–AD; Amendment 39–10980; AD 99–01–15] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98–NM–07–AD; Amendment 39–10978; AD 99–01–13] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 171. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. 106–16). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLING

H.R. 2. A bill to send more dollars to the classroom and for certain other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 705. A bill to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives; to the Committee on House Administration.

By Mr. SMITH of Michigan:

H.R. 706. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mrs. FOWLER (for herself, Mr. TRAFICANT, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 707. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. SHOWS, Mr. FILNER, Ms. BROWN of Florida, Ms. CARSON, Mr. RODRIGUEZ, Mr. THOMPSON of California, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. MCGOVERN, Mr. OLVER, Mr. GREEN of Texas, Ms. DEGETTE, and Mr. UNDERWOOD):

H.R. 708. A bill to amend title 38, United States Code, to provide for reinstatement of certain benefits administered by the Secretary of Veterans Affairs for remarried surviving spouses of veterans upon termination of their remarriage; to the Committee on Veterans' Affairs.

By Ms. HOOLEY of Oregon:

H.R. 709. A bill to provide for various capital investments in technology education in

the United States; to the Committee on Education and the Workforce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Ms. HOOLEY of Oregon, Mr. NEY, Mr. JONES of North Carolina, Mr. GOODE, Mr. MCINTOSH, Mr. ROEMER, Mr. CALVERT, and Mr. ETHERIDGE):

H.R. 710. A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced concensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; to the Committee on Banking and Financial Services.

By Mr. BILIRAKIS:

H.R. 711. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Government Reform.

By Mr. BILIRAKIS:

H.R. 712. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 713. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 714. A bill to amend title 46, United States Code, to protect seamen against economic reprisal; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 715. A bill to amend the Federal Election Campaign Act of 1971 to limit the amount of contributions which may be made to a candidate for election to the Senate or House of Representatives by an individual who is not eligible to vote in the State or Congressional district involved, and for other purposes; to the Committee on House Administration.

By Mr. COLLINS (for himself, Mr. NEAL of Massachusetts, Mr. CHAMBLISS, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. HILLEARY, Mr. MCCRERY, Mrs. THURMAN, Mr. KENNEDY of Rhode Island, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. BOEHNER, Mr. KLECZKA, and Mr. DEAL of Georgia):

H.R. 716. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. LIPINSKI, and Mr. OBERSTAR):

H.R. 717. A bill to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. ETHERIDGE (for himself, Mr. MCINTYRE, Mr. NUSSLE, Mr. SHOWS, Mr. BOUCHER, Ms. KILPATRICK, Mrs. CLAYTON, Mr. STUPAK, Mr. BISHOP, Mr. EHLERS, Mr. LOBIONDO, Mr. ORTIZ, Mr. PAUL, Mr. EVANS, Mr. STRICKLAND, Mr. TAYLOR of North Carolina, Mr. DEFAZIO, Mr. DELAHUNT, Mr. CLYBURN, Mrs. EMERSON, Mr. STENHOLM, Ms. HOOLEY of Oregon, Mr. CRAMER, Mr. BALDACCI, Mr. SPRATT, Mr. RAHALL, Mr. OLVER, Mr. GILCHREST, Mr. POMEROY, Mr. MCHUGH, Mr. FROST, Mr. OBERSTAR, Mr. HILL of Montana, Mr. DEAL of Georgia, Mr. BEREUTER, Mr. SANDLIN, Mr. BURR of North Carolina, Mr. KIND of Wisconsin, Mr. HOLDEN, Mr. WATKINS, Mr. GEKAS, Mr. NORWOOD, Mr. QUINN, Mr. GIBBONS, Mr. COSTELLO, Mr. HINCHEY, and Mr. NEY):

H.R. 718. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds by certain organizations providing rescue and emergency medical services; to the Committee on Ways and Means.

By Mr. GANSKE (for himself, Mrs. ROUKEMA, Mr. LEACH, Mr. WAMP, Mr. FORBES, Mr. PETRI, Mr. SHAYS, Mr. HORN, Mr. FRELINGHUYSEN, Mr. FOLEY, and Mr. COOKSEY):

H.R. 719. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 720. A bill to amend the Coastal Zone Management Act of 1972 to require that a State having an approved coastal zone management program must be provided a copy of an environmental impact statement to enable its review under that Act of any plan for exploration or development of, or production from, any area in the coastal zone of the State; to the Committee on Resources.

By Mr. HAYWORTH (for himself and Mr. MATSUI):

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 722. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CAMPBELL, Mr. ALLEN, and Mr. SANDERS):

H.R. 723. A bill to establish a program of pharmacy assistance fee for elderly persons who have no health insurance coverage; to the Committee on Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. BLAGOJEVICH):

H.R. 724. A bill to assist State and local governments in conducting community gun buy back programs; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, and Mr. MATSUI):

H.R. 725. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the standard deduction; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. LEWIS of Georgia, and Mr. SENSENBRENNER):

H.R. 726. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. DICKEY, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. GREEN of Texas, and Mr. ENGLISH):

H.R. 727. A bill to amend the Communications Act of 1934 to provide for explicit and stable funding for Federal support of universal telecommunications services through the creation of a Telecommunications Trust Fund; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS):

H.R. 728. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. TOWNS, Mr. NADLER, and Mr. BERMAN):

H.R. 729. A bill to provide for development and implementation of certain plans to reduce risks to the public health and welfare caused by helicopter operations; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. SPRATT, Mr. RAHALL, Mr. VENTO, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. PALLONE, Ms. CHRISTIAN-CHRISTENSEN, Mr. KIND of Wisconsin, Mr. INSLEE, Mr. UDALL of Colorado, Mr. CROWLEY, Mr. BARRETT of Wisconsin, Ms. KAPTUR, Ms. DELAURO, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KUCINICH, Mr. OLVER, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ACKERMAN, Mrs. MALONEY of New York, Mr. RUSH, Mr. WAXMAN, Mr. DELAHUNT, Mr. TIERNEY, Ms. PELOSI, Mr. MATSUI, Mr. CLAY, Mr. GREEN of Texas, Mr. KLECZKA, Mr. DINGELL, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. LANTOS, Mr. EVANS, Ms. WOOLSEY, Mrs. MINK of Hawaii, Mr. TRAFICANT, Mr. GEJDENSON, Mrs. CLAYTON, Ms. LEE, and Ms. MILLENDER-MCDONALD):

H.R. 730. A bill to provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 731. A bill to amend the Public Health Service Act to provide for a five-year schedule to double, relative to fiscal year 1999, the

amount appropriated for the National Eye Institute; to the Committee on Commerce.

By Mr. MOAKLEY (for himself, Mr. SCARBOROUGH, Mr. MCGOVERN, Mr. CAMPBELL, Mr. VENTO, Mr. SHAYS, Mr. SERRANO, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Mrs. MORELLA, Ms. PELOSI, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. GEJDENSON, Ms. RIVERS, Mr. SABO, Mr. FRANK of Massachusetts, Mr. WEYGAND, Mr. OLVER, Mr. TIERNEY, and Mr. FORBES):

H.R. 732. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

By Mr. MORAN of Virginia (for himself and Mr. DREIER):

H.R. 733. A bill to provide for regional skills training alliances, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NETHERCUTT:

H.R. 734. A bill to prohibit the Secretary of Agriculture from discounting loan deficiency payments under the Agricultural Market Transition Act for club wheat and to compensate club wheat producers who received discounted loan deficiency payments as a result of the erroneous decision of the Department of Agriculture to assess a premium adjustment against club wheat; to the Committee on Agriculture.

By Mr. NEY (for himself, Mr. HOLDEN, Mr. SHOWS, Mr. CUNNINGHAM, Mr. OXLEY, Mr. ENGLISH, Mr. BURR of North Carolina, and Mr. WELLER):

H.R. 735. A bill to amend title 18, United States Code, to provide specific penalties for taking a firearm from a Federal law enforcement officer; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 736. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Education and the Workforce.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 737. A bill to amend the International Air Transportation Competition Act of 1979 to eliminate restrictions on the provision of air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Pennsylvania:

H.R. 738. A bill to provide that certain Federal property shall be made available to State and local governments before being made available to other entities, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and International Relations, 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. POMEROY (for himself, Mr. KOLBE, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. SMITH of Washington, Mr. SHAYS, Ms. DELAURO, and Mr. GEJDENSON):

H.R. 739. A bill to amend the Internal Revenue Code of 1986 to enhance the portability of retirement benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABO (for himself, Mr. DELAHUNT, Mr. NADLER, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. OLVER, Mr. TIERNEY, Ms. CHRISTIAN-CHRISTENSEN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. CONYERS, Mr. VENTO, Mr. KUCINICH, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. MCGOVERN, Mr. WAXMAN, Ms. NORTON, Mr. ENGLISH, Mr. EVANS, Mr. WYNN, Mr. JACKSON of Illinois, and Mr. BROWN of California):

H.R. 740. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SALMON (for himself and Mr. HAYWORTH):

H.R. 741. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to such schools and to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 742. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself and Mrs. THURMAN):

H.R. 743. A bill to provide for certain military retirees and dependents a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. KIND of Wisconsin, Mr. GREEN of Wisconsin, Mr. STUPAK, Mr. RAMSTAD, Mr. OBERSTAR, Mr. VENTO, Mr. MINGE, Ms. BALDWIN, Mr. LUTHER, Mr. BARRETT of Wisconsin, Mr. RYAN of Wisconsin, Mr. POMEROY, Mr. PETRI, Mr. FRANK of Massachusetts, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. KLECZKA, Mr. MANZULLO, and Mr. SESSIONS):

H.R. 744. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. CARDIN, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. WAXMAN, Mrs. MINK of Hawaii, Mr. BRADY of Texas, Mr. HINCHEY, Mr. BENTSEN, Mr. BALDACCI, Mr. WISE, Mr. FROST, Mr. GEORGE MILLER of California, Mr. ROMERO-BARCELO, Mr. STUPAK, Mr. SHOWS, Mr. HILLIARD, Mrs. CLAYTON, Mr. SANDERS, Ms. DELAURO, and Mr. KLECZKA):

H.R. 745. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 746. A bill to amend title XVIII of the Social Security Act to provide for home health case manager services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. KOLBE, Mr. PASTOR, Mr. HAYWORTH, Mr. SALMON, and Mr. SHADEGG):

H.R. 747. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Resources.

By Mr. STUPAK:

H.R. 748. A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. SENSENBRENNER, Mr. LATOURETTE, Mr. SESSIONS, Mr. TANCREDO, and Mr. BILBRAY):

H.R. 749. A bill to repeal section 8003 of Public Law 105–174; to the Committee on Science, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Ms. DUNN of Washington, Mr. SALMON, Mr. HINCHEY, Mr. RAMSTAD, Mr. MINGE, Mr. MATSUI, Mr. BOYD, Mr. EHLERS, Mr. KLECZKA, Mr. BEREUTER, Mr. POMEROY, Mr. GEORGE MILLER of California, Mr. LEACH, Mr. STUPAK, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. KUCINICH, Mr. LEVIN, Mr. DEUTSCH, Mr. FOLEY, Mr. DAVIS of Florida, Mr. UDALL of Colorado, Mr. WELLER, Mr. EWING, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. HOUGHTON, Mr. MCDERMOTT, Mr. PALLONE, Mr. FROST, Mrs. BONO, Mr. STEARNS, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. NEAL of Massachusetts, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. PORTMAN, Mr. SHAW, Mr. LATHAM, Mr. OBERSTAR, Mr. GORDON, Mr. CARDIN, Mr. BECERRA, Mr. MCCRERY, Mr. WATKINS, Mr. HALL of Texas, Mr. SANDERS, Mr. SHAYS, Mr. SCOTT, Mrs. CAPPS, Ms. RIVERS, Ms. ROS-LEHTINEN, Mr. WEXLER, Ms. WOOLSEY, Mr. EVANS, Mr. SCHAFFER, and Mr. DIAZ-BALART):

H.R. 750. 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 for other purposes; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 751. A bill to designate the Federal building and United States courthouse located at 504 Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 752. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 753. A bill to amend the Internal Revenue Code of 1986 to provide that interest on the tax portion of an underpayment shall be compounded annually, to provide that the amount and timing of payments under an installment agreement may not be modified without the taxpayer's consent, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 754. A bill to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products

are American-made; to the Committee on Commerce.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Ms. CHRISTIAN-CHRISTENSEN, Mr. LIPINSKI, Mr. FROST, Mr. HOLDEN, and Mr. ORTIZ):

H.R. 755. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on Resources.

By Mr. WOLF (for himself, Mr. BRYANT, Mr. CHAMBLISS, Mr. HOSTETTLER, Mr. KING of New York, Mr. MANZULLO, Mr. PAUL, Ms. PRYCE of Ohio, Mr. SHOWS, and Mr. WELDON of Florida):

H.R. 756. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $1,000 for children under the age of 5 and to allow such credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 757. A bill to prohibit the construction of new facilities and structures within the boundaries of the George Washington Memorial Parkway along the Potomac River in Virginia between the Francis Scott Key Bridge and the Theodore Roosevelt Memorial Bridge; to the Committee on Resources.

By Mr. BLILEY (for himself, Mr. KOLBE, Mr. GOODE, Mr. STUMP, Mr. GILLMOR, Mr. METCALF, Mr. SHADEGG, and Mr. MANZULLO):

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States to provide a procedure by which the States may propose constitutional amendments; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. OLVER, Mrs. KELLY, Mr. MORAN of Virginia, Mr. ROHRABACHER, Mr. MCGOVERN, Mr. HINCHEY, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Mr. HEFLEY, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. PAYNE, Mr. PALLONE, Mr. FORBES, Mr. SERRANO, Mr. MALONEY of Connecticut, and Mr. CROWLEY):

H. Con. Res. 32. Concurrent resolution expressing the sense of the Congress with respect to self-determination for the people of Kosova, and for other purposes; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. RANGEL, Mr. WATTS of Oklahoma, Mr. MEEKS of New York, Ms. KILPATRICK, Ms. CHRISTIAN-CHRISTENSEN, Mr. FORD, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. CUMMINGS, Mr. OWENS, Mr. FATTAH, Ms. BROWN of Florida, Mr. CONYERS, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. WYNN, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. GONZALEZ):

H. Con. Res. 33. Concurrent resolution commending and praising the National Association for the Advancement of Colored People on the occasion of its 90th anniversary; to the Committee on the Judiciary.

By Mr. LEACH:

H. Res. 53. A resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 54. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. UPTON (for himself and Mr. LAHOOD):

H. Res. 55. A resolution providing a sense of the House of Representatives that at least one-third of the budget surplus over the next 10 years should be dedicated to paying down the national debt of the United States; to the Committee on Ways and Means.

By Mr. BLILEY:

H. Res. 56. A resolution providing amounts for the expenses of the Committee on Commerce in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H. Res. 57. A resolution expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru; to the Committee on International Relations.

By Mr. ARCHER:

H. Res. 58. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. BLILEY, Mr. BOEHLERT, and Mr. LANTOS):

H. Res. 59. A resolution expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Ms. BROWN of Florida (for herself, Mrs. MEEK of Florida, Mr. FORD, Ms. KILPATRICK, Mr. CUMMINGS, Ms. NORTON, Mr. JEFFERSON, Ms. STABENOW, Mr. WATT of North Carolina, Mr. KENNEDY of Rhode Island, Ms. MILLENDER-MCDONALD, Mrs. MORELLA, Ms. LEE, Ms. CARSON, Ms. CHRISTIAN-CHRISTENSEN, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. BISHOP, Mr. CLAY, Mr. SCOTT, Mr. KUCINICH, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. WYNN, and Mr. CONYERS):

H. Res. 60. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of Zora Neale Hurston; to the Committee on Government Reform.

By Mr. COMBEST (for himself and Mr. STENHOLM):

H. Res. 61. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. PAYNE (for himself, Mr. ROYCE, Mr. HOUGHTON, Mr. CAMPBELL, Mr. MEEKS of New York, Ms. LEE, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. CHABOT, Mr. TANCREDO, and Mr. RADANOVICH):

H. Res. 62. A resolution expressing concern over the escalating violence, the gross violations of human rights, and the ongoing attempts to overthrow a democratically elected government in Sierra Leone; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 63. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN:

H.R. 758. A bill for the relief of Nancy B. Wilson; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 759. A bill for the relief of Robert and Verda Shatusky; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. BARTON of Texas, Mrs. BIGGERT, Mrs. BONO, Mr. CALVERT, Mr. CHAMBLISS, Mr. GOSS, Mr. GREEN of Wisconsin, Mrs. NORTHUP, Mr. SHADEGG, Mr. WATTS of Oklahoma, and Mr. DEMINT.

H.R. 4: Mr. SCARBOROUGH, Mr. TIAHRT, Mr. ROHRABACHER, Mr. MCKEON, Mr. HAYES, Mr. TALENT, and Mr. GRAHAM.

H.R. 11: Mr. GALLEGLY and Mr. CALVERT.

H.R. 17: Mr. HILL of Montana, Mr. PHELPS, Mr. LATHAM, and Mr. NEY.

H.R. 38: Mr. BATEMAN.

H.R. 44: Mr. LANTOS, Mr. STEARNS, Mrs. KELLY, Mr. GREEN of Texas, Mr. PASTOR, Mr. SHAW, Mr. GIBBONS, Mr. JOHN, Mr. GOODE, Mr. BLUNT, Mr. FILNER, Mr. LATHAM, Mr. BOEHLERT, Mr. EVANS, Ms. RIVERS, Mr. DIAZ-BALART, Mr. UNDERWOOD, Mr. SCARBOROUGH, and Mr. GORDON.

H.R. 65: Mr. LANTOS, Mr. STEARNS, Mrs. KELLY, Mr. GREEN of Texas, Mr. TAYLOR of North Carolina, Mr. GIBBONS, Mr. JOHN, Mr. ENGLISH, Mr. CHAMBLISS, Mr. BLUNT, Mr. FILNER, Mr. EVANS, and Mr. GORDON.

H.R. 66: Mr. LEWIS of California.

H.R. 70: Mr. WYNN, Mr. TERRY, Mr. PEASE, Mr. WELLER, Mr. REYES, Mr. GORDON, Mr. HUTCHINSON, and Mr. SENSENBRENNER.

H.R. 72: Mr. MCKEON and Mr. GREEN of Texas.

H.R. 89: Mr. SANDLIN, Mr. MORAN of Kansas, Mr. WOLF, and Mr. LOBIONDO.

H.R. 90: Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. FILNER, Ms. ESHOO, Mr. KUCINICH, Mr. COYNE, Mr. BLAGOJEVICH, Ms. WATERS, Mr. UNDERWOOD, Mr. ALLEN, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. MENENDEZ, Mr. HILLIARD, and Mr. MARTINEZ.

H.R. 111: Mr. BEREUTER, Mr. KUYKENDALL, Mr. SIMPSON, and Mr. FOLEY.

H.R. 113: Mr. WATTS of Oklahoma, Mr. SHOWS, Mr. RILEY, Mr. JENKINS, Mrs. EMERSON, Mr. STUPAK, Mr. DIAZ-BALART, Mr. BOUCHER, Mr. WHITFIELD, Mr. ENGLISH, Mr. METCALF, Mr. BOEHLERT, Mr. COOK, Mr. COOKSEY, and Mr. HYDE.

H.R. 119: Mr. WELLER, Mr. METCALF, Mr. MORAN of Kansas, Mr. PASTOR, Mr. FRANK of Massachusetts, Mrs. CAPPS, Ms. CHRISTIAN-CHRISTENSEN, Mr. WALDEN of Oregon, Mr. PETERSON of Pennsylvania, Mr. DIAZ-BALART, Ms. GRANGER, Mr. GOODLATTE, and Mr. HOBSON.

H.R. 122: Mr. LATOURETTE.

H.R. 150: Mr. GOODLATTE.

H.R. 152: Mr. PASTOR, Mr. JEFFERSON, Mr. FILNER, Ms. CHRISTIAN-CHRISTENSEN, Mr. UDALL of New Mexico, Mr. DAVIS of Illinois, Mr. LAZIO, Ms. KILPATRICK, Ms. HOOLEY of Oregon, and Mr. DIAZ-BALART.

H.R. 157: Mr. DICKEY, Mr. CALVERT, Mr. STEARNS, Mr. DOOLITTLE, Mr. SOUDER, and Mr. GOODLATTE.

H.R. 179: Mr. BISHOP.

H.R. 192: Mr. NEY, Mr. CALVERT, and Mr. GREEN of Wisconsin.

H.R. 205: Mr. STUPAK.

H.R. 208: Mr. FORBES.

H.R. 216: Mr. FORD, Mrs. ROUKEMA, Mr. MCGOVERN, Mr. WAMP, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Ms. CHRISTIAN-CHRISTENSEN, Mr. BACHUS, Mr. KUCINICH, Mr.

GIBBONS, Mr. WISE, Mr. COOKSEY, Mr. DEFAZIO, and Mr. FORBES.

H.R. 218: Mr. SCARBOROUGH and Mr. FROST.

H.R. 219: Mr. FORBES and Mr. DEAL of Georgia.

H.R. 222: Mr. SMITH of Texas.

H.R. 229: Ms. LEE, Mr. DAVIS of Illinois, Mr. OLVER, Mr. MCDERMOTT, Ms. CARSON, and Ms. WATERS.

H.R. 230: Mr. DELAHUNT, Mrs. LOWEY, Ms. KILPATRICK, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. OBERSTAR, Mr. ALLEN, Mr. WAXMAN, Mr. STARK, Mr. DAVIS of Illinois, Mr. LUTHER, Mr. BROWN of Ohio, Mr. CLAY, Mr. MEEKS of New York, Mr. OLVER, Mrs. KELLY, Mr. MCNULTY, Mr. SANDERS, Mr. TIERNEY, Mr. SNYDER, Mr. MATSUI, Mr. WYNN, Mr. COYNE, Mr. MCDERMOTT, Mr. BARRETT of Wisconsin, Mr. NEY, Ms. WATERS, and Mr. GREENWOOD.

H.R. 233: Mr. STUMP, Mr. BRADY of Texas, Mr. DELAY, Mr. BENTSEN, Mr. ARCHER, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. BONILLA, Mr. SKELTON, Mr. SANDLIN, Mr. SERRANO, Mrs. MINK of Hawaii, Mr. GUTIERREZ, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. MOAKLEY, Ms. ROYBAL-ALLARD, Mr. LEACH, Mr. LAMPSON, Mr. PASTOR, Mr. FROST, Mr. SMITH of Texas, Ms. BROWN of Florida, Mr. HINOJOSA, Mr. HALL of Texas, Mr. SPENCE, Mr. TURNER, Mr. SISISKY, Mr. DUNCAN, Mr. ROMERO-BARCELO, Mr. DINGELL, Mr. ORTIZ, Ms. ESHOO, Mr. CLAY, Mr. EDWARDS, Mr. STENHOLM, Mr. GREEN of Texas, Mr. SESSIONS, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. MARTINEZ, Mr. SHERMAN, Mr. SCOTT, Mr. ALLEN, Mr. BECERRA, Mr. BLAGOJEVICH, Mr. MINGE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H.R. 271: Mr. WEINER.

H.R. 303: Mr. LANTOS, Mr. STEARNS, Mr. ETHERIDGE, Mrs. KELLY, Mr. GREEN of Texas, Mr. TAYLOR of North Carolina, Mr. GIBBONS, Mr. JOHN, Mr. BLUNT, Mr. FILNER, Mr. REYES, Mr. EVANS, and Mr. GORDON.

H.R. 306: Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mrs. JOHNSON of Connecticut, Mr. GALLEGLY, and Mr. BERRY.

H.R. 315: Mr. DELAHUNT.

H.R. 325: Mr. DEFAZIO, Ms. ESHOO, and Mr. WEINER.

H.R. 351: Mr. SABO and Mr. WICKER.

H.R. 352: Mr. KING of New York, Mr. HASTINGS of Washington, Mr. MINGE, and Mr. BALLENGER.

H.R. 357: Mr. WEXLER.

H.R. 373: Mr. TERRY.

H.R. 380: Mrs. ROUKEMA, Mr. SAXTON, Mr. DEUTSCH, Mr. DEAL of Georgia, and Mr. BATEMAN.

H.R. 390: Mr. SESSIONS, Mr. BRADY of Pennsylvania, Mr. SAXTON, Mr. FORBES, Mr. WEXLER, Mr. FOLEY, Mr. FROST, Mr. HOLDEN, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 392: Ms. DEGETTE, Mr. ENGEL, and Mr. FARR of California.

H.R. 403: Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. WYNN, Mr. UNDERWOOD, Mr. FILNER, Mr. SPRATT, and Mr. OBERSTAR.

H.R. 405: Mr. MINGE, Mr. ENGLISH, Mr. FATTAH, and Mrs. EMERSON.

H.R. 406: Ms. WOOLSEY.

H.R. 408: Mr. CHAMBLISS, Mr. YOUNG of Alaska, Mr. PICKERING, and Mr. THOMPSON of California.

H.R. 413: Mr. UNDERWOOD, Ms. CARSON, Mr. FILNER, Mr. STARK, and Ms. LEE.

H.R. 417: Mr. GANSKE.

H.R. 423: Mr. TIAHRT.

H.R. 430: Mr. DAVIS of Illinois, Mr. WELLER, Mr. KUCINICH, Mr. DICKEY, and Mr. GORDON.

H.R. 443: Mrs. MINK of Hawaii, Mr. MALONEY of Connecticut, and Mr. PORTER.

H.R. 449: Mr. FATTAH, Mr. HOLDEN, and Mr. ENGLISH.

H.R. 452: Mr. FORBES.

H.R. 455: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. RANGEL, Mrs. MINK of Hawaii, and Ms. WOOLSEY.

H.R. 472: Mr. DOOLITTLE and Mr. FOLEY.

H.R. 489: Mrs. MALONEY of New York, Mr. FARR of California, and Mr. DIXON.

H.R. 492: Mr. DEAL of Georgia, Mr. TIAHRT, and Mr. GOODLATTE.

H.R. 493: Mrs. MYRICK.

H.R. 506: Mr. RILEY, Ms. SLAUGHTER, Mr. COOK, Mr. FORBES, Mr. LUCAS of Kentucky, Mrs. CHENOWETH, Mr. GANSKE, Mr. FORD, Mr. GOODE, Mr. STARK, Mr. HOSTETTLER, Mr. PHELPS, Mr. SISISKY, Mr. BOSWELL, Mr. COBURN, Ms. WOOLSEY, Mr. SKELTON, and Mr. GORDON.

H.R. 514: Mr. BLUNT, Mr. SHIMKUS, Mr. COX of California, and Mr. FOSSELLA.

H.R. 516: Mr. SESSIONS and Mr. METCALF.

H.R. 543: Mr. SHOWS and Mr. RUSH.

H.R. 548: Mr. BERMAN, Mr. LANTOS, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. DEGETTE, and Ms. WOOLSEY.

H.R. 557: Mr. FORBES.

H.R. 564: Mr. PACKARD, Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. WATTS of Oklahoma, Mr. TIAHRT, and Mr. KNOLLENBERG.

H.R. 568: Mr. FORBES and Mr. STUPAK.

H.R. 576: Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. FROST, Ms. RIVERS, Mr. WAXMAN, Mr. FILNER, Mr. MCDERMOTT, Mr. KNOLLENBERG, and Ms. KILPATRICK.

H.R. 597: Mr. FRANK of Massachusetts, Mrs. MYRICK, Ms. BROWN of Florida, Mr. MATSUI, Mr. LAMPSON, Mr. HINCHEY, Mr. JEFFERSON, Mr. ROMERO-BARCELÓ, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. UNDERWOOD, Ms. LEE, Ms. ESHOO, Mrs. KELLY, Mr. BLAGOJEVICH, Mr. HULSHOF, Mr. WYNN, Mr. CONYERS, Mr. DEUTSCH, Mr. BALLENGER, Mr. CLYBURN, Ms. BALDWIN, Mr. BENTSEN, Mr. LEWIS of Georgia, and Mr. CLAY.

H.R. 608: Mr. ROHRABACHER, Mr. SHOWS, Mr. EVANS, Mr. SHUSTER, Mr. REGULA, Mr. GREEN of Texas, Mr. BROWN of Ohio, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. KENNEDY of Rhode Island.

H.R. 610: Mr. GREEN of Texas, Mr. SANDERS, and Mr. LUTHER.

H.R. 611: Mr. FORBES and Mr. NEY.

H.R. 612: Mr. CLYBURN, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. WEINER, Mrs. MALONEY of New York, Mr. DIXON, Mr. MCGOVERN, Mr. FROST, and Ms. HOOLEY of Oregon.

H.R. 631: Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. STARK,, Mr. JEFFERSON, Mr. FOLEY, and Mr. MCCRERY.

H.R. 639: Mr. FORBES.

H.R. 645: Ms. NORTON and Ms. SLAUGHTER.

H.R. 664: Mr. JACKSON of Illinois, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. TANNER, and Mr. PASCRELL.

H.R. 665: Mr. DREIER and Mr. MASCARA.

H.R. 669: Mr. TOWNS, Mr. HYDE, Ms. KILPATRICK, Mr. FALEOMAVAEGA, and Mr. FRANK of Massachusetts.

H.R. 670: Mr. WICKER, Mr. GRAHAM, Mr. NEY, Mr. KUCINICH, Mr. WOLF, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 682: Mr. HAYWORTH, Mr. HILL of Montana, and Mr. KNOLLENBERG.

H.R. 685: Mr. LUTHER.

H.R. 692: Mr. DELAY and Mr. GARY MILLER of California.

H.R. 693: Mr. BLUNT and Mr. BARCIA.

H.R. 700: Mr. EWING, Mr. RAHALL, Mr. FRANKS of New Jersey, Mr. BORSKI, Mr. QUINN, Mr. LIPINSKI, Mr. LATOURETTE Mr. TRAFICANT, Mr. COOK, Mr. DEFAZIO, Mr. SHERWOOD, Mr. CLEMENT, Mr. SWEENEY, Ms. NORTON, Mr. HOLDEN, Mr. BALDACCI, and Mr. FORBES.

H.R. 701: Mr. GILCHREST, Mrs. BONO, and Mr. DUNCAN.

H.J. Res. 1: Mr. PACKARD, Mr. EHLERS, Mr. LARGENT, Mr. SANFORD, Mr. GARY MILLER of California, Mr. BLILEY, Mr. WELDON of Florida, Mr. TERRY, Mr. COMBEST, Ms. PRYCE of Ohio, and Mr. GREEN of Wisconsin.

H.J. Res. 5: Mr. FOLEY.

H. Con. Res. 5: Mr. SNYDER, Mr. FOLEY, Ms. SLAUGHTER, Mrs. CAPPS, Mrs. MALONEY of New York, and Mr. DAVIS of Illinois.

H. Con. Res. 8: Mr. DEUTSCH, Mr. NORWOOD, and Mr. RAHALL.

H. Con. Res. 16: Mr. GIBBONS and Mr. DOOLITTLE.

H. Con. Res. 17: Mr. CAMPBELL, Mrs. MALONEY of New York, and Mr. MCGOVERN.

H. Con. Res. 21: Mr. UPTON and Mr. LIPINSKI.

H. Con. Res. 24: Mr. CANADY of Florida, Mr. FRELINGHUYSEN, Mr. MCINNIS, Mr. YOUNG of Alaska, Mr. COOKSEY, Mr. MEEHAN, Ms. HOOLEY of Oregon, Ms. SANCHEZ, Mr. NUSSLE, Mr. WICKER, Mrs. BONO, Mr. BURTON of Indiana, and Mr. ARCHER.

H. Con. Res. 29: Mr. RYUN of Kansas, Mr. METCALF, Mr. BARTLETT of Maryland, and Mr. MANZULLO.

H. Res. 18: Mr. LUTHER and Mr. NEY.

H. Res. 20: Mr. GOODLING.

H. Res. 35: Mr. MOORE, Mr. MCNULTY, Mr. ACKERMAN, and Mr. HOYER.

H. Res. 41: Mr. FORBES, Mr. FROST, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. WOLF, Mr. DIAZ-BALART, and Mr. UNDERWOOD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3: Mr. EWING.

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of America

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, FEBRUARY 11, 1999 *No. 25*

Senate

The Senate met at 10:07 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy God, who allows beginnings and brings an end, a time for healing, a time to mend, we ask You to pour out Your palpable, unifying power on this Senate. Today, may the Senators count on You more than they count votes. This is a time neither for gloating over victory nor for grimness over losing, but rather a period for grief over all that has brought us to this day. We are one Nation under You; we repent as a Nation; we turn from conditional ethics and seek to return to the absolutes of Your Commandments.

Thank You, Lord, for the clarion convictions expressed during this trial by so many Senators of both parties that morals do matter and character does count. May this shared, common commitment unite them as they lead this Nation. Now, as their chaplain, I hold them all before Your grace and mercy; as their friend, I intercede for their spiritual strength and courage. When the final votes are taken, hold them together in the oneness America so desperately needs them to exemplify. Help them to model rectitude and reconciliation. By Your power, the winner will be neither the Republicans nor the Democrats, but the American people. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This morning the Senate will resume final deliberations in closed session. Our best guess, at this time, leaves approximately 37 Senators still intending to speak. It is possible that we could conclude and have the final votes this afternoon or late this evening, but I don't think that is going to be possible at this time. When we do approach that point, I would like to do it in an orderly fashion, that Members and those who are interested will be given notice. We have some business we would have to conclude, also, after all the deliberations have been complete. I will confer throughout the day with Senator DASCHLE to see how it is going, and as soon as we can see clearly when we would want to actually move to the final vote, we will notify all the Senators.

We will also take a lunch break sometime today between 12 and 12:30, and we will have, of course, some breaks throughout the day to take some refreshments.

I yield the floor to allow the Chief Justice to close the session.

The CHIEF JUSTICE. The Senate will now go into closed session for final deliberations on the articles of impeachment. The Sergeant at Arms is directed to clear the galleries and close the doors of the Senate Chamber.

CLOSED SESSION

(At 10:11 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 7:00 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. I ask unanimous consent that the Court of Impeachment stand in adjournment until 9:30 tomorrow morning, the Senate then immediately proceed to closed session. I ask unanimous consent the Senate now resume legislative session in order to conduct some housekeeping business.

The CHIEF JUSTICE. Without objection, it is so ordered.

Thereupon, at 7 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Friday, February 12, 1999, at 9:30 a.m.

LEGISLATIVE SESSION

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE U.S. SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk regarding the taking of pictures in the Senate Chamber during the impeachment vote and ask unanimous consent the resolution be considered agreed to and the motion to reconsider be laid upon the table.

Mr. WELLSTONE. Mr. President, I object. I would like to have a voice vote.

Mrs. BOXER. Just a voice vote.

Printed on recycled paper.

Mr. LOTT. Mr. President, I move that this resolution be adopted by the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 36) authorizing the taking of photographs in the Chamber of the United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 36) was agreed to, as follows:

S. RES. 36

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting photographs to be taken on February 11 or 12, 1999, during the roll call vote on the Articles of Impeachment in the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

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 Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 8

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 Finance.

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia was not in violation of the freedom of emigration criteria of sections 402(a) and 409(a) of the Trade Act of 1974, as amended. This action allowed for the continuation of normal trade relations status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. The report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 11, 1999.*

MESSAGES FROM THE HOUSE

At 10:07 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 169. An act to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine.

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

H.R. 435. An act to make miscellaneous and technical changes to various trade law, and for other purposes

H.R. 439. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

H.R. 440. An act to make technical corrections to the Microloan Program.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 6. Concurrent resolution authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board for a term expiring December 31, 2000.

Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board for a term expiring December 31, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Madam President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the RECORD of February 3, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 3, 1999, at the end of the Senate proceedings.)

In the Coast Guard nomination of George W. Molessa, Jr., which was received by the Senate and appeared in the RECORD of February 3, 1999

In the Coast Guard nominations beginning James W. Kelly, and ending John J. Santucci, which nominations were received by the Senate and appeared in the RECORD of February 3, 1999

In the Coast Guard nominations beginning James E. Malene, and ending Steve M. Wischmann, which nominations were received by the Senate and appeared in the RECORD of February 3, 1999

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. BROWNBACK (for himself, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. ASHCROFT, Mr. INHOFE, Mr. KYL, Mr. ALLARD, Mr. HELMS, Mr. SESSIONS, Mr. ABRAHAM, Mr. NICKLES, Mr. SANTORUM, and Mr. HAGEL):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DEWINE:

S. 411. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

S. 412. A bill to reform criminal procedure, and for other purposes; to the Committee on the Judiciary.

S. 413. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. CONRAD, Mr. LEAHY, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. WELLSTONE, Mr. CHAFEE, Mr. BREAUX, Mr. GRAHAM, Mr. MACK, Mr. DASCHLE, Mr. DORGAN, and Mr. BURNS):

S. 414. 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 for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed

discovery during the time the President is in office; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Ms. SNOWE:

S. 419. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. GRASSLEY, and Mr. HELMS):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. BAUCUS, Mr. LUGAR, Mr. DURBIN, and Mr. REID):

S. Res. 34. A resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week''; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 35. A resolution relating to the treatment of veterans with Alzheimer's disease; to the Committee on Veterans' Affairs.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Res. 36. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. Con. Res. 9. A concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOULTIONS

By Mr. BROWNBACK (for himself, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. ASHCROFT, Mr. INHOFE, Mr. KYL, Mr. ALLARD, Mr. HELMS, Mr. SESSIONS, Mr. ABRAHAM, Mr. NICKLES, Mr. SANTORUM, and Mr. HAGEL):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

PAYGO REFORM

● Mr. BROWNBACK. Mr. President, today I am introducing a bill, cosponsored by several of my colleagues that would reform the current pay-as-you-go financing mechanism of our federal government.

As a critical step to help reform the federal government, I believe that we need to change Congressional Budget Rules that make it illegal to use cuts in inefficient government spending to pay for tax cuts. Over the past century, our budget rules have been written in a way that favors spending over savings. We must fundamentally reform Pay-as-you-go (PAYGO) financing this year beyond the current law understanding which effectively turns PAYGO off during periods of an on-budget surplus.

Currently, according to PAYGO, Congress cannot make cuts in wasteful, even harmful government discretionary spending programs in order to finance tax cuts. For example, we can't cut the Advanced Technology Program in the Department of Commerce to pay for a capital gains tax cut. Rather, Congress has to make cuts in popular mandatory spending programs like Social Security and Medicare in order to pay for its tax cuts. I believe it is wrong to pit Social Security and Medicare against tax cuts. We need to flip the table on this false trade off by pitting tax cuts against wasteful big government spending.

Such a change would amount to a paradigm shift in how government functions and would help limit the size of government while at the same time providing additional resources for meaningful tax relief. The machinery of government is constructed to spend. We need reengineering of government so that the machinery produces savings.

My bill would change budget law in order to allow for tax cuts to be implemented in the amount of program eliminations. In practice, if we are able to eliminate a program during consideration of an appropriations measure, that money would be credited to the PAYGO scorecard and reserved for tax cuts.

Therefore, should my bill be enacted, we could eliminate programs like the Advance Technology Program, the National Endowment for the Arts, the Department of Commerce, and a whole host of other government programs while at the same time giving the taxpayers the tax relief they deserve—and we can do it without making draconian cuts to mandatory spending programs that ultimately do little to save the programs and much to simply prolong the crisis.

Mr. President, I look forward to the coming debate on budget process reforms. I look forward to the bill that is being considered jointly by the Governmental Affairs and Budget Committees, and I look forward to working with the chairmen of each in order to accomplish the type of budget reform that we truly need.●

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. CONRAD, Mr. LEAHY, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. WELLSTONE, Mr. CHAFEE, Mr. BREAUX, Mr. GRAHAM, Mr. MACK, Mr. DASCHLE, Mr. DORGAN, and Mr. BURNS):

S. 414. 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 for other purposes; to the Committee on Finance.

WIND ENERGY TAX CREDIT

● Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators JEFFORDS, CONRAD, MURKOWSKI, LEAHY, WELLSTONE, CHAFEE, SMITH of Oregon, BREAUX, GRAHAM, MACK, DASCHLE, and DORGAN.

Our legislation extends the production tax credit for energy generated by wind. This proposed bill resembles bipartisan legislation introduced in November of 1998 that, unfortunately, was not enacted.

As original author of the Wind Energy Incentives Act of 1993, I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

The Senate has previously supported wind energy production tax credit legislation. I would therefore like to request that Senators again consider this valuable initiative that would help secure this untapped potential for clean power.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy use. Wind is renewable and does not obligate the United States to rely on unstable foreign states for sources of energy.

This legislation extends the production tax credit through the month of June, 2004. We all know the damaging effects fossil fuels have on our environment. Wind energy, by contrast, is clean, safe, and abundant within the United States.

Every 10,000 megawatts of wind energy can reduce carbon monoxide emissions by 33 million metric tons. Today, the United States produces only 1,700

megawatts of wind energy. However, experts estimate that American wind capacity can produce up to 30,000 megawatts by the year 2010—that is enough energy to meet the demands of over 10 million homes, while reducing pollution in every state.

The production tax credit has brought wind power generation costs almost down to the same as coal and gas energy levels. In order to continue this investment in America's energy future, we must extend the production tax credit.

Currently, my own state of Iowa has 5 new wind power projects ready to go online just this year. These 5 projects, with the megawatt capacity of over 240, join the already existing 6 facilities in Iowa. Even large petroleum producing states like Texas, ranked 2nd in the nation in wind energy potential, recognize the growing significance of wind power.

Renewing the wind tax credit would allow for greater expansion into the wind energy field. These projects take a long time to develop and assured tax breaks would help facilitate more wind power construction contracts. Withhold the tax credit and investment will surely decline for new wind projects. This is because it takes as much as 3 years to obtain financing and permitting to build a new facility.

Wind is a domestic natural resource, found abundant in almost every state. Wind is homegrown energy, that cannot be controlled by any foreign state or power. American lives need not be put at risk to protect overseas sources of wind energy.

Wind energy can be harnessed without the detrimental effects of fossil fuel pollution. Wind is a stable and reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source. The Senate needs to extend this important legislation and I encourage all my colleagues to join us in this effort.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 414

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

SECTION 1. 5-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

(a) IN GENERAL.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (defining qualified facility) is amended to read as follows:

''(3) QUALIFIED FACILITY.—The term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service—

''(A) in the case of a facility using wind to produce electricity, after December 31, 1993, and before July 1, 2004, and

''(B) in the case of a facility using closed-loop biomass to produce electricity, after December 31, 1992, and before July 1, 1999.''.

(b) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code is amended by adding at the end the following new paragraph:

''(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

''(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

''(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

''(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii);

''(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delviery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

''(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

''(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998; and

''(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

''(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

''(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.''.●

● Mr. BURNS. Mr. President, I stand today with my colleague from Iowa, Senator GRASSLEY and others, as an original co-sponsor of a bill, S. 414, that would provide alternative energy tax credits that will help our nation become a leader in environmentally sound energy usages.

As a nation, we consume more energy per capita than any other country in the world. However, because of available technology and efficient use of our resources, we are also a leader in the use of environmentally-friendly practices.

Last year, President Clinton and Vice-President GORE expressed their interest in ratification of the Kyoto Treaty. I am concerned about the implications of applying the Kyoto Treaty to the U.S. economy.

The treaty, negotiated by 160 countries in December 1997, would require the United States to reduce its energy-related emissions 30–40 percent below levels otherwise projected for the years 2008–2012.

To enter into force, at least 55 nations representing 55 percent of the industrial world's 1990 emissions must ratify the agreement. The U.S. plays a pivotal role. If the U.S. does not ratify, neither Japan nor the European Union will do so.

In July 1997, the Senate passed, 95–0, a resolution opposing any agreement that exempts developing countries from emission limits. The Treaty does so exempt such countries. Key developing countries such as China, India, Brazil, Mexico and South Korea have refused to limit their emissions. These countries create a proportionately larger share of emissions than developed countries.

Therefore it would be unfair for the Congress to subject the Treaty on the American taxpayer. I am further concerned that the Clinton Administration led by Vice-President GORE signed the Kyoto Protocol announcing plans to launch new Kyoto-friendly federal energy procurement and transportation initiatives.

If implemented, Kyoto could: Increase gasoline prices up to 53% (up to $1.91/gallon); Increase electricity prices up to 86%; Eliminate up to 16 million U.S. jobs over the next six years.

The Department of Energy's Energy Information Administration concludes that natural gas market share will increase from 14% to 33% by 2020 and coal market share will decrease dramatically.

Mr. President, I am very committed to reducing global emissions but I am also convinced that such actions must not be at the expense of U.S. energy consumers. We have not given proper attention to a largely untapped and unlimited resource—that resource being wind generated power and other alternative energy sources.

If you drive through our State, you will feel the power of our unharnessed wind. Our Northerly wind can at times present a danger along the Rocky Mountain front, and certainly makes it's presence felt just about any time of the year.

The vast majority of wind development has been in California. However, many states have a much greater wind potential than California. Montana has an annual wind energy potential of 1,020 billion kilo Watt hours and little has been done to harness that energy. Such potential deserves exploration and that exploration needs to be fostered.

Congress is also responsible to help foster such growths in other alternative energy sources. Last year, I was very active in efforts to provide for an extension of the ''placed-in-service'' date of the Section 29 tax credit. Although this tax credit does not expire until 2008, it is important for Congress to allow new entrants to develop their technologies and build their facilities.

I look forward to pursuing this issue again this year. It will be a great addition to current legislation supporting energy tax credits for oil and gas development. I would like to request the attached colloquy from last year regarding Section 29 tax credits between me and twelve of my colleagues be entered into the RECORD.

The colloquy follows:

Mr. BURNS. Mr. President, I would like to clarify the intent of Congress regarding tax

incentives for alternative fuels. These incentives are important tools for our nation's long-term energy policy.

Starting with the energy crisis in the 1970s, Congress has acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior Congresses took these steps in recognition of the need to encourage the development and use of alternative fuels which promise that we as a nation will never be dependent on others for our energy resources. For example, Section 29, which expired earlier this year, and Section 45, which is due to expire next June, were both intended to encourage the development of nonconventional fuels.

Today, our nation not only needs to continue its efforts to develop alternative fuel resources, but given our ever growing energy requirements, we must consider the environmental impact that conventional and nonconventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our nation's resources, Congress needs to commit to the development of clean alternative fuels. We need also to use our nation's technologies to develop environmentally clean alternative liquid fuels from coal.

In Montana, we have vast coal reserves. There are technologies that can upgrade the coal from these reserves and reduce current difficulties associated with the development of these fields. However, these technologies are not likely to be developed, and therefore these vast natural resources are not likely to be used, unless Congress provides incentives to develop clean alternative fuels.

I am concerned that we have not been able to fully discuss the merits of such incentives in our budget debate this past month. For example, an extension of Section 29 was included in the Senate version of the tax extenders, but that provision was not included in the final package.

I would urge my colleagues to bring this debate to the floor in the 106th Congress to ensure that the issue of encouraging the development of clean alternative fuels is a priority in our nation's energy policy.

Mr. LOTT. I agree with my colleague from Montana. As our nation continues to seek ways to improve environmental quality and to reduce the need for imported energy, several new technologies run the risk of not being developed if Congress does not act to provide incentives to develop clean alternative fuels.

These technologies provide two significant benefits to our nation. First, the use of alternative fuels reduces our reliance on foreign energy sources. Second, the technologies provide cleaner results for our environment.

For these reasons, I want to assure my colleague from Montana that I will make a priority of addressing the need for tax incentives to produce clean alternative fuels.

Mr. GRASSLEY. I agree with my colleagues from Montana and Mississippi about this very important issue. The development and use of alternative fuels are important to this nation, and we must encourage their use and development.

Wind energy has long been recognized as an abundant potential source of electric power. A detailed analysis by the Department of Energy's Pacific Northwest Laboratory in 1991 estimated the energy potential of the U.S. wind resource at 10.8 trillion kilowatt hours annually, or more than three times total current U.S. electricity consumption. Wind energy is a clean resource that produces electricity with virtually no carbon dioxide emissions. There is nothing limited or controversial about this source of energy. Americans need only to make the necessary investments in order to capture it for power.

The Production Tax Credit, section 45 of the Internal Revenue Code was enacted as part of the Energy Policy Act of 1992. This tax credit is a sound low-cost investment in an emerging sector of the energy industry. I introduced the first bill that contained this tax credit, so you can be sure that I am sincere in my belief in the need to develop this resource. This tax credit currently provides a 1.5 cent per kilowatt hour credit for energy produced from a new facility brought on-line after December 31, 1993 and before July 1, 1999 for the first ten years of the facility's existence. Last Fall, I introduced a bill to extend this tax credit for five years. My legislation, S. 1459, currently has 22 cosponsors, including half of the Finance Committee. The House companion legislation, introduced by Congressman Thomas, currently has 90 cosponsors, including over half of the Ways and Means Committee. These numbers are a strong testament to the importance of the section 45, and renewable fuels in general.

In addition, I plan to work to expand this tax credit to allow use of the closed-loop biomass portion of this tax credit. Switchgrass from my state and other Midwestern states, eucalyptus from the South, and other biomass, can be grown for the exclusive purpose of producting energy. This is a productive use of our land, and will be an important step in our use and development of alternative and renewable fuels.

I was very pleased to see that Congress expressed its understanding of the importance of alternative and renewable fuels by extending the ethanol tax credit in this year's T–2 legislation. These tax credits are a successful way of promoting alternative sources of energy. These tax credits are a cheap investment with high returns for ourselves, our children, our grandchildren and even their grandchildren. Congress needs to again pass this important legislation to ensure that these energy tax credits are extended into the century.

Mr. MURKOWSKI. I concur with my colleagues. Implementation of the 1990 Clean Air Act amendments is creating a real need to develop clean alternative fuels.

For example, of the 64 remaining U.S. coke batteries, 58 are subject to closure as a result of the Clean Air Act. The steel industry can either use limited capital to build new clean coking facilities or they can choose to import coke from China, which uses 50 year old highly pollutant technologies. Restoring the section 29 credit to encourage cleaner coker technologies will greatly reduce emissions and will slow our increasing dependence on foreign coke, at the same time creating jobs in the United States in both the steel and coal mining industries.

In addition, the United States has rich deposits of lignite and sub-bituminous coals. There are new technologies that can upgrade these coals to make them burn efficiently and economically, while at the same time significantly reducing air pollution.

This is proven technology, but to make the development of this technology throughout the nation feasible, the Congress needs to provide tax incentives.

Mr. ENZI. The people of Wyoming have always had very strong ties to our land. That is why the words ''Livestock, Oil, Grain and Mines'' appear on our state seal. Those words clearly reflect the importance of our natural resources to the people of my state, and our commitment to using our abundant natural resources wisely and for the benefit of current and future generations of Wyomingites and the people of this country.

Congress has determined the need to find newer and cleaner technologies. Wyoming is blessed with an abundance of clean burning coal reserves. It would seem to be a perfect match. We are eager to provide what is needed for our country's present and future fuel needs. But those reserves aren't likely to be developed unless we provide the incentives necessary to make it possible for the coal to be harvested in a safe and environmentally friendly manner.

Mr. ABRAHAM. I concur with my colleagues. The development and production of alternative fuels provides a real opportunity for the country to improve the environment while ensuring a constant, reasonably priced fuel supply. But recent efforts to provide such assurances have been hampered. For example, in the Small Business Job Protection Act of 1996, Congress extended the placed-in-service date for facilities producing synthetic fuels from coal, and gas from biomass for eighteen months.

However, progress in bringing certain facilities up to full production has been hampered by the Administration's 1997 proposal to shorten the placed-in-service date and because, in many cases, the technology used to produce the fuels is new. Such delays have created uncertainty regarding the facilities eligibility under the placed-in-service requirement of section 29.

While it is important that the Congress consider again this issue in the 106th Congress, I would also urge the Secretary to consider the facilities I mentioned qualified under Section 29 if they met the Service's criteria for placed-in-service by June 30, 1998 whether or not such facilities were consistently producing commercial quantities of marketable products on a daily basis.

Mr. CONRAD. I agree with my colleagues. Through the section 29 tax credit for nonconventional fuels, Congress has supported the development of environmentally friendly fuels from domestic biomass and coal resources. There are lignite resources in my state that could compete in the energy marketplace if we can find a reasonable incentive for the investment in the necessary technology. As soon as possible in the 106th Congress, I hope we will give this crucial subject the attention it deserves.

Mr. HATCH. I concur with my colleagues. This is a very important tax credit for alternative fuels. It is an issue of fairness, not one of corporate welfare.

Earlier this year I, along with 18 of my colleagues, introduced a bill that would extend for eight months the placed-in-service date for coal and biomass facilities. The need still exists to extend this date and I am very disappointed that this was not included.

Mr. BAUCUS. Mr. President, I want to join my colleagues in supporting tax incentives for alternative fuels. Our country has assumed a leadership role in the reduction of greenhouse gases because of the global importance of pollution reduction. As my colleagues have also pointed out, promotion of alternative fuels is not just an environmental issue, but an issue important to our domestic economy and independence as well. We cannot afford to slip back toward policies which will leave us dependent upon foreign sources of oil for our economic growth.

With the huge reserves of coal and lignite in the United States and around the world, as well as the tremendous potential for use of biomass, wind energy, and other alternatives, it is particularly important to our economy and the world's environment that new, more environmentally friendly fuels are brought to market here and in developing nations.

But bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from the laboratory to the market is difficult because so many technical problems need full-scale testing and operations to resolve. Few investors are prepared to take on the risks associated with bringing a first-of-a-kind, full-

sized alternative energy production facility on-line without some level of security provided by a partnership with the federal government.

Tax incentives represent our government's willingness to work with the private sector as a partner to bring new, clean energy technologies to the market. These incentives demonstrate our country's commitment to the future.

Mr. GRAHAM. There are two principal reasons I support extension of sections 29 and 45. First, in a period where America is continuing to increase its dependence on foreign oil, we need to develop alternative fuel technologies to prepare for the day when foreign supply of oil is reduced. These tax credits have spurred the production of fuel from sources as diverse as biomass, coal, and wind. America will desperately need fuel from these domestic sources when foreign producers reduce imports. Second, the alternative fuels that earn these tax credits are clean fuels. For example, the capture and reuse of landfill methane prevents the methane from escaping into the atmosphere. I will support my colleagues in an effort next year to extend these provisions.

Mr. THURMOND. I join my colleagues in support of extending the tax credit for Fuel Production from Nonconventional Sources. Through this credit, Congress has emphasized the importance of establishing alternative energy sources, furthering economic development, and protecting the environment. The alternative fuels credit strikes a proper balance between each of these objectives. I support efforts to bring this issue to a satisfactory conclusion, early in the next Congress.

Mr. THOMAS. I strongly agree with my colleagues regarding the importance of the Section 29 tax credit. Wyoming has some of the nation's largest coal reserves and this tax credit gives producers an incentive to develop new and innovative technologies for the use of coal. I am disappointed that an extension of the Section 29 tax credit was not included in the Omnibus Appropriations package and urge my colleagues to make this matter a top priority during the 106th Congress.

Mr. ROTH. I understand my colleagues' concerns. For some time now I have been studying how to provide targeted incentives to develop clean alternative fuels. It is essential for Congress to develop sound tax policy for alternative energy to help protect our environment. Several weeks ago, I introduced legislation to provide such incentives for facilities that produce energy from poultry waste. I look forward to working with my colleagues on these issues early in the 106th Congress.●

By Mr. KYL (for himself and Mr. MCCAIN):

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS

● Mr. KYL. Mr. President, this Sunday, February 14, 1999, marks the eighty-seventh anniversary of the granting of statehood to the great state of Arizona. On this historic occasion, I propose to amend, with the attached bill, the act of Congress which in 1910 set in motion Arizona's entry into the Union. The proposed amendment makes two small but important modifications to the Arizona Enabling Act relating to the administration of state trust funds. These changes have been requested by Governor Hull, the state legislature, and the citizens of Arizona.

Mr. President, the Arizona Enabling Act required the state to establish a permanent fund collecting the proceeds of the sale of trust land and the land's mineral and other natural products. The principal of the fund is not expendable for any purpose. Instead, it is invested in interest-bearing securities, and the interest is used to support the financial needs of the beneficiaries.

Mr. President, Arizona is currently prevented from maximizing the benefits of the permanent fund. The state could improve management, and generate more revenues for the beneficiaries, by gaining authorization to invest part of the fund in stocks, and to reinvest some earnings to offset inflation. This amendment would allow the state treasurer to preserve the real value of the fund by reinvesting an amount equal to the rate of inflation, thereby providing higher payments to beneficiaries over time. This amendment is similar to the change that was granted to New Mexico in 1997. It was approved by Arizona voters on November 3, 1998.

Mr. President, the second modification to the Arizona Enabling Act contained in this bill would allow the state to expend monies from the Miners' Hospital Endowment Fund to benefit the Arizona Pioneers' Home. Current law prohibits the commingling of funds associated with state-trust lands. Insufficient funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners, but disabled miners have been cared for at the Arizona Pioneers' Home since 1929. Miners who meet the statutory admission requirements for the Hospital for Disabled Miners will continue to be admitted to the Arizona Pioneers' Home on a priority basis.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 415

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 ''Arizona Statehood and Enabling Act Amendments of 1999''.

SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the first paragraph by adding at the end the following: ''The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573, chapter 310), is amended in the proviso of the second paragraph by striking ''the income therefrom only to be used'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used''.

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574, chapter 310), is amended by striking ''the interest of which only shall be expended'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended''.

SEC. 3. USE OF MINERS' HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS' HOME.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the second paragraph by inserting before the period at the end the following: '', except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on June 20, 1910.

SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution 1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled ''Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies'', approved by the voters of the State of Arizona on November 3, 1998.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

A SOLUTION FOR SISTERS

● Mr. SMITH of Oregon. Mr. President, today I am proud to introduce legislation that will enable the city of Sisters, Oregon, to obtain Federal lands for the purpose of constructing a sewage treatment facility. The federal government will benefit directly from this facility, and we have the opportunity to show that we can be good neighbors and help solve local problems. This legislation, and the approach I have taken to provide a funding mechanism to benefit natural resources in the area, has broad support in the local community and the surrounding region.

The city of Sisters, Oregon, is facing both environmental and public health problems due to the lack of a sewer system. Currently, all of the homes and businesses inside the city limits must use septic systems. In the summer, in order to accommodate tourists who often recreate in the surrounding federal lands, the city must place approximately sixty portable toilets throughout the town. Deschutes County has

had to develop alternatives to established regulations for septic systems in order to continue use of some properties.

There are ongoing concerns about a possible outbreak of infectious diseases from failed and leaking septic systems, and of groundwater contamination. Obviously, this is a situation that cannot continue.

Fortunately, the city has risen to the challenge. In 1998, the 775 residents of Sisters voted to issue up to seven million dollars in bonds to construct a sewer system and a wastewater treatment facility to service their municipality. This vote was noteworthy because Sisters is the fourth most economically depressed city in Oregon. Sixty-one percent of the town's residents are considered low to moderate income and the average annual income is $17,188.

While the city has put together a financing package of approximately twelve million dollars, this financing package does not include funds for land acquisition. Additional funds to acquire the land for the treatment facility and for the disposition of the treated wastewater are beyond the resident's ability to pay, and pose a huge financial burden. There is a long-standing recognition in federal law, both in the Townsite Act and in the Recreation and Public Purposes Act, that in some instances the transfer of land out of federal ownership to serve community objectives outweighs the goals of maintaining such a tract in federal ownership.

This is definitely one of those cases. The city of Sisters is literally surrounded by land managed by the Forest Service. After examining numerous other non-federal sites in or near the city, it was determined that this parcel is large enough, and has the proper soil conditions for disposing of the treated wastewater.

I am proud to sponsor legislation that will not only resolve the city's public health threat, but will benefit all the parties involved. My bill calls for the Forest Service to convey land for the facilities at no cost to the city of Sisters. The legislation also stipulates that, at the option of the United States, the land would revert to the Forest Service upon termination of the specified uses.

In return, the Forest Service will benefit from the treatment facilities themselves, as well as from improved environmental conditions. The Forest Service currently maintains eleven separate septic systems in the city to serve existing administrative buildings. Since the Forest Service administers seventy-seven acres of land within the city limits, the federal government will benefit from the expected increase in land values directly attributable to the sewer system.

In order to capture some of this enhanced value for the benefit of the environment, the Forest Service will also be required to sell no less than six acres of the unimproved administrative lands within the city limits. The bill stipulates that the sale be at fair market value within three years of the enactment of the Act.

Most of the revenue from this sale will be used for activities which are directly related to improving the long-term conditions in the watershed of Squaw Creek, a tributary of the Deschutes River. The remainder, not to exceed twenty-five percent, may be used for administrative improvements by the Sisters Ranger District.

My legislation makes sense. It is a win-win solution that helps both the community of Sisters and the environment. I urge my colleagues to support its early consideration by the Senate.

Mr. President, I ask that the text of the bill be included in the RECORD.

The bill follows:

S. 416

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, at no cost to the city except the cost of preparation of any documents required by any environmental law in connection with the conveyance, the parcel of land described in subsection (b).

(b) LAND DESCRIPTION.—The land described in this subsection is the parcel of land located in—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—The conveyance under subsection (a) shall be made on the condition that the city agree to conduct a public process before the final determination is made regarding land use for the disposition of treated effluent.

(d) SPECIAL USE PERMIT.—Not later than 120 days after the date of enactment of this Act, in compliance with applicable environmental laws (including regulations), the Secretary shall issue a special use permit for the land conveyed under subsection (a) that allows the city access to the land for the purpose of commencing construction of the sewage treatment plant.

(e) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

SEC. 3. SALE OF ADMINISTRATIVE LAND.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Act, and notwithstanding any other provision of law, the Secretary shall sell, at fair market value, not less than a total of 6 acres of unimproved land in the city that is currently designated for administrative use. There are authorized to be appropriated such sums as are necessary to prepare the sale.

(b) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subsection (a) in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(c) USE OF PROCEEDS.—

(1) IN GENERAL.—Funds deposited under subsection (b) shall be available for expenditure, without further Act of appropriation, as follows:

(A) Not more than 25 percent shall be available for administrative improvements at the Sisters Ranger District.

(B) The remainder shall be available for purposes that are directly related to improving the long-term condition of the watershed of Squaw Creek, a tributary of the Deschutes River, Oregon.

(2) METHOD OF EXPENDITURE.—The supervisor of the Deschutes National Forest may expend funds deposited under subsection (b) directly or may provide the funds in the form of grants to local watershed councils, including the Working Group (as defined in section 1025(a) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4226)).●

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office; to the Committee on the Judiciary.

LEGISLATION TO LIMIT FUTURE PRESIDENTS' EXPOSURE TO CIVIL LAWSUITS WHILE HOLDING OFFICE

● Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill that is aimed at averting much of what has happened over nearly two months of this year and all of the last by amending Title 28 of the United States Code. Modeled on our existing Soldiers and Sailors Civil Relief Act of 1940 that forbids civil lawsuits being filed by or against our men and women while they are in uniform, my bill seeks to protect future sitting Presidents from the ravages of civil litigation arising from acts taken or deeds done before they assumed office.

I do not do this to insulate our current President but to accept an invitation Justice Stevens and his colleagues extended to us nearly two years ago in the case of Jones versus Clinton when the Supreme Court held that a sitting President could be sued civilly for acts he allegedly committed before assuming office. In that opinion, Justice Stevens wrote that it was up to Congress,

not the Supreme Court, to afford a sitting President more protection from civil lawsuits.

But this bill is not about President Clinton. For as Edmund Burke observed when analyzing the causes of the political discontents of the 1760s in England ''this system has not arisen soley from the ambitions of Lord Butte . . . we should have been tried with it if the Earl of Butte had never existed.''

As Justice Robert Jackson pointed out over forty years ago, the Presidency concentrates this nation's Executive authority in a single person whose choice the entire nation has a part, making him the force of public hope and expectations and whose decisions so far overshadow any other that ''almost alone he fills the public eye and ear.'' The Founders fashioned this kind of Presidency because they wanted to focus, not spread, executive responsibility in the hands of a single, constitutionally indispensable, individual. They realized that any interference with a President's ability to carry out his public responsibilities is constitutionally equal to interfering with the ability of the entire Congress or the whole Judiciary to carry out their public obligations.

Moreover, the Presidency is the only office that the Constitution requires to be always functioning. It knows no recesses or terms. Because of this and the singular import of a President's duties, the diversion of his energies by litigation raises unique risks to the effective functioning of our government.

As Thomas Jefferson warned in a June 20, 1807, letter to George Hay in the midst of Aaron Burr's trial in Richmond, unfettered litigation can pull a sitting President from pillar to post and keep him constantly trudging from north to south and east to west, withdrawing him from his constitutional duties.

On the other hand, I do not believe in the ancient prerogatives of the monarchs who asserted ''the King can do no wrong.'' We rejected this when we formed our republic over 200 years ago. Under my bill, a litigant can still file his or her claim and exercise his or her discovery rights. This will preserve the litigant's claims and evidence but stay his or her ability to conduct a full-blown trial. This can be done after a sitting President leaves office. Then, like any other citizen, he will be subject to the full sway of our courts and their processes.

I do not want to truncate anyone's legal rights or privileges, and my bill does not do so. Rather, it aims to balance these rights with our country's vital need for a focused Chief Executive not being dragged from pillar to post.●

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

PRIVATE RELIEF BILL

● Ms. COLLINS. Mr. President, I am pleased to join the distinguished senior Senator from the State of Maine, Senator SNOWE, in introducing private relief legislation for Nancy B. Wilson.

By way of background, Al Wilson worked for Liberty Mutual Insurance Company, and he and his wife Edna had two children. In 1945, tragedy stuck the family when Edna suffered a severe mental breakdown and was permanently placed in a mental institution, leaving Al to care for the children.

Five years later, Al met Nancy Butler, who immediately began caring for Al's two young children, as well as her son. Nancy took residence with Al and soon began to raise the children as her own. The eldest child has written that Nancy ''is the person who brought me up in place of my biological mother, who was institutionalized. I think of Nancy as my real mother.''

Al and Nancy wanted to get married, but Al was prohibited from divorcing Edna by a Massachusetts state law. The law barred a divorce for reasons of insanity or institutionalization for insanity. The Congressional Research Service confirmed that a ''divorce could not have been granted under Massachusetts law during the 1960's and 1970's solely because one spouse was insane.''

On April 12, 1969, Edna Wilson died. Twenty days later, on May 2, 1969, Nancy and Al were married. Al died of cancer seven months later on December 5, 1969. Nancy had lived with Al for 19 years.

Upon turning sixty-four years old on March 21, 1991, Nancy applied to the Social Security Administration for survivor insurance benefits from Al's wage earnings. She was refused benefits based upon the limited term of her legal marriage. According to Social Security regulations, a couple must be married for at least nine months for a spouse to collect survivor benefits.

Nancy has exhausted the available legal remedies, taking full advantage of the administrative appeals process. Nancy filed a request for reconsideration and appeared at a hearing before an administrative law judge. On January 28, 1992, the Social Security Administration issued its final decision denying her claim for benefits.

The private relief bill we are introducing would allow Nancy to receive widow's benefits from her husband's earnings. Nancy Wilson was, for all practical purposes, married to Al Wilson. She cohabited with him for nineteen years prior to their marriage. She raised his children, allowing him to work and accumulate a Social Security benefit. Nancy and Al were legally prevented from marrying by Massachusetts state law, even though his marriage with his first wife had essentially ended.

Mr. President, the unique circumstances of Mrs. Wilson epitomize why Congress has the power to enact private relief legislation. Her situation fulfills the intent of the Social Security Act. Al and Nancy were prohibited from marrying; clearly they would have if the law allowed them to do so. This unique situation is an exception that will not be repeated. Since their marriage, a no-fault divorce statute has been enacted in Massachusetts, which prevents this situation from occurring again. Mrs. Wilson's case is a compelling one which we believe the Senate should alleviate.●

By Ms. SNOWE:

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

LEGISLATION TO ESTABLISH MANDATORY MINIMUM SENTENCES FOR STATE CRIMES INVOLVING THE USE OF A FIREARM.

● Ms. SNOWE. Mr. President, I rise today to introduce a bill which will establish a mandatory minimum sentence for State crimes involving the use of a firearm. This bill also imposes work requirements for prisoners and prohibits the government from providing such amenities as televisions, stereos, or other amenities in the cell of any inmate.

As a staunch supporter of the 2nd Amendment, I believe laws are needed to punish criminals, without imposing on a law-abiding person's right to own a firearm. This legislation would not apply to individuals who use a firearm in self-defense. It applies only to criminals who are convicted of committing a crime of violence which is punishable for a year in jail. Because it is not illegal to defend oneself, individuals who use firearms in self-defense are not subject to the provisions of this bill, nor would they be incarcerated for a year or more for properly defending themselves. This bill states clearly that the sentences apply only after a criminal is convicted of a crime. As such, this bill poses absolutely no threat to individuals who use firearms legally, including as a means to defend themselves.

The most important domestic function of the Federal government is the protection of the personal security of individual Americans through the enactment and enforcement of laws against criminal behavior. Tough Federal laws, such as mandatory minimum prison sentences for violent crimes committed with a firearm and truth-in-sentencing, would serve as deterrents to persons who might be disposed to commit violent crimes.

It is also important to keep in mind, the penalties of this bill apply only after a criminal has been convicted, they are not available to a prosecutor until after the state investigation has been completed and the case is closed. Therefore, federal law enforcement agencies are given no role in the state's investigation and no authority in state jurisdictions. This prevents Federal

Agencies from imposing itself on the jurisdictions of the states. In addition, my bill clearly states that the bill is not intended to supplant the efforts of states to curtail violent crime and that the Attorney General must given ''due deference'' to state and local prosecutors in their work.

This legislation is also needed to ensure prisons remain punitive and do not digress further into vacation locations. With passage of this legislation, the Attorney General will implement and enforce regulations mandating prison work for all able-bodied inmates in Federal correctional institutions. These regulations will also prohibit the Federal Government from providing televisions, radios, stereos, and other similar amenities in the cell of any inmate.

I would encourage my colleagues, who are serious about combating crime, to join me as a co-sponsor of this important legislation.●

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

● Mr. KYL. Mr. President, I rise today to introduce a bill to authorize an Indian water rights settlement agreement that was entered into on May 4, 1998 by the Gila River Indian Community of Arizona and the Phelps Dodge Corporation.

This bill is identical to the legislation I introduced in the last session of Congress. As I said upon introduction last year, this particular settlement is part of a much larger, comprehensive settlement process that will eventually settle all claims of the Gila River Indian Community. I strongly endorse the settlement process and want to encourage all parties to continue their negotiations. Although I am introducing this measure today as free-standing legislation, it is inextricably linked to the outcome of the rest of the negotiations. So while I am encouraged by the settlement process, I am not yet comfortable with pieces of it moving independently.

As I did last session, I put this bill on the table so that all interested parties may have a document around which to gather and continue their conversations. While this particular piece of the settlement may be further along than others, I do not want to see pieces move separately. My preference is that the parties arrive at a comprehensive settlement that fully and finally addresses all aspects of the Gila River Indian Community's claim.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 421

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

SECTION 1. SHORT TITLE.

This title may be cited as the ''Gila River Indian Community-Phelps Dodge Corporation Water Rights Settlement Act of 1999'' and is herein referred to as ''this Act.''

SEC. 2. PURPOSE.

It is the purpose of this Act—

(a) to ratify, approve and confirm the Settlement Agreement among the Gila River Indian Community, Phelps Dodge Corporation, and the United States of America;

(b) to authorize and direct the Secretary of the Interior to execute and perform his duties under the Settlement Agreement and this Act; and

(c) to authorize and direct the Secretary to perform certain actions which will assist in achieving a settlement of the water rights claims of certain Indian tribes in the Little Colorado River Basin in Arizona.

SEC. 3. DEFINITIONS.

As used in this Act, the following terms have the following meaning—

(a) ''Allottees'' shall mean the owners of beneficial interests in allotted land within the Gila River Indian Reservation.

(b) ''Blue Ridge Reservoir'' means that Reservoir in Navajo County, Arizona, owned by Phelps Dodge, as more fully described in the Settlement Agreement.

(c) ''CAP'' shall mean the Central Arizona Project, a reclamation project constructed by the United States pursuant to the Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885, as amended.

(d) ''CAWCD'' shall mean the Central Arizona Water Conservation District, a political subdivision of the State of Arizona, which has executed a contract to repay to the United States the reimbursable costs of the CAP.

(e) ''Community'' shall mean the Gila River Indian Community, an Indian community organized under Section 6 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 987, duly recognized by the Secretary, and its members.

(f) ''Community's CAP Contract'' shall mean that contract between the Gila River Indian Community as the United States, dated October 22, 1992, providing for the delivery to the Gila River Indian Community of up to 173,100 acre-feet per annum of CAP water.

(g) ''Globe Equity No. 59'' shall mean the decree entered June 29, 1935, in that action styled as The United States of America v. Gila Valley Irrigation District, et al., Globe Equity No. 59 in the District Court of the United States in and for the District of Arizona, as amended and supplemented.

(h) ''Hopi Tribe'' shall mean the federally recognized Indian tribe of that name.

(i) ''Navajo Nation'' shall mean the federally recognized Indian tribe of that name.

(j) ''Phelps Dodge'' shall mean Phelps Dodge Corporation, a New York corporation, its subsidiaries, affiliates, predecessors, successors and assigns.

(k) ''Pueblo of Zuni'' shall mean the federally recognized Indian tribe of that name.

(l) ''Reservation'' shall mean the Gila River Indian Reservation, as it existed on the Initial Effective Date of the Settlement Agreement, as shown on the map attached to the Settlement Agreement as Exhibit ''B'' thereto.

(m) ''San Juan Southern Paiute Tribe'' shall mean the federally recognized Indian tribe of that name.

(n) ''Secretary'' shall mean the Secretary of the Interior or his lawful designee.

(o) ''Settlement Agreement'' shall mean that agreement dated as of May 4, 1998, among Phelps Dodge, the Community and the United States.

(p) ''SRP'' shall mean the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona corporation.

(q) ''United States'' shall mean the United States of America, in its capacity as trustee for the Community and of the Reservation; as trustee for the Allottees and of allotted lands on the Reservation; and, with respect to Section 5.2 of the Settlement Agreement, in all other capacities required in order to execute the agreements and other instruments and to take the actions referred to in Section 5.2 of the Settlement Agreement, including acting for the part of Defense Plant Corporation.

SEC. 4. APPROVAL OF SETTLEMENT AGREEMENT.

The Settlement Agreement is ratified, approved and confirmed. The Secretary shall execute the Settlement Agreement within sixty days of the enactment of this Act and shall perform all of the Secretary's duties thereunder as provided herein and in the Settlement Agreement.

SEC. 5. TRANSFER OF RESERVOIRS.

The Secretary shall take all actions specified in Section 5.0 of the Settlement Agreement necessary on the Secretary's part to obtain title to Blue Ridge Reservoir from Phelps Dodge. The title to Blue Ridge Reservoir, once acquired by the Secretary, shall be held by the Secretary in trust for the benefit of the Navajo Nation. In connection with the Secretary's performance of his obligations under Section 5.0 of the Settlement Agreement, the Navajo Nation, the Hopi Tribe, the San Juan Southern Paiute Tribe, the Pueblo of Zuni, and the United States, on behalf of each of them, are authorized to execute waivers of claims against Phelps Dodge and agreements not to object to certain uses of water by Phelps Dodge in substantially the form of Exhibits ''E'' and ''J'' to the Settlement Agreement, which waivers and agreements are hereby ratified, approved and confirmed. The Navajo Nation, and the United States on behalf of the Navajo Nation, is further authorized to enter into an agreement with the Arizona Game & Fish Department confirming a minimum pool of water in Blue Ridge Reservoir and for other purposes in substantially the form of Exhibits ''G'' and ''I'' to the Settlement Agreement, which agreements are hereby ratified, approved and confirmed.

SEC. 6. REALLOCATION OF CAP WATER.

Simultaneously with the transfer of Blue Ridge Reservoir to the United States as provided for in Section 5 of this Act, the Secretary shall: (i) reallocate to the Community 12,000 acre-feet of the CAP water available to the Secretary pursuant to Section 406(b) of Title IV of Public Law 101–628, 104 Stat. 4483; (ii) amend the Community's CAP Contract to include the CAP water reallocated to the Community pursuant to this Section 6; and, (iii) amend the Community's CAP Contract to extend the term thereof to 100 years, plus such additional term as may result from the exercise of the option provided for in, or other extension of, the Lease referred to in Section 7 of this Act.

(a) All water service capital charges and other capital charges of any nature associated with the CAP water reallocated to the Community pursuant to this Section 6 shall be non-reimbursable to the United States by the Community.

(b) All water service capital charges and other capital charges of any nature associated with 10,000 acre-feet of that CAP water currently available to the Community under the Community's CAP Contract which shares

a priority with 510,000 acre-feet of non-Indian municipal and industrial CAP water shall be non-reimbursable to the United States by the Community.

(c) For purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Number 14–0906–09W–09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, all of the water service capital charges and other capital charges of any nature associated with the water described in Subsections 6(a) and 5(b) hereof shall be non-reimbursable and shall be excluded from CAWCD's repayment obligation.

(d) The United States shall either:

(1) not charge operation, maintenance, and replacement (OM&R) charges to the Community on the first 8,000 acre-feet of CAP water made available to the Community pursuant to this Act, and shall itself pay any such charges as are associated with such 8,000 acre-feet of CAP water; or

(2) charge the Community only that portion of the OM&R charges associated with electrical energy pumping for the entire 12,000 acre-feet of CAP water made available to the Community pursuant to this Section 6, and shall itself pay all other OM&R charges associated with such 12,000 acre-feet of CAP water.

(e) In the event the CAP water made available to the Community pursuant to this Act is leased to Phelps Dodge as provided for in Section 7 hereof, the charges by the United States to Phelps Dodge for such water when delivered under the Lease shall be as provided in subsections (d)(1) or (d)(2) of this Section 6.

(f) In the event the exchange provided for in Section 8 of this Act is not approved, the Secretary shall reallocate to Phelps Dodge 8,000 acre-feet of the CAP water referred to in subsection 6(b) hereof, shall amend the Community's CAP contract to reflect such reallocation, and shall enter into a contract with Phelps Dodge for permanent service for the delivery of such water to Phelps Dodge through the works of the CAP. The CAP water shall be free of all capital charges as provided in subsections 6(b) and 6(c) of this Act. The United States shall charge Phelps Dodge OM&R charges for such water only as provided in either subsections 6(d)(1) or 6(d)(2) hereof and shall itself pay such portions of the OM&R charges as are not paid by Phelps Dodge.

(g) the provisions of Section 226 of Public Law 97–293, 96 Stat. 1273, 43 U.S.C. §485h(f) shall not apply to actions taken by the Secretary pursuant to Sections 6, 7 or 8 of this Act.

SEC. 7. CAP WATER LEASE.

The Lease referred to in Section 7.0 of the Settlement Agreement and attached thereto as Exhibit ''M'' is hereby ratified, approved and confirmed. Notwithstanding the preceding sentence, the Lease shall not be effective as to the United States, and the Secretary shall not execute the Lease, until all environmental compliance associated with the Secretary's execution of the Lease has been completed and the exchange referred to in section 8 of this Act has been approved as provided in that Section. In the event the Lease becomes effective, the Secretary and the Community may renew or extend the Lease at the end of the initial term, or any extended term of the Lease provided for in the initial Lease, upon such terms as the Community, the Secretary and Phelps Dodge may agree, provided that any such renewal or extension shall not exceed 100 years in term. Subject to the completion of environmental compliance, CAP water made available pursuant to the Lease may be used in the manner and at the locations provided for therein, including exchange for use in any county in Arizona outside the CAWCD service area.

SEC. 8. EXCHANGE AGREEMENT.

The Secretary and the Community are authorized to enter into an exchange agreement with Phelps Dodge pursuant to which the CAP water leased to Phelps Dodge by the Community under the Lease authorized under Section 7 hereof is delivered by Phelps Dodge to the Community in return for the right to divert water from the Gila River upstream of the Reservation. The term of any such exchange agreement, if approved as required by this Section 8, shall be for 100 years, plus any additional term occasioned by the exercise of the option contained in the Lease or other extension authorized in the Lease or this Act. The Secretary shall commence negotiations with respect to the exchange agreement forthwith upon the enactment of this Act and shall process all environmental compliance associated with the exchange agreement and the Lease in an expeditious manner. The Secretary shall not executive the exchange agreement until all such environmental compliance has been finally concluded as provided in the Settlement Agreement and any necessary order approving the exchange, or any aspect of the exchange, has been obtained from the United States District Court in Globe Equity No. 59 and the order is final and subject to no further appeal.

SEC. 9. APPROVAL OF WAIVERS.

The waivers set forth in Section 9.0 of the Settlement Agreement shall be effective, and shall be binding upon, the Community, and the United States, on behalf of the Community and the Allottees, from and after the date either of the conditions set forth in Section 4(c) of the Settlement Agreement occurs. The United States is authorized and directed to execute the Settlement Agreement on behalf of the Allottees in its capacity as trustee for the Allottees and of allotted lands on the Reservation, and the Settlement Agreement shall be binding upon the Allottees.

SEC. 10. MISCELLANEOUS.

(a) Execution of the Settlement Agreement by the Secretary as required by this Act, and the Secretary's performance of the actions necessary to acquire title to Blue Ridge Reservoir for the benefit of the Navajo Nation pursuant to Section 5.0 of the Settlement Agreement shall not constitute major federal actions under the National Environmental Policy Act (42 U.S.C. §4321 et seq.). The Secretary shall carry out all environmental compliance required by Sections 7 and 8 of this Act. Nothing in this Act shall be construed as exempting the United States from carrying out environmental compliance associated with the use of water from Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation in the Little Colorado River Basin in Arizona.

(b) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with the Town of Payson, Arizona, and the unincorporated communities of Pine and Strawberry, Arizona (''the Towns'') or any one of them, to subordinate water rights held in Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation to rights to the use of not of exceed a cumulative total of 3,000 acre-feet per annum of water in Blue Ridge Reservoir acquired by the Towns pursuant to the law of the State of Arizona.

(c) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with Phelps Dodge to subordinate water rights held in Blue Ridge Reservoir by the United States on behalf of the Navajo Nation to water rights acquired by Phelps Dodge in Blue Ridge Reservoir subsequent to the date of the enactment of this Act pursuant to the law of the State of Arizona for use on land owned by Phelps Dodge around Blue Ridge Reservoir identified in the Settlement Agreement. The term of any such agreement and the consideration to be paid therefor shall be as agreed to among the Navajo Nation and Phelps Dodge.

(d) With regard to the environmental compliance required for the actions contemplated in Sections 7 and 8 of this Act, the Bureau of Reclamation shall be designated as the lead agency, and shall coordinate and cooperate with the other affected federal agencies as required under applicable federal environmental laws.

(e) The Secretary and the Community are authorized to execute any amendments of the Settlement Agreement and to perform any action required by any amendments to the Settlement Agreement which may be mutually agreed upon by the parties.

(f) Except for the waivers authorized by Section 5 of this Act, nothing in this Act or the Settlement Agreement shall be construed to quantify or otherwise affect the water rights, claims or entitlement to water of any Arizona tribe, band or community or of any claimant in the Gila River Adjudication, other than the Community, the United States on behalf of the Community and the Allottees, and Phelps Dodge.

(g) Any party to the Settlement Agreement, and to the Lease and the exchange agreement referred to in Sections 7 and 8 hereof, respectively, if the same are approved, may bring an action or actions exclusively in the United States District Court for the District of Arizona for the interpretation and enforcement of this Act, the Settlement Agreement, the Lease and the exchange agreement, naming the United States and the Community as parties, and in any such action or actions, any claim by the United States or the Community to sovereign immunity from suit is hereby waived.●

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

ENERGY LEGISLATION

● Mr. MURKOWSKI. Mr. President, I am today introducing legislation to allow the State of Alaska to take responsibility for regulating small (5 megawatts or less) hydroelectric projects located in Alaska. This legislation is identical to section 1 of S. 439 in the 105th Congress, which was reported unanimously by the Committee on Energy and Natural Resources and was passed unanimously by the Senate. Unfortunately, because the Senate passed the legislation late in the session, the House did not have time to act before Congress adjourned.

Let me describe why this legislation is needed. Simply put, FERC's licensing process is too expensive and too cumbersome for many small hydroelectric projects in Alaska. For a large project costing tens or hundreds of millions of dollars the burden of obtaining a FERC license is large, but relatively small as compared to the total cost. However, for a small project located in a remote region of Alaska, FERC's licensing process is a major problem. All

too often, the burden of the licensing process alone dooms an otherwise economically viable and environmentally beneficial project. And those small hydro projects it does not doom, FERC's process increases significantly their cost—which is just passed on to consumers in terms of higher electricity rates.

For other States this may not be very significant, but it is for Alaska. Alaska already has the most expensive electricity in the United States. Alaska's average residential price of electricity is 36 percent higher than the U.S. average, and in some parts of Alaska the residential price reaches a stunning 43 cents per kilowatt hour—5 times the U.S. average. Why so expensive? Primarily because it is produced by diesel generators, which are both relatively inefficient and use expensive fuel. Compared to diesel generators, hydroelectric power is much less expensive.

It is important to note that hydroelectric power is much more environmentally benign as compared to diesel-fired generation: Hydroelectric generation produces no air emissions as does diesel-fired generation. Thus, anything we can do to promote the construction of hydroelectric projects will also help the environment of Alaska.

In this connection, it is also important to note that this legislation does not exempt Alaska's small hydro projects from regulation. Instead, it allows the State of Alaska to regulate in lieu of FERC. I ask: Who is more interested in the environment of Alaska—Alaskans or a distant FERC? Moreover, the legislation allows Alaska to regulate only after FERC has determined that the State has in place a regulatory program which ''protects the public interest . . . and the environment to the same extent provided by . . . [the FERC].'' Finally, the legislation specifically requires the full application of all ''Federal environmental, natural resources, or cultural resources protection laws. . . .'' Thus, enactment of this legislation will fully protect the environment and the public interest.

In summary, if enacted this legislation will benefit both Alaska's environment and its economy.●

By Mr. MCCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on finance.

ADDICTION FREE TREATMENT ACT

● Mr. MCCAIN. Mr. President, today I am introducing the Addiction Free Treatment Act which reforms our nation's drug policy regarding the treatment of heroin addiction.

This bill would restrict Medicaid reimbursements and funding through the Substance Abuse and Mental Health Services Administration for methadone and LAM maintenance programs. Maintenance programs would be limited to six months. The bill requires that such programs conduct regular drug testing, report all results, and terminate methadone treatment to any patient testing positive for any illegal drugs. The legislation directs the National Institute of Drug Abuse to study the methods and effectiveness of non-pharmacological, and methadone-to-abstinence heroin rehabilitation programs, and requires the Center for Substance Abuse Treatment to provide an annual report to Congress on the relative effectiveness of heroin treatment programs in achieving freedom from chemical dependency.

Mr. President, few crises represent a more fundamental threat to the basic institutions of our society then substance abuse and addiction, and there are few drugs that do more harm than heroin. Heroin use in the United States continues to rise. Drug use among teenagers is increasing and the number of teenagers using heroin for the first time is higher than at any other point in our history. Between 1992 and 1996, heroin use among college-age students increased an estimated 10 percent. Currently, there are an estimated 810,000 chronic heroin addicts living in the United States with over 115,000 heroin addicts participating in methadone programs.

Drug addiction undermines family, work, friendships, and communities. The drug trade, which feeds the addict, undermines the security and stability of our neighborhoods through violence and other crime-related phenomena.

At its core, drug addiction does violence to the basic humanity of the addict, robbing him or her of the most fundamental element of their existence—their freedom. The addict is enslaved by the need to get a fix; all other needs become secondary to the physical and psychological drive to feed the hunger of addiction. This enslavement goes to the core of the debate surrounding the use of methadone maintenance as a solution to heroin addiction: What have we done to restore the human condition if we have not freed the addict of chemical dependency?

Methadone maintenance programs simply transfer addiction from one narcotic to another. The methadone patient is every bit as dependent on methadone as he or she was with heroin. Patients who attempt to free themselves from their addiction to methadone experience withdrawal symptoms that are as violent, if not more than, those they would experience coming off of heroin. What is more, even the promise of freedom from illegal drug use is an illusion. For many methadone patients regularly test positive for other illegal drugs. And yet, for some 30 years, the only hope that U.S. policy has offered to our citizens addicted to heroin is an Orwellian addiction swap.

In the 105th Congress, I, along with Senator COATS and Senator COVERDELL, introduced a Senate Resolution addressing the topic of methadone treatment. The resolution was a response to an emerging Clinton Administration policy designed to dramatically increase the federal government's activities in the area of methadone treatment. Barry McCaffrey, the so-called Drug Czar, proposed that ONDCP would double the number of heroin addicts in methadone treatment. Mr. President, this sounds less like the policy of a Drug Czar, and more like the policy of a drug bazaar—a bazaar where the federal government trades places with the street dealer, swapping heroin for methadone and feeding the addiction with taxpayer dollars.

This is disgusting and it is immoral. It does serious harm to the humanity of those people who have mustered the courage to walk into a clinic seeking help to free themselves from addiction. It is the ultimate in cruel irony that our government's first response should be to trade the shackles of heroin for the shackles of methadone.

The fundamental flaw of methadone treatment as a national anti-drug policy is that it is not an anti-drug policy at all. As I have said, methadone simply transfers addiction from one drug to another. To say that this is effective, because the symptoms of methadone addiction are more tolerable to society and less dramatic for the addict, is to miss the most fundamental point—that is that addiction enslaves the individual. That slavery is no less onerous to the basic humanity, to the dignity of the addict simply because the drug has been endorsed by the FDA, prescribed by a physician and paid for with taxpayer dollars.

After 30 years of methadone, is there nothing better to offer to the heroin addict? The answer is an emphatic yes. Drug addiction is a complicated condition. It has behavioral, social/environmental, and physical characteristics. If we are to free individuals from heroin addiction, we must adopt policies supporting programs that address, in an intensive and comprehensive way, each of these areas of concern.

Throughout society, in our homes, neighborhoods, communities, and in public policy fora, there has been much debate surrounding the decay of our civil society. A certain consensus has emerged regarding how best to address this crisis. That consensus centers around the need to rebuild the mediating structures of our society—family, neighborhood, church, and volunteer associations.

If we are to free the addict from the slavery of drug addiction—be it heroin or methadone—rebuilding or, in many cases, introducing for the first time these same mediating structures into the life of the addict must play a central role.

There are models for success. Just ask Rev. Sam McPherson. Rev. McPherson has spent his life tending to the needs of drug addicts. He now runs a Ready, Willing, and Able rehabilitation center on Florida Avenue here in Washington. It is an extraordinary and inspiring place.

Founded on a drug-free principle, Ready, Willing, and Able embraces the addict, first demanding detoxification, and then dealing in a sustained and comprehensive way with the bundle of needs that contributed to the participant's drug use and addiction, and that result in recidivism if left unresolved.

Dr. Robert Woodson, in his recent book ''The Triumphs of Joseph'', describes the many examples of community-based organizations that have succeeded in healing the scourge of drug addiction, lifting people up from the slavery of dependency—people like Freddie and Nina Garcia, who run the Victory Fellowship, based out of San Antonio.

Some thirty years ago, Freddie Garcia and his wife began their operation in a tiny one-bedroom house, at one point moving all their furniture under a make-shift awning outside the house to make room for eleven recovering addicts who slept on their living room floor. Today, the Victory Fellowship has freed more than 13,000 men and women from their addictions and has spread to 65 satellite centers in California, Texas, New Mexico, Peru, Puerto Rico, Columbia and Venezuela.

Dr. Woodson pus it this way: ''In contrast with psychiatric therapy and treatment that relies on medication, the goal of grassroots programs is not rehabilitation but transformation. Their end is not to modify behavior but to engender a change in the values and vision of the people they work with which will, in turn affect behavior . . . they do not simply curb deviant behavior but offer something more—a fulfilling life that eclipses the power of temptation.''

These community-based institutions possess certain common characteristics that can serve as a model for all who seek to address the challenges of addiction:

(1) Their programs are open to all comers. Often, these programs take the worst cases, the long-term, homeless addicts that the ''system'' has abandoned as hopeless.

(2) They have the same zip code as the people they serve. They do their work in the same neighborhoods, on the same streets as the addicts they serve. Reverend McPherson points out one of the pleasant benefits of Ready, Willing and Able: When they come into a neighborhood, the drug dealers go away. They leave because there is an unwritten code. If these guys are trying to get off of heroin, the dealers go somewhere else, taking their trade out of sight of the very addicts they have enslaved.

(3) Their approach is flexible to the needs of the individual. The many behavioral, social/environmental, and physical challenges that contribute to drug addiction are unique to each individual. These organizations develop individualized programs for each individual.

(4) They contain a central element of reciprocity. As Dr. Woodson says: ''They do not practice blind charity but require something in return from the individuals they serve.''

(5) Clear behavioral guidelines and discipline are critical.

(6) These healers fulfill the role of parent, providing authority and structure, but also love and support.

(7) They are committed for the long haul, not just for the duration of funding.

(8) They are on-call 24 hours a day, 7 days a week for as long as the participant needs them.

(9) The healing offers immersion in an environment of care and mutual support with a community of individuals who are trying to accomplish the same changes in their lives.

(10) They are united in their cause, providing mutual support in their struggles, and celebration in their accomplishments.

These concepts are not new. But combined and sustained, they offer hope and success in freeing the addict from a life of chemical dependency. That freedom should be the policy of the United States Government, and the relentlessly pursued goal of everyone concerned with the scourge of heroin addiction.●

By Mr. COVERDELL (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. GRASSLEY, and Mr. HELMS):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL RIGHT TO WORK ACT OF 1999

● Mr. COVERDELL. Mr. President, I am pleased to introduce along with my distinguished colleagues Senators THURMOND, SMITH of New Hampshire, GRASSLEY, and HELMS the National Right to Work Act of 1999.

This bill does not add a single word to Federal law. Rather, it repeals those sections of the National Labor Relations Act and Railway Labor Act that authorize the imposition of forced-dues contracts on working Americans. I believe that every worker must have the right to join or support a labor union. This bill protects that right. But no worker should ever be forced to join a union.

I am happy to say that my own state of Georgia is among the 21 states that is a ''Right to Work'' state and has been since 1947. According to U.S. News and World Report, 7 of the strongest 10 state economies in the nation have Right-to-Work laws. Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non Right-to-Work states. According to Dr. James Bennet, a prominent economist at George Mason University's highly respected economic program, urban families in Right-to-Work states have approximately $2,852 more annual purchasing power than urban families in non-Right to Work states; particularly when the lower taxes, housing and food costs are taken into consideration.

According to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe that workers should have the right to choose whether or not to join or pay dues to a labor union. That should be no surprise. This is about freedom. The Right to Work expands every working American's personal freedom.

Mr. President, I urge my colleagues to support this legislation. It expands the freedom of hard working Americans and ensures them the choice of whether to accept or reject union representation and union dues without coercion, violence or work-place harassment.●

By Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

FOOD AND MEDICINE FOR THE WORLD ACT OF 1999

● Mr. ASHCROFT. Mr. President, today, I am introducing, with Senators BROWNBACK, BAUCUS, and KERREY, the Food and Medicine for the World Act of 1999. It's a bill that will help America's farmers, ranchers, and related industries, keep on selling their food and medicine to the world.

For over 200 years, farmers and ranchers have been vital to the growth and economic prosperity of the United States—always responding to the challenges of our competitive free-market system with efficient production methods. The agricultural industry is one of the nation's largest employers. Missouri is the nation's second leading state in its number of farms. Clearly, the agricultural industry is a backbone to Missouri's economy, accounting for more than $4 billion annually.

The United States has the best farmers in the world—first class in their production, storage, transportation, processing, and marketing. We can produce more food than any other country, yet the United States only accounts for five percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders. And because of our farmers' efficiency and ability to meet U.S. domestic demand, they rely increasingly on their ability to sell products in foreign markets.

Exports now account for 30 percent of gross cash receipts for America's farmers, and nearly 40 percent of all U.S. agricultural production is exported. Therefore, it is imperative that we ensure that our farmers have ample export opportunities.

Our farmers and ranchers need our help in opening markets abroad and

keeping those markets open. Once farmers jump through all the hoops of foreign trade barriers and red tape to establish trusted relationships with foreign buyers, the U.S. government should be extremely cautious about sanctioning their sales and forcing them to lose their markets. Many farmers' livelihood depends on sales overseas. In 1997, more than one-fourth of Missouri's farm marketing came from sales overseas.

We know that sanctions hurt America's farmers and ranchers. And we know that sanctions against agriculture and medicine are detrimental to the world's poor that have to live under the rule of tyrants. That is why I am introducing the Food and Medicine for the World Act. This bill tries to ensure that farmers don't get sanctioned for the bad acts of foreign governments, and the health and welfare of the world's poor are not damaged further by their leader's indiscretions.

Under the Food and Medicine for the World Act, whenever any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless he tells Congress why it is necessary to sanction these products and unless Congress approves the sanction. If the Food and Medicine for the World Act is passed, there will not be any more sanctions against U.S. agricultural exports without agreement between the Administration and Congress and without serious deliberation about the effects on America's farmers and ranchers. Our farms should not be sanctioned without the consent of Congress.

The Food and Medicine for the World Act sends a message to customers overseas that U.S. farmers and ranchers will be reliable. People around the world depend on our farm products and on U.S. produced medical supplies. When tyrants challenge U.S. foreign policy, we must not respond by cutting off the supply of food and medicine to their poor. The health and welfare needs of those abroad will be best served if we ensure that our farmers and producers are a continuous source of food and medical supplies.

The Food and Medicine for the World Act also sends a message to U.S. farmers and ranchers that their livelihood will not be used as a foreign policy tool without due deliberation and involvement of both the President and Congress.

Farmers and ranchers are twice as reliant on foreign trade as the U.S. economy as a whole. It is time for us to enact policy that reflects our support for their efforts to reach their competitive potential internationally.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 425

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 ''Food and Medicine for the World Act of 1999''.

SEC. 2. REQUIREMENT OF CONGRESSIONAL APPROVAL OF ANY NEW UNILATERAL AGRICULTURAL SANCTION.

(a) DEFINITIONS.—

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732).

(2) AGRICULTURAL PROGRAM.—The term ''agricultural program'' means—

(A) any program administered through the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480; 7 U.S.C. 1701 et. seq.);

(B) any program administered through section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any commercial sale of agricultural commodities or agricultural products, including plant nutrient materials; or

(D) any export financing (including credits or credit guarantees) for agricultural commodities or agricultural products.

(3) NEW UNILATERAL AGRICULTURAL SANCTION.—The term ''new unilateral agricultural sanction'' means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(4) NEW UNILATERAL SANCTION WITH RESPECT TO MEDICINE, MEDICAL SUPPLIES, OR MEDICAL EQUIPMENT.—The term ''new unilateral sanction with respect to medicine, medical supplies, or medical equipment'' means any prohibition, restriction, or condition on trade in, or the provision of assistance consisting of, medicine, medical supplies, or medical equipment with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(5) SESSION DAY OF CONGRESS.—The term ''session day of Congress'' means any day on which a House of Congress is in session.

(b) RESTRICTION.—Notwithstanding any other provision of law and subject to subsection (c), the President may not impose a new unilateral agricultural sanction against a foreign country, or a new unilateral sanction with respect to medicine, medical supplies, or medical equipment against a foreign country, unless—

(1) not less than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country that justify the sanction; and

(2) Congress enacts a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(c) EXCEPTION.—Notwithstanding subsection (b), the President may impose a sanction described in that subsection—

(1) against a foreign country with respect to which—

(A) Congress has enacted a declaration of war; or

(B) the President has proclaimed a state of national emergency; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any commodity, product, medicine, supply, or equipment that is controlled on the United States Munitions List under section 38 of the Arms Export Control Act or the Commerce Control List under the Export Administration Act of 1979.

(d) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTION DEFINED.—For the purpose of subsection (b)(2), ''joint resolution'' means only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the report of the President pursuant to section 2(b)(1) of the Food and Medicine for the World Act of 1999, transmitted on _____.'', with the blank completed with the appropriate date.''.

(2) REFERRAL OF REPORT.—The report described in subsection (b)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) REFERRAL OF JOINT RESOLUTION TO COMMITTEE.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the eighth session day of Congress after its introduction.

(4) DISCHARGE FROM COMMITTEE.—If the committee of either House to which a joint resolution is referred has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after its introduction, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House in which it was introduced.

(5) FLOOR CONSIDERATION.—

(A) MOTION TO PROCEED.—When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE ON THE JOINT RESOLUTION.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to

reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) APPEALS OF RULINGS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) TREATMENT OF OTHER HOUSE'S JOINT RESOLUTION.—If, before the passage by one House of Congress of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) REFERRAL OF JOINT RESOLUTIONS OF SENDING HOUSE.—The joint resolution of the sending House shall not be referred to a committee in the receiving House.

(B) PROCEDURES IN RECEIVING HOUSE.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the sending House; but

(ii) the vote on final passage shall be on the joint resolution of the sending House.

(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If the House receiving a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(8) STATUS OF PROCEDURES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.●

●Mr. BAUCUS. Mr. President, I rise today to join my colleagues in introducing the Food and Medicine for the World Act.

For years the United States has enacted economic sanctions to punish foreign governments, often without regard for the effects of those sanctions back home. Under a bill that I am introducing jointly with Senators ASHCROFT, BROWNBACK and KERREY, we can make more sense of our confusing sanctions policy. We can put an end to the practice of making our agricultural producers shoulder most of the blame when we impose sanctions.

The exchange of goods and ideas worldwide has never been freer; it is now axiomatic to say that we live in a global economy. It follows that as the rules governing economics have changed, so too should those related to economic sanctions. Unilateral economic action is less effective than it used to be, simply because it's rarely possible for one country or company to corner the market on a good or service.

Moreover, we often hurt ourselves with unilateral actions that disproportionately affect one sector of our economy over another. Our agricultural producers, for example, have long borne the brunt of American unilateral action. It is estimated that 10% of the world wheat market is put out of reach of U.S. producers by economic sanctions.

That's why I became a member of the Senate Sanctions Task Force last year, and it's why I am joining my colleagues in introducing the Food and Medicine for the World Act. Under this legislation, when any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless: the President submits a report to Congress asking that the sanction include agriculture; and Congress approves of his request. The process must be complete within 60 days before the sanctions against agriculture are supposed to go into effect. This bill would not take effect in the event that Congress has declared war or in the case of national emergency.

Mr. President, while I believe sanctions can be a legitimate tool of foreign policy, I don't think that American producers should be punished for the actions of unscrupulous foreign governments. Nor do I think it is fair to put an abrupt end to the supply of medicine based on the behavior of a dictator. We must send a message to the world that our producers are reliable and that those abroad who rely on U.S. products will not be put at risk by a sanction on U.S. food and medicine.

The Food and Medicine for the World Act sends that message, and I urge my colleagues to lend their support to the bill.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 148

At the request of Mr. ABRAHAM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 343

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 380

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 380, a bill to reauthorize the Congressional Award Act.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceeding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 403, a bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. BAYH), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of

Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE CONCURRENT RESOLUTION 9—CALLING FOR A UNITED STATES EFFORT TO END RESTRICTIONS ON THE FREEDOMS AND HUMAN RIGHTS OF THE ENCLAVED PEOPLE IN THE OCCUPIED AREA OF CYPRUS

Ms. SNOWE (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas respect for fundamental freedoms and human rights is a cornerstone of United States foreign policy;

Whereas the enclaved people of Cyprus, those Greek-Cypriots and Maronites living in the Karpas peninsula, are subject to restrictions of freedom and human rights;

Whereas the representatives of the two communities in Cyprus, who met in Vienna in August, 1975, under the auspices of the United Nations Secretary General, reached an agreement known as the Vienna three agreement, which, inter-alia, states that, ''Greek-Cypriots in the North of the island (of Cyprus) are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North . . . (and) the United Nations will have free and normal access to Greek-Cypriot villages and habitations in the North'';

Whereas the key elements of this agreement have not been implemented and, in fact, severe restrictions have been placed on the daily lives of the enclaved people of Cyprus;

Whereas the United Nations Secretary General in his December 10, 1995 report on the U.N. operations in Cyprus sets out the recommendations contained in UNFICYP's (the United Nations Forces in Cyprus) humanitarian review, as endorsed by U.N. Security Council Resolution 1032(95), regarding the restrictions on the freedoms and human rights of the enclaved people of Cyprus, that:

(1) ''The constant presence of the Turkish-Cypriot police in the daily lives of the Karpas Greek-Cypriots should be ended'';

(2) ''Karpas Greek-Cypriots and their visitors should be allowed to travel between the Karpas and the buffer zone crossing point in their own vehicles or in regular public transportation without police escort'';

(3) ''All restrictions on land travel within the northern part of Cyprus should be lifted'';

(4) ''Unrestricted availability of private telephones should be permitted when they become generally available and the Karpas Greek-Cypriots should be permitted to make private telephone calls from locations in the Karpas other than police stations without the presence of any official or other person'';

(5) ''Restrictions on hand-carried mail and newspapers should be lifted'';

(6) ''Secondary schooling for Greek-Cypriots should be facilitated in the Karpas, and teachers and school supplies for the Greek-Cypriots should be allowed to be provided from the south without hinderance'';

(7) ''All Karpas Greek-Cypriot students attending secondary schools or third-level institutions in the south should be allowed to return to their homes on weekends and holidays'';

(8) ''Access to and religious use of the monastery at Apostolos Andreas and the church there by the Greek-Cypriots of the Karpas peninsula and their clergy should be unrestricted'';

(9) ''Provision of funds from outside the northern area should be permitted for the renovation and maintenance of Greek-Cypriot schools and churches in the Karpas area'';

(10) ''Karpas Greek-Cypriots should be permitted visits by Greek-Cypriot doctors and medical staff'';

(11) ''There should be no hindrance at any time to children of Karpas Greek-Cypriots returning to their family homes without formality'';

(12) ''Karpas Greek-Cypriots should be allowed visits from close relatives who normally reside outside the northern part of Cyprus'';

(13) ''Karpas Greek-Cypriots should be allowed to bequeath fixed property in Karpas to their next of kin and in the event that such beneficiaries normally reside outside the northern part of the island, they should be allowed to visit bequeathed properties without hinderance or formality'';

(14) ''Restrictions on UNFICYP's freedom of movement to and from as well as within the Karpas area should be lifted'';

(15) ''Restrictions on the discharge by UNFICYP of its humanitarian and other functions with regard to Karpas Greek-Cypriots should be lifted and liaison posts should be established where the greatest number of Greek-Cypriots live in the north at the villages of Rizokarpaso and Ayias Trias. (The sole remaining permanent UNFICYP presence in the Karpas, a small liaison post, remains confined, with no freedom of movement, in the village of Leonarisso, where only 9 Greek-Cypriots still reside.)''; and

(16) ''All restrictions preventing offshore fishing by the Greek-Cypriots of the Karpas should be lifted'';

Whereas other restrictions on the freedom and human rights of the enclaved include:

(1) A requirement that enclaved males aged 18 to 50 report once a week to those in control;

(2) Harassment, beating, rape, and murder without investigation; and

(3) Lack of compensation for work performed;

Whereas U.N. Security Council Resolution 1062(96), inter-alia, expressed regret that ''the Turkish-Cypriot side has not responded more fully to the recommendations made by UNFICYP and calls upon the Turkish-Cypriot side to respect more fully the basic freedoms of the Greek-Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives'';

Whereas on July 31, 1997, Cyprus President Glafcos Clerides and Turkish-Cypriot leader Rauf Denktash agreed to further address this issue along with other humanitarian issues; and

Whereas no substantive progress has since been made on the part of the Turkish side to implement the recommendations arising out of the humanitarian review undertaken by UNFICYP is 1995: Now, therefore, be it

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

(1) strongly urges the President to undertake efforts to end restrictions on the freedoms and human rights of the enclaved people of Cyprus; and

(2) shall remain actively interested in the matter until the human rights and fundamental freedoms of the enclaved people of Cyprus are restored, respected and safeguarded.

● Ms. SNOWE. Mr. President, today I am submitting a concurrent resolution which calls for a United States effort to end the restrictions on the freedoms and violations of the human rights of the enclaved people in the occupied portion of Cyprus. I have introduced this legislation in the past, and I regret that these concerns are still with us.

Mr. President, I am aware that developments on Cyprus are not known to most Americans. Yet if I were to tell them that a small nation has had part of its land illegally occupied by a neighboring state for over 23 years, I know they would be both shocked and outraged.

The 23 years since the 1974 Turkish invasion of Cyprus have seen the end of the cold war, the collapse of the USSR, free elections in South Africa and a reunited Germany. Yet while the line through the heart of Berlin is gone, the line through the heart of Cyprus remains.

Over two decades ago, Turkey's brutal invasion drove more than 200,000 Cypriots from their homes. Turkey still controls about one-third of the island of Cyprus and maintains about 30,000 troops there. However, there remains, in northern Cyprus, a small remnant of 497 enclaved Greek-Cypriots. The reason they are referred to as the enclaved of Cyprus is that during the fighting in 1974 they mostly resided in remote enclaves and therefore were not able to flee the fighting and thus were not immediately expelled.

Mr. President, I believe that this resolution is important in serving to bring to the attention of the American people and the world community, the hardships and restrictions endured by these enclaved individuals.

In 1975, representatives of the Greek and Turkish Cypriot communities agreed that the Greek-Cypriots in the northern part of the island were to be given every help to lead a normal life. Twenty-two years later this is still not the case.

The presence of the Turkish-Cypriot police in the lives of the enclaved Greek-Cypriots is constant, and there are restrictions on land travel. Other human rights restrictions and deprivations include: Restrictions on private telephones; Restrictions on hand-carried mail and newspapers; Difficulties in receiving full educational opportunities; Restricted access to and religious use of the monastery at Apostolos Andreas; A requirement that enclaved males aged 18–50 must report once a week to those in control; and A lack of investigation with regard to harassment, beating, rape and murder.

Mr. President, this situation calls out for justice. By bringing these human rights violations to the attention of the American people, it is my hope, that we can bring the plight of these people to the World's attention. My resolution urges the President to undertake efforts to end the restrictions on the freedoms and human rights of the enclaved people. I will remain actively involved in this issue

until their rights and freedoms are restored.

This is the least we can do for these people. While this resolution addresses the plight of the enclaved people of Cyprus, work must not cease on efforts to bring about a withdrawal of Turkish forces and a restoration of Cyprus' sovereignty over the entire island with the full respect of the rights of all Cypriots.

Mr. President, I urge my colleagues to join me in supporting this legislation.●

SENATE RESOLUTION 34—DESIGNATING NATIONAL YOUTH FITNESS WEEK

Mr. TORRICELLI (for himself, Mr. BAUCUS, Mr. LUGAR, Mr. DURBIN, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 34

Whereas the Nation is witnessing a historic decrease in the health of the youth in the United States, with only 22 percent of the youth being physically active for the recommended 30 minutes each day and nearly 15 percent of the youth being almost completely inactive each day;

Whereas physical education classes are on the decline, with 75 percent of students in the United States not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in 4 years;

Whereas more than 60,000,000 people, ⅓ of the population of the United States, are overweight;

Whereas the percentage of overweight youth in the United States has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, youth in the United States;

Whereas youth in the United States represent the future of the Nation and the decrease in physical fitness of the youth may destroy the future potential of the United States unless the Nation invests in the youth in the United States to increase productivity and stability for tomorrow;

Whereas regular physical activity has been proven to be effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of the youth in the United States; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 30, 1999, as ''National Youth Fitness Week'';

(2) urges parents, families, caregivers, and teachers to encourage and help youth in the United States to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 35—RELATING TO THE TREATMENT OF VETERANS WITH ALZHEIMER'S DISEASE

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 35

Whereas an estimated 30 percent of the patients in veterans nursing home facilities suffer from Alzheimer's Disease or some other form of dementia;

Whereas only a very small number of facilities exist that are dedicated to treating patients with Alzheimer's disease and to developing improved protocols to treat the disorder;

Whereas the aging of the United States veterans population is expected to hinder the capability of traditional veterans nursing home facilities to care for veterans with Alzheimer's disease; and

Whereas research indicates that the traditional nursing home model may not provide the most effective method of treating patients with Alzheimer's disease: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in authorizing medical facility projects and leases for the Department of Veterans Affairs, Congress should authorize projects and leases for facilities, in urban and rural locations, that are designed specifically for purposes of treating veterans with Alzheimer's disease and conducting research relating to Alzheimer's disease;

(2) the Secretary of Veterans Affairs should encourage innovation in the methods utilized by Department health care personnel in treating veterans with Alzheimer's disease; and

(3) the Secretary should encourage and facilitate the sharing of information on Alzheimer's disease among Department facilities and personnel.

ALZHEIMER'S DISEASE

● Ms. SNOWE. Mr. President, I rise today to submit a resolution in support of veterans suffering from Alzheimer's disease.

When I first came to Congress 20 years ago, not a single piece of legislation devoted to Alzheimer's disease had even been introduced. We have come a long way since then, as today Alzheimer's is a household word. It is also the most expensive uninsured illness in America. That is why I recently introduced legislation to allow families to deduct the cost of home care and adult day and respite care provided to a family member suffering from Alzheimer's disease.

The resolution I am submitting today is targeted to the challenges faced by veterans suffering from Alzheimer's disease and their families. I worked closely with the Maine Department of the Veterans of Foreign Wars [VFW] of the United States on this approach, after learning of the prevalence of this disorder in the veterans population in Maine and nationwide, and the need to improve treatment regimes.

The resolution expresses the sense of the Senate that in authorizing veterans medical facility projects, such as nursing homes, Congress should authorize projects for facilities in urban and rural areas specifically designed to treat veterans with Alzheimer's disease and conducting research into the disorder.

The resolution also expresses support for innovation in the methods used by VA personnel in treating veterans with Alzheimer's disease, and encourages the sharing of information on Alzheimer's disease among VA facilities and health care personnel.

Facilities authorized under this bill would provide a model for existing VA nursing homes that treat Alzheimer's disease and future homes dedicated exclusively to the treatment of Alzheimer's. These specially designed homes will formulate new protocols for the treatment of this devastating condition.

Currently, veterans homes have an average of 30 percent Alzheimer's patients. Serious questions have been raised concerning whether it is appropriate to treat this disorder in the traditional nursing home setting. Yet, the VA does not operate any facilities exclusively targeted at Alzheimer's disease, and the VA budget for construction funds for veterans nursing homes does not authorize construction of any unique long-term care projects. Authorizing the VA to explore new ways of treating Alzheimer's disease will enable the Department, which administers one of the largest health care networks in the country, to prepare for the future, when the aging of the veterans population is expected to hinder the ability of traditional veterans homes to care for Alzheimer's patients.

One of the most important components of this resolution is that a demonstration facility authorized by Congress will give the VA the freedom to design new and more effective protocols for treating Alzheimer's patients—including new approaches to care, administration, staffing, quality assurance, and other issues. Facilities are currently forced to comply with existing long-term care regulations, laws, building codes, and traditional medical models, which are often not compatible with the unique needs of patients suffering from Alzheimer's disease.

Advances made by facilities designed specifically to treat veterans with Alzheimer's will ultimately benefit all those who suffer with this disorder. Therefore, Mr. President, I strongly urge my colleagues to join me in supporting this legislation.●

SENATE RESOLUTION 36—AUTHORIZING TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DASCHLE, MR. MCCONNELL, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 36

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be

temporarily suspended for the sole and specific purpose of permitting photographs to be taken on February 11 or 12, 1999, during the roll call vote on the Articles of Impeachment in the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

ADDITIONAL STATEMENTS

TROOPS TO TEACHERS IMPROVEMENT ACT OF 1999

● Mr. BINGAMAN. Mr. President, the Congress has an important opportunity to provide the youth of America with knowledge and experience that will benefit their future and therefore the future of this country. The Troops-to-Teachers program in the Department of Defense brings the technical talents and experience of retiring military personnel directly to American classrooms to benefit our young people. Former military personnel who enroll in Troops-to-Teachers bring essential mathematical, scientific, and technological expertise that our schools need in order to provide the nation with the technical talent we will need to face the future. This is a ''win-win'' program that brings together age and experience with youth and energy. This program rewards those in uniform who have served the nation by providing them with valuable training assistance needed for the transition to a classroom, and it rewards our young people with service professionals' knowledge and information gained while developing and using the latest technologies.

Congress established Troops-to-Teachers in 1993. Since then, over 3,000 men and women retiring from the military have received training to enable them to enter classrooms as qualified teachers. These men and women bring some very important fresh perspectives to American classrooms. About three quarters of the ''Troops'' are males, compared with about 25 percent male teachers in the nation's public school systems. Almost a third of them have science, engineering, and technology backgrounds which are sorely needed in our schools at all levels. About a third of the ''Troops'' are minorities, compared to less than 10 percent minority instructors in our public schools. Many minority retirees and half of the ''Troops'' overall elect to teach in inner city or rural schools—the schools that are often most in need of additional teaching expertise.

This bipartisan bill introduced by my esteemed colleague, Senator MCCAIN, would provide the critical financial support retiring service personnel need to gain teacher skills and would assist them in obtaining employment as teachers. I am honored to be an original cosponsor of S. 389, the Troops to Teachers Program Improvement Act of 1999. If enacted, this bill will provide a $2,000 stipend to help offset the cost of earning teacher certification. It would also provide grants to school districts for each new teacher they hire, and would set up Troops-to-Teacher Centers to manage the program in various states. Major grants up to $825,000 would be awarded to Institutions of Higher Education located near military installations to establish teacher certification programs tailored to meet the needs of retiring military personnel. Placement and referral assistance would also be available to personnel who enroll in the program.

Mr. President, in 1993 Troops-to-Teachers was an important initiative to help meet the needs of military personnel leaving the military services during the drawdown of our military forces. The drawdown has been completed, but that no longer matters. During the past five years, I believe we now know how valuable this program is regardless of whether our military forces shrink or grow. Retiring military personnel who, by definition, are ''public servants'' have a valuable combination of skills and commitment to apply their public service in another venue—America's classrooms. America's youth and the nation's future will be the beneficiaries. I urge my colleagues to vote to enact the Troops-to-Teachers Improvement Act of 1999 and to extend the authority of this program for five more years. It's a great dividend from America's past and an important investment in America's future.●

TRIBUTE TO THE FIRST PRESBYTERIAN CHURCH OF GULFPORT, MISSISSIPPI

● Mr. LOTT. Mr. President, this month is the centennial anniversary of the First Presbyterian Church of Gulfport, Mississippi.

The First Presbyterian Church of Gulfport has a rich history serving the Lord and the Gulfport community. It was organized on February 17, 1899 by the New Orleans Presbytery. On January 30, 1904, the original frame church building was dedicated and a year later, Reverend F.L. McFadden was installed as the church's first Pastor. Reverend H.A. Jones was installed in December 1909 and served until his death in January 1915. Reverend A.C. Armond ministered to the church until World War I. Dr. Charles Newman followed, faithfully conducting worship for fourteen years. Reverend J.N. Brown served the Presbyterian Church during the Great Depression, World War II, and the Korean Conflict.

Installed in 1954, Dr. Richard L. Summers led the ministry until September 1986. It was during Dr. Summer's thirty-two year tenure that the present church at 1214 24th Avenue was dedicated and a number of important programs were instituted such as a weekday kindergarten.

The congregation joined the Presbyterian Church of America in 1982 and was received in May 1983 by Grace Presbytery, P.C.A, at the First Presbyterian Church of Hattiesburg.

In July 1987, Reverend Danny Levi was installed, serving through December 1991. Reverend William R. Lyle was ordained in January 1991 and served as an Assistant Pastor until December 1992.

The First Presbyterian Church of Gulfport is now blessed to have Reverend Marshall D. Connor, a graduate of the University of South Carolina and the Reformed Theological Seminary, as its current Pastor. The father of seven children and the grandfather of two, Reverend Conner and his wife Linda have served the church since March 1993.

As the First Presbyterian Church reaches this significant milestone, it is appropriate to look back and reflect on the many lives touched by this institution. The thousands of worshipers who have achieved spiritual fulfilment. The children who received a strong religious education based on devotion to faith, family, and freedom and the biblical principles of integrity, conviction, and moral fiber. The sons and daughters who entered into the sacred bond of matrimony. The many devoted followers who regularly attended Sunday service, and who, in the Christian tradition, sought and received redemption. And the friends and family members who prayed for their loved ones and those in need.

The First Presbyterian Church has remained a center for community life and spiritual well-being for a century. This history will serve as a beacon for Gulfport as our nation moves forward into the next millennium.

For one hundred years, and with nine ministers, this congregation has stood as a strong testament to its glorious teachings. I am proud and honored to commemorate this historic achievement.

I ask my colleagues to join me in recognizing the First Presbyterian Church of Gulfport, Mississippi, and to wish the church and its many followers a joyous centennial anniversary.●

TRIBUTE TO DR. PAUL PHILLIPS

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to Dr. Paul Phillips for his eight years of service representing Upper Providence Township on the Spring-Ford Area School Board in Collegeville, PA.

Dr. Phillips has been active in educational activities for more than 50 years. His extensive experience includes serving as former superintendent in the Morrisville School District in Bucks County and former principal in the Haverford and Lower Merion school districts. Recently, he has served as a president of the Spring-Ford school board and as School Director.

While School Director, Dr. Phillips' goal was to raise Spring-Ford High School SAT scores by 100 points. Not

only did Dr. Phillips attain that goal, he exceeded it. During his tenure, Dr. Phillips also saw the construction of two elementary schools and a high school, as well as renovations to the middle school.

Mr. President, I ask my colleagues to join with me in commending Dr. Phillips for his outstanding service on the Spring-Ford School Board, as well as his years of active involvement in educational activities in Pennsylvania.●

IMANI ART MUSEUM

● Mr. COVERDELL. Mr. President, I rise today to commend the goals of the proposed IMANI Art Museum in Americus, Georgia. I would also like to note the work of Dr. Ron Maxwell for working to make the museum a reality.

The IMANI Art Museum will be dedicated to encouraging diversity and educating the community about contemporary forms of African art and African American art. Such a museum will help preserve the culture and history of African Americans so that future generations may fully appreciate their accomplishments.

Furthering the museum's goals of education, the museum will feature a Children's Center, W.J. Robinson Center for Art Teaching and Learning, and a research library. The Children's Center will strive to increase youth self esteem and self respect through the recognition and acquisition of art skills and historical knowledge. The W.J. Robinson Center will serve as a valuable resource and training tool for the community's teachers in all aspects of diversity issues and educational curriculum. The research library will serve as a valuable resource to students and the community with regards to the African American history and culture.

Once again, Mr. President, I commend the goals of the proposed IMANI Art Museum and the diligent work of Dr. Ron Maxwell. The museum will provide history and cultural richness for the citizens of Southwest Georgia as well as prove to be important to the economic development and tourism industry which is sorely needed in this region. As we continue to look for ways at bringing people together, let us look to intentions of the proposed IMANI Art Museum as a leader in this effort.●

CALVIN COLLEGE NATIONAL TITLE

● Mr. ABRAHAM. Mr. President, I rise today to congratulate a group of very special young women from Calvin College. The Calvin College Women's Cross Country team placed first in the National Championships for Division III. This is the first national championship won by a MIAA (Michigan Intercollegiate Athletic Association) team in cross country.

The following 19 girls who make up the team, have indeed made Calvin College proud: Rashel Bayes, Erinn Boot, Kristi Brown, Lindsay Carrier, Andrea Clark, Allison Cook, Sara Crowe, April DeKorte, Kristie DeYoung, Sarah Gibson, Elisabeth Giessel, Sarah Gritter, Emily Hollender, Elizabeth Kuipers, Kris Lumkes, Amy Mizzone, Lisa Timmer, Candice Vandergriff, and Katherine VanDerSchaaf. I would also like to recognize Nancy Meyer, the coach of the women's cross country team, who was named the national cross country coach of the year.

The Calvin Women's Cross Country team has now earned 16 All-American berths in the history of its program and eight top-10 national team finishes. It is my pleasure, once again, to congratulate the Calvin College Women's Cross Country team. It is very encouraging to see these young women strive for such excellence. This team has made Calvin College and the entire state of Michigan very proud.●

TRIBUTE TO WALTER ADAMS

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Walter Adams of East Lansing, Michigan. In the 76 years before his passing, Mr. Adams touched the lives of his family, his students, and his fellow community members with his passion for learning. Mr. Adams is best known for his longtime dedication to Michigan State University as a forty-six-year faculty member, including one year as president of the university.

As a lifelong promoter of education, Mr. Adams touched the lives of students and colleagues alike. He never lost his interest, his enthusiasm, and his total commitment to the ideals of education. His students were fortunate to be under the tutelage of an instructor who was knowledgeable, experienced, and committed to improving the knowledge of those he taught. Even after his retirement in 1993, Mr. Adams remained steadfastly loyal to the university.

As Americans, we owe a great deal to those individuals who choose to prepare future generations to lead this country. Mr. Adams was not only part of this group, he was one of its finest members. He will be remembered fondly by all those he guided and inspired.●

TRIBUTE TO FAYANNE KAUFMAN

● Mr. ABRAHAM. Mr. President, I rise today in remembrance of Fayanne Kaufman of Farmington Hills, Michigan. In the 72 years before her passing, Mrs. Kaufman touched the lives of her family, her students, and her fellow community members with her passion for life and learning.

Mrs. Kaufman responded to life's challenges with strength and optimism. After her husband's untimely death in 1965, she joined the ranks of older Americans pursuing higher education and attained her teaching degree at Wayne State University. In 1968, she began a 30-year career in the Farmington Public Schools, teaching at both the middle and high school levels. A renowned artist in the fields of ceramics and jewelry making, Mrs. Kaufman encouraged her students to develop their talents and helped them receive scholarships at various art and design institutions throughout the United States. In addition, she inspired and worked with troubled students to turn their lives around. Mrs. Kaufman remained active with her alma mater over the years as an alumnus and was honored by the university with the Woman of Wayne State Award. In the past decade, she strengthened her commitment to public service with three bids for the Michigan Board of Education.

Most importantly, Mrs. Kaufman was a devoted mother to her three sons. She raised her children to appreciate the importance of education and community service. As her son Jerry said, ''She was amazing and had such a warm sweet spirit.'' Mrs. Kaufman inspired us all to serve our community to the best of our ability and reassured us that we all can have a positive impact on the world around us. I wish to extend best wishes to the entire Kaufman family.●

RETIREMENT OF MR. WOODROW DAWSON, JR.

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mr. Woodrow Dawson, Jr. of Southfield, Michigan. On December 31, 1998, after 25 years of service, Mr. Dawson retired from Ford Motor Company, Dearborn Glass. His dedication to an industry that is historically and economically significant to our state is highly commendable. It is people like Mr. Dawson who contribute to the great productivity of our nation.

In addition to his hard work with Ford, Mr. Dawson is a committed member of his community. He is an elder at St. Paul Church of God in Christ in Detroit, which he has attended for 50 years. Even more importantly, he is a devoted husband to his wife of 31 years and father to four children. I extend my warmest wishes and the best of luck for the future to Mr. Dawson and his family.●

APPOINTING A COMMITTEE TO ESCORT THE CHIEF JUSTICE

Mr. LOTT. Mr. President, I ask unanimous consent the Presiding Officer be authorized to appoint a committee of Senators, three upon the recommendation of the majority leader and three upon the recommendation of the minority leader, to escort the Chief Justice out of the Senate Chamber at the conclusion of the Court of Impeachment.

The PRESIDING OFFICER. Without objection, the Chair, on behalf of the majority leader, appoints Mr. THURMOND of South Carolina, Mr. ROTH of Delaware, and Mr. DOMENICI of New

Mexico, and, on behalf of the Democratic leader, Mr. SARBANES of Maryland, Mr. MOYNIHAN of New York, and Mrs. LINCOLN from Arkansas.

UNANIMOUS-CONSENT AGREEMENT—CENSURE RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent that, if Senator FEINSTEIN offers her motion to suspend the rules in order to attempt to consider a censure resolution, and immediately following the reading of the motion by the clerk, Senator GRAMM of Texas be recognized to offer a motion to postpone the Feinstein motion indefinitely.

I further ask that immediately following the reporting of the Gramm motion by the clerk, the Senate proceed to a vote on the Gramm motion, immediately, all without any intervening debate or action.

I further ask that following the vote, if two-thirds of the Senate fail to defeat the motion to postpone, then the motion to suspend is withdrawn and that no further motions relative to censure be in order prior to this week's adjournment of the Senate.

I finally ask that following that vote there be up to 2 hours of morning business to be equally divided between the two leaders or their designees.

And before the Chair puts the question on the unanimous consent request, I just want to advise my colleagues on both sides, this has been cleared on both sides of the aisle, by the sponsor, Senator FEINSTEIN, and by Senator GRAMM on the other side. I believe this is a fair way, all things considered, to deal with this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Therefore, now I ask unanimous consent the Senate stand in adjournment until the hour of 9:30 a.m. on Friday.

There being no objection, the Senate, at 7:06 p.m., adjourned until Friday, February 12, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 11, 1999, under authority of the order of the Senate of January 6, 1999:

NATIONAL LABOR RELATIONS BOARD

LEONARD R. PAGE, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN WHO WAS APPOINTED TO THIS POSITION DURING THE LAST RECESS OF THE SENATE.

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003, VICE WILLIAM B. GOULD IV, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE TECHNOLOGY EDUCATION CAPITAL INVESTMENT ACT OF 1999

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to officially introduce an important piece of legislation, The Technology Education Capital Investment Act of 1999. In the 105th Congress, The Technology Education Capital Investment Act of 1997, H.R. 2994, which I introduced, received a great deal of support from colleagues. I hope that my fellow Members will be as supportive of this important piece of legislation in the 106th Congress.

I am introducing this bill because I am more concerned than ever about the shortage of well-trained high-tech workers in our work force today. The Information Technology Association of America released a report in March that documents the shortage of information technology workers across the nation. The report concluded that there are about 190,000 unfilled information-technology (computer and software development) jobs in the United States. Similar shortfalls have emerged in other technology industries as well.

As one of the fastest growing export sectors in the economy, the continued expansion of the high-tech industries is critical to the strength of our nation's financial well being. However, if we do not address the significant shortages of qualified technology workers, including engineers, the growth of this sector will inevitably slow.

Responding to this serious problem, I have drafted legislation that would stimulate technology education and increase the output of engineers and technology workers from United States Colleges and Universities. My bill would increase the authorized spending on some existing programs, provide funding to encourage more students to seek a math and science education, and extend a tax break for companies to help pay for expenses related to the continued education of employees.

Specifically, the legislation creates a scholarship for students, entering math, science, and engineering degree programs. The bill establishes a one-time, start-up grant for university programs that offer ''hands-on'' internships with high-technology firms to higher-education students, giving priority to those programs that are primarily industry-financed. It also permanently extends the ''Section 127'' tax exemption for employer-provided educational assistance, and applies the exemption to graduate-level coursework.

Furthermore, this bill increases federal support for National Science Foundation informal science programs that encourage math and science education at the K–12 levels and it augments community-college based programs that promote improvement in technician education, placing emphasis on programs for worker retraining programs. Finally, this legislation establishes a Congressional commission to examine the workforce shortages in technology industries.

I have listened to many people in Oregon and around the country who are adversely affected by the shortage of qualified high-tech workers. I have worked hard to develop this legislation and I believe that, if passed, it could improve our national workforce and products help as we move forward into the 21st century. I hope my colleagues will join with me today in supporting the Technology Education Capital Investment Act of 1999.

TRIBUTE TO BERNARD KAZON

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ALLEN. Mr. Speaker, I rise to extend my congratulations to Bernard Kazon of Portland, Maine, on the occasion of his 75th birthday on February 27th, and to share with my colleagues Mr. Kazon's recent generosity to the people of Maine.

''Bernie'' Kazon and his wife Shirley have resided in Portland, Maine, for the last 33 years, where they raised their two children, Paula and Peter. Mr. Kazon is Executive Vice President of Eastland Shoe Corporation headquartered in Freeport, Maine. Eastland's shoe manufacturing facility has been an important component of the local economy, employing more than 300 people.

While Bernie and Shirley have long been involved in local community affairs, I want to take the opportunity today to share with my colleagues Bernie's long-time interest in history and politics. About ten years ago, he began to collect political biographies, election pamphlets, letters and other materials that reflect the history of political campaigns in the United States dating back to the 18th century. The collection, which began when Shirley gave him several old political biographies, has now grown to more than 700 items and offers a unique perspective on the history of American politics.

Last year, Bernie generously acted to share this wonderful collection with a new generation of students of American history. Bernie has made arrangements to donate his collection to the University of Maine, where it will be housed in a new library that is being built in Portland. The collection will provide an invaluable resource to the students at the University who, like him, share a strong intellectual curiosity in the history of our American political system. The Kazons have generously augmented the collection by endowing a fund that will assist in maintaining the collection for the University, as well as provide for an annual prize for scholarly works based on its material.

Among the materials the Kazons have donated was a bound 1791 edition of Thomas Paine's pamphlet Common Sense. As Paine himself wrote, ''Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it.'' We are fortunate in Maine to have men like Bernie Kazon who recognize that they have reaped the blessings of our free society, and are generous in their efforts to support it and the generations who follow them.

Please join me in extending the best wishes of the people of Maine to this generous and thoughtful man, as his family comes together in celebration of his 75th birthday.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ANDREWS. Mr. Speaker, on rollcall No. 17, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted ''nay.''

A TRIBUTE TO THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the National Association for the Advancement of Colored People. The NAACP, more than any other single organization, reflects the history and aspirations of African Americans in twentieth century American society. As it celebrates its 90th anniversary it is important to reflect on its critical importance, not only to African Americans but to the whole of the nation.

Since its founding in 1909 by a multiracial group of progressive thinkers, the NAACP has waged a continuous fight against racial discrimination and segregation. Its goals have and continue to be to help create a truly democratic society by integrating African Americans into the mainstream of American life, by eliminating racial injustice and intolerance, and by making equality of opportunity for African Americans a reality.

From the ballot box to the classroom, the dedicated workers, organizers, and leaders who forged this vital organization and maintain its status as a champion of social justice, fought long and hard to ensure that the voices of African Americans would be heard. The legacy of pioneers such as W.E.B. DuBois, Thurgood Marshall and Roy Wilkins and the hundreds of people, including past Philadelphia leaders such as: City Councilman Cecil B. Moore; Pennsylvania State Representative Alphonso Deal and Thornbill Cosby, who worked tirelessly cannot and must not be forgotten.

Born in response to racial violence, the NAACP's first major campaign was to have

● 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.

anti-lynching laws enacted. As the organization grew it investigated mob brutality, staged protests against mass murders, segregation and discrimination and testified before congressional committees on the vicious tactics used to bar African Americans from the ballot box. In the courtroom, pulpit, and lecture hall, the men and women who represent the NAACP have been in the forefront of the fight for justice. In spite of lynchings, church burnings, legal setbacks, congressional filibuster and presidential indifference, the NAACP would not be deterred from its mission.

As Chairman Julian Bond has stated, the NAACP ''has made progress throughout this century. No more do signs read 'white' and 'colored'. The voter's booths and the schoolhouse door now swing open for everyone, no longer closed to those whose skin is 'dark' ''.

As we prepare to step into the new millennium, the new NAACP will also step boldly into the 21st century to face the formidable challenges that are ahead. Under the national leadership of Chairman Bond and President/CEO Kweisi Mfume, and the local leadership of J.W. Mondesire in the First Congressional District, and armed with a strong network of seasoned members and a growing contingent of young leaders, the organization is united to awaken the conscience of a people, and a nation, with renewed vigor and hope.

MAYODAN, NORTH CAROLINA'S CENTENNIAL CELEBRATION

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor and congratulate the town of Mayodan, NC for celebrating its centennial next Tuesday. The town's charter was granted on February 16, 1899 with a population of 225 residents. Mayodan received its name (unique from any town in the world) because of its location near the junction of the Mayo and Dan Rivers in North-central North Carolina in Rockingham County.

The town's history is tied to the growth of the textile industry and the railroad. In order to provide more traffic for the new rail line between Roanoke, VA and my hometown of Winston-Salem, NC, several companies constructed textile mills at different points along the route. One of those mills (Mayo Mills) provided the impetus for the town of Mayodan and was responsible for much of its early growth. It built the houses, provided utilities and health care, and employed the majority of the people. Since these early times, Mayodan has outgrown its complete dependence on the textile industry and now provides its own services and government. Textiles, however, will always be closely linked to the town's history, people, and economic development.

One hundred years later, Mayodan has grown into a town of 2,400 residents. Its recreational, residential, and commercial sectors are alive with activity. With the economic stability provided by the introduction of new textile companies and other industries and the close sense of community that has developed in the town over the past century through the many churches and civic organizations, Mayodan has thrived despite the Great Depression, wars, and, most recently, a disastrous tornado.

Mr. Speaker, after one hundred years, Mayodan exemplifies the best attributes of a small town. It has worked hard to develop its economy and community—all while preserving its heritage and culture. It is a friendly place where people still stroll the sidewalks in the evening and greet friends and strangers with a smile. I am proud to have a town like Mayodan in my district, and I wish them success and happiness for the next hundred years.

THE ACADEMY OF OSSEOINTEGRATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the Academy of Osseointegration, the world's leading dental implant organization, as they bring together dentists, general practitioners, laboratory technicians, and research scientists in Palm Springs for their 14th Annual Meeting on March 4–6. The Academy of Osseointegration operates exclusively for scientific, charitable and educational purposes to advance the art and science of osseointegration, placing titanium cylinders into the jawbone to support replacement teeth.

As a strong supporter of medical research and my own district's work at Johns Hopkins University, I commend this organization and its members, some of whom reside in my district, for their dedication and commitment to finding new medical breakthroughs.

Osseointegration is beneficial in replacing lost teeth, restoring hearing, enhancing reconstructive and cosmetic surgery, and correcting craniofacial problems. Dental implants are an answer to many problems associated with missing teeth and offer a high-tech alternative to other forms of traditional dentistry such as bridges, removable partials and dentures that are difficult for some patients.

Formed in 1982 by a group of dental clinicians, the Academy of Osseointegration has grown to include more than 4200 professionals in almost 70 countries. Professionals from all specialties have united in a learning experience that provides a refreshing opportunity for an interrelated, interdisciplinary approach to move the field of osseointegrated implants forward.

I commend this organization for its dedication to the highest standards in patient care, research and education as professionals ally themselves with the Academy of Osseointegration in approaching the challenges and advances of dental implantation in the 21st century.

VISION 2020

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DEMINT. Mr. Speaker, I rise today to commend the founding members of the Vision 2020 Initiative and their efforts to eliminate avoidable blindness around the world. These members include Christian Blind Mission International, Inc., located in my Congressional District in South Carolina, Helen Keller International, the International Agency for the Prevention of Blindness, ORBIS International, Sight-Savers International and the World Health Organization.

On February 18, 1999, these founding members, along with other like-minded organizations, will launch Vision 2020 to eradicate avoidable blindness throughout the world by the year 2020. The Initiative will bring together government leaders, charitable organizations, business leaders and volunteers around the world to form a coalition united in a global fight against preventable blindness. Vision 2020 will focus on controlling disease, developing human resources and producing the infrastructure and technology necessary to eliminate avoidable blindness.

The combined effort of every Vision 2020 organization is essential to this unprecedented endeavor. For this reason, I want to also pay tribute to the supporting members of the Vision 2020 Initiative: Al Noor Foundation, Asian Foundation for the Prevention of Blindness, Foundation Dark & Light, The International Eye Foundation, Lighthouse International, Nadi Al Bassar: North African Center for Sight and Visual Science, Operation Eyesight Universal, Organization Pour La Prevention De La Cecite, Perkins School for the Blind, SEVA Foundation, SIMAVI, World Blind Union and The American Academy of Ophthamlology.

Mr. Speaker, I applaud Vision 2020 and the impact it will have on the lives of millions of blind, visually impaired, and disabled people, and I congratulate the Vision 2020 members for the monumental nature of their charitable work.

NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DUNCAN. Mr. Speaker, I am pleased to introduce the National Parks Air Tour Act of 1999.

This bill is identical to provisions which passed the House by a voice vote during the 105th Congress. It was supported by the Friends of the Smokies, United Air Tour Association, Grand Canyon Airlines, National Air Transportation Association, and the National Parks and Conservation Association.

The legislation represents an agreement which strikes a balance between air tour and environmental concerns, native American interests and jurisdictional areas between the Federal Aviation Administration and the National Park Service.

It seeks to promote safety and quiet in national parks by establishing a process for developing air tour flight management in and around our national parks.

It also ensures that the FAA has sole authority to control airspace over the United States and that the National Park Service has the responsibility to manage park resources.

These two agencies would work cooperatively in developing air tour management plans

for air tour operators and both would share the fundamental responsibility to ensure that air tours over national parks and tribal lands are conducted in a safe, efficient and unintrusive manner.

Mr. Speaker, during the 105th Congress, there were a number of hearings on this issue both in the House and the Senate. At that time, it appeared that it would be extremely difficult to be able to reach a consensus on how to handle air tours over our national parks.

However, with resolve and determination differences have been worked out, and we crafted legislation acceptable to all concerned.

This is an outstanding bill which will ensure that ground visitors and the elderly, disabled, and time-constrained travelers may continue to enjoy the scenic beauty of our national parks for future generations to come.

COMMEMORATING THE BIRTHDAY OF SUSAN B. ANTHONY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mrs. EMERSON. Mr. Speaker, February 15 marks the 179th birthday of Susan B. Anthony. We all remember Susan B. Anthony as a pioneer in the long struggle for full equality for women. But what many have forgotten, or have chosen to ignore, is that for her, opposition to abortion was an essential part of the cause of women's rights. Far from being the cornerstone of women's rights—as some mistakenly view abortion today—for Anthony, abortion was a great betrayal of all the first feminists' hoped to achieve for women. Anthony was unequivocal in her condemnation of abortion, referring to it as nothing less than ''child murder.'' And she saved her harshest condemnation for those who would lead a woman to abortion, for she correctly viewed this as the greatest exploitation of women.

So today, Mr. Speaker, I rise to commemorate the birthday of this great American and to reclaim her pro-life legacy as a real and essential component of full equality for women.

CONGRATULATIONS TO THE DUNCANVILLE HIGH SCHOOL PANTHERS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate a great school that I am pleased to represent in Congress. I want to recognize the Duncanville High School Panthers of Duncanville, Texas for their state championship in Division 1 (5–A) football. The Panthers defeated Converse-Judson High School of San Antonio by a score of 24 to 21 on December 12, 1998 in the Houston Astrodome. This is Duncanville's first football championship.

As anyone from Texas knows, high school football is not just a game for us—it's a way of life. On Friday nights, life comes to halt in many parts of our state when football fans pack high school stadiums to watch their local boys play.

High school football teams in Texas are powerhouses not only in the state, but in the entire country. One such powerhouse was Converse-Judson, which was ranked fourth in the nation when they were upset by Duncanville.

Duncanville upset two other favored teams on their route to the championship. It is a tribute to Jaguar Coach Bob Alpert and his squad of dedicated student-athletes that they never backed down in the face of adversity.

I am proud to represent Duncanville High School in Congress and hope this football state championship is the first of many.

TRIBUTE TO AUBURN, MA POLICE OFFICERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. McGOVERN. Mr. Speaker, today I would like to recognize two brave members of the Auburn, MA Police Department. On a late summer day last September, Officer George Campbell and Officer John Kelleher faced a situation that every officer dreads.

Officer Kelleher was on duty when he observed a vehicle which had earlier been reported as being operated by a suspect—likely armed—in a murder case. Officer Kelleher followed this vehicle into a parking lot and requested back-up. Officer Campbell was one of the officers who arrived on the scene to assist. As they approached the vehicle, they observed the driver reaching into the back seat. As the officers arrived at the car, they witnessed the driver with his hands in a shopping bag. Inside that bag was a gun.

Despite repeated warnings to drop the weapon, the driver continued to turn the gun toward the two officers, forcing Officer Campbell to fire one shot, fatally wounding this individual.

Mr. Speaker, no police officer wants to use his weapon. Every officer would prefer to settle disputes without bloodshed. But there are times when the law enforcement officials who protect our communities are forced to act. This was one of those times. Luckily, these two officers were well-trained, well-equipped and well-protected. We should be thankful that the incident ended without further injury to police personnel or innocent bystanders.

In light of their actions, Officer Campbell received the Auburn Police Department Meritorious Service Medal, and officer Kelleher received the Auburn Police Department Exceptional Duty Medal.

On behalf of the citizens of Auburn, I would like to recognize Officer Campbell and Officer Kelleher for their service to our community. I know the rest of this House joins me in that recognition.

INSIGHTFUL COMMENTS AND OBSERVATIONS ON DIPLOMACY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HASTINGS of Florida. Mr. Speaker, it gives me great pleasure to enter the remarks of former Congressman Lee H. Hamilton, at the Conference on Preventive Diplomacy and Preventive Disease on January 15, 1999, into the CONGRESSIONAL RECORD. As my colleague in Congress I had great respect for Mr. Hamilton, and I continue to hold him in high regard as the director of the Woodrow Wilson Program. I feel Mr. Hamilton has always offered insightful comments and observations on diplomacy, and it is my wish to share his comments with other members of Congress.

PREVENTIVE DIPLOMACY/PREVENTIVE DEFENSE—CONFERENCE ON PREVENTIVE DIPLOMACY AND PREVENTIVE DEFENSE JANUARY 15, 1999

(By Hon. Lee H. Hamilton)

I. INTRODUCTION

It is a high privilege for me to participate in this timely and noteworthy conference on Preventive Diplomacy and Preventive Defense. I am especially delighted to join three highly esteemed statesmen—Warren Christopher, David Hamburg, and Bill Perry—at this conference. If I were to name a Hall of Fame of distinguished public officials, based on my 34 years in elective office, I would name each of them to it. Suffice it to say, they are among the preeminent public officials of our generation.

Most of what I say tonight about preventive diplomacy and preventive defense, I have learned from them.

They have made me believe that there are concrete steps we can take to prevent or contain the spread of conflict.

Similarly, the folks associated with the Carnegie Commission on Preventing Deadly Conflict and the Stanford-Harvard Preventive Defense Project merit our gratitude and our praise for their important contributions to the cause of conflict prevention.

I commend their enterprise in arranging and staging this conference. I can tell you what goes on here will have a profound impact on policy makers and policy over time.

II. THE PROBLEM

I speak to you this evening about a great and worthy mission—how to prevent conflict, both within nation-states, and between them.

This issue is important, perhaps even transcendent. Today, there are more than two dozen deadly conflicts underway around the world. These conflicts have caused over 9.3 million casualties since 1990, and increased the number of refugees from 12 to 25 million.

So conflict prevention is critical. No other issue facing the world today more deserves your attention.

What do you want to do for your children and grandchildren? Many things, of course, but I hope among them will be a legacy of having tried in your own way to bequeath to them a less violent world, a world of concord, not conflict. Our task is to try to develop practical steps and a renewed commitment to preventive diplomacy and preventive defense. What more important task engages our attention than this great mission?

Many of us had hoped that the end of the Cold War would mean a more peaceful international order. We had thought that much of the conflict in the world had its origins in

the rivalry between the United States and the Soviet Union. With the end of that rivalry, we had believed that the prospects for peace were improved, and that countries could be brought closer together. As it turns out, we were too optimistic.

We find ourselves still residents in a dangerous world. Wherever we turn, there are unstable nations, disgruntled groups, and terrorists. Sadly, warfare and strife have not lessened. Human beings, it turns out, have a virtuoso capacity for violence.

We were, in short, unprepared for the fragmented, disorderly world of the post-Cold War era.

What we need now is a new strategy, a strategy similar to the Marshall Plan after World War II, which sought to prevent the conditions that would lead to another war—and it succeeded.

During the Cold War we succeeded again, with policies of deterrence and containment.

But today we live in a new world. It is a world where the United States exercises an influence far beyond anything it has ever had before. It is a world where we are indeed the indispensable nation. But alas, it is also a world that still has far too much conflict and violence.

In such an era, what do we do? How do we lead? How can we keep these good times of peace and unprecedented influence going? What should our world strategy be? As I understand it, that is what this conference is all about.

All of us recognize that deterrence must not be abandoned. After all, the North Koreans and the Iraqis are not going to magically disappear. Bosnia, Haiti, and other conflicts are still too much with us.

But what about the really big challenges—a Russia on the brink of chaos, possibly losing control of its nuclear arsenal? A China that could grow hostile and uncooperative? A planet overrunning with weapons of mass destruction? A world where terrorism may be the number one threat to our national security?

We continue to need deterrence, and military forces able to deter aggressors, and able to win wars quickly and decisively. But we need more. We need a broad strategy, using all the instruments of national power—political, economic, and military—to prevent conflict, to influence the world away from violence as a means of settling conflict, and to deal with a parade of challenges that threaten our survival and cause great disruption, pain and bloodshed.

And so, we think tonight about preventive diplomacy and preventive defense. What do we really mean by these phrases? How practical are they? What capacities and tools do they require? What are the barriers to effective conflict prevention?

Several features of conflict prevention impress me. We know more about it than you might initially think.

A. SOURCES OF CONFLICT

First, we know what causes conflict.

The sources of the conflicts that have marred the 1990s are diverse.

Weak, internally divided states, in Yugoslavia, Indonesia, Afghanistan, Colombia, Algeria, Tajikistan, Cambodia, the Sudan. Unfortunately, the list goes on and on.

Religious, political, or ethnic fanaticism and intolerance of every stripe—in the Middle East, Northern Ireland, Bosnia, the Indian subcontinent, and throughout Africa.

Repression of racial, ethnic, or religious groups, in areas as diverse as Guatemala, Kosovo, Kashmir, and East Timor.

Other conflicts have economic causes. Gross disparities in living standards, even economic growth and reform, so often the building blocks of stability, can contribute to strife. For example, growth has bypassed indigenous populations in many parts of Latin America, and the resulting inequality has contributed to armed revolt in Mexico and Peru.

Competition for control of or access to resources. Scarce supplies of oil and water continue to be a source of contention—and bloodshed—in the Middle East. Population pressures and the accompanying environmental degradation can create a serious strain on limited resources as well. So can refugees. Most of the world's 15 million refugees today are the result of conflict, but massive refugee movements can also spread instability and strife.

Deep-seated historical animosities, as we see in the Balkans, the Middle East, and elsewhere.

Then there is the human element. We must always expect that a Hitler, a Stalin, a Pol Pot, or some other charismatic, inflammatory leader lurks just off stage, eager to take advantage of the social stresses in society in ways that almost guarantee new conflict.

B. IMPORTANCE OF CONFLICT PREVENTION TO THE UNITED STATES

Second, we know how important conflict prevention is to the United States. We know that if we succeed at it, we will not have to expend blood and treasure tomorrow. We will pay fewer taxes and risk the lives of our offspring less often.

Whenever or whatever a crisis erupts, the international community looks to the United States, as the world's indispensable nation, for help in resolving it.

You and I resist a U.S. role as the world's policeman. We always want to know: What are the alternatives to sending in the Marines?

But unless a better system of conflict prevention is developed, the burden on the United States in the coming years to respond to instability and conflict will be progressively greater, both financially and militarily.

Americans often ask the question: Why should we care? It is a fair question. We should care because sometimes our vital national interests are at stake, as in the Persian Gulf, because we care about human values and human life (as in Somalia, where we could not tolerate those horrible pictures of starving children); and because waiting will only make the cost go up—in terms of death, the scale of relief efforts, and the damage to international standards.

In other words, Preventive action can save money—and lives. It can also promote American interests—political, diplomatic, security, and economic.

C. ROLE OF AMERICAN LEADERSHIP

Third, we know that American leadership is essential to make conflict prevention work.

When we sit on the sidelines, the world is a more dangerous place. No other country can take our place.

Only when the United States acted did the killing stop in Bosnia. U.S. leadership restored political stability in Haiti and economic stability in Mexico. We pushed reform in Russia, and achieved remarkable progress toward peace in the Middle East. U.S. leadership helped broker a permanent extension of the Non-proliferation Treaty, the removal of all nuclear weapons from Ukraine, and a freeze on North Korea's nuclear weapons facilities at Yongbyon.

Leadership is inherent in our power and our values. We have a talent for it. We cannot evade it.

WE CAN PREDICT CONFLICT

Fourth, we can even predict conflict.

Where there is no democracy, where there is alienation of major groups in society, gross economic imbalances, exclusion or discrimination of groups or historical grievances, the risks of conflict are very high. Conflicts occur in states which are undergoing major transition, or they spring from strong perceptions of inequity, uneven distribution of the good things in life, disputes over resources, repression, corruption, or a decline in the legitimacy of government.

RESPONSIBILITY FOR CONFLICT PREVENTION

Fifth, we know that the primary responsibility for conflict prevention within countries lies with the government and the people of that country.

The next responsibility lies with the international community, with the region assuming greater responsibility, and, when necessary, outside groups.

Sovereignty always figures prominently here. Nations do not take lightly to outside intervention. But even here things are changing. Today the international community believes that with sovereignty comes responsibility. When nations cannot manage conflict, or do not show a respect for international standards and commitments, the international community sometimes steps in—as has been the case in Iraq.

PREVENTION OF CONFLICT

Sixth, we even know what must be done to prevent conflict.

1. A CHANGE IN ATTITUDES

First, we must change attitudes.

We must foster the belief that the prevention of conflict is possible. We must not accept the view that violence is inevitable.

Of course, prevention will often fail. We must be realistic. But the knowledge that we will not always succeed in staving off conflict is not an argument for not trying.

There are even reasons for cautious optimism. From time to time the international community has intervened in a timely and decisive fashion either to prevent conflict or to stop it from spreading.

It happened in Bosnia. In Haiti. In Sierra Leone. In the Middle East. Even the UN intervention in Cambodia in the early 1990s, as imperfect as the results have been, almost surely prevented bloodshed and saved lives.

Violence usually results from human decision, not blind fate. Recognizing this reality is a necessary precondition for preventing conflict.

In addition, busy policy makers, even as they are consumed with today's troubles, must learn to take time to look at tomorrow's problems.

A domestic challenge is illustrative. Today we spend one percent of the American health care budget on prevention. And yet the experts are virtually unanimous in their judgment that we could save many lives and much money if we devoted a greater percentage of our total health care costs to prevention. The same is true of conflict prevention.

I do not suggest it is easy to focus on a problem before it becomes a crisis, or to build into the decision making process a set of rewards and inducements that will encourage the harried policy maker to look beyond today's problems.

And so, we need to foster a sense of urgency, a new way of thinking that gives precedence to the prevention, and not simply the management, of conflict, to avoid disaster, rather than dealing with the consequences after it hits.

To do this requires that we get our facts straight, analyze situations objectively, keep an open mind, learn for one another, persist, and respect the importance and the difficulty of the task we have set out for ourselves.

2. DIPLOMACY

We know what tools of diplomacy can work to prevent conflict.

In many cases, the traditional tools of diplomacy—dialogue, mediation, political and economic sticks and carrots, diplomatic pressure from the regional and international communities, sanctions—can, if utilized skillfully, prevent or minimize conflict.

Economic measures, with both inducements and punishments, can be used to prevent conflict. Sustainable growth and the removal of economic inequities in a country can do amazing things toward the prevention of conflict. The absence of growth is an early warning signal of potential violence. Economic aid has to be directed toward achieving growth, and aid should be conditioned on good governance.

If people's basic needs are met, conflict can usually be prevented.

Economic aid can help correct the underlying causes of conflict and provide incentives and hope for improvement. Sanctions can serve as deterrents to unacceptable action.

The promotion of the *rule of law* can help diffuse tensions within a country and reduce the incidence of conflict.

Countries lacking good governance and equitable legal systems will be susceptible to internal violence. If, on the other hand, a country has effective political, economic, and legal mechanisms, tensions can be addressed before violence erupts.

The political conditions needed to prevent conflict are not mysteries. They amount to good governance—managing diversity, building the infrastructure of democratic institutions, a robust civil society, and the active participation of women (who are increasingly playing the role we should expect from them—peacemakers), business leaders, the media (which can inform and highlight and not distort), and religious leaders, who can often play a positive role of reconciliation.

The aim of all this is to put in place a strong system of values, reinforced by international norms. At the heart of conflict prevention must be a strong system of justice, legal systems available to all, that operate fairly and produce a sense of justice.

Dispute resolution mechanisms and the promotion of *confidence-building measures* are other common diplomatic tools that can prevent conflict.

The establishment of confidence building measures in central Europe in the 1970s and 1980s played a key role in convincing the Soviet Union that it could safely call an end to the cold war. CBMs build trust between countries. Openness about military budgets, plans, and policies may be an unusual concept in defense circles, but peace requires transparency and trust.

U.S. training and education programs for foreign military establishments (IMET) bring nations together to learn how military establishments function in a democracy. It is striking to see officers from the former Soviet Union or from Latin American countries learning about the primacy of civilian authority, respect for human rights, the role of law, and the role of a parliament. To watch American military officers teach officers from newly democratic countries about professional military establishments under civilian control is prevention of conflict in action.

It is good American policy to encourage contacts of our military with the militaries of our allies and other nations to help enlarge the community of free market democracies.

Formal treaties and other accords can also help prevent conflicts.

Although it is still very much a work in progress, the Wye River agreement may usher in a new era of reconciliation in the Middle East.

The U.S. must also lead the way for the worldwide acceptance of the Nuclear Nonproliferation Treaty, bring into force the Comprehensive Test Ban Treaty, the implementation of the Chemical Weapons Convention, and the strengthening of the Biological Weapons Convention and the Missile Technology Control Regime.

We know we can reduce the risks of violence and conflict if we prevent proliferation of weapons of mass destruction, not alone by dismantling Cold War nuclear arsenals, but also by reducing danger through arms control treaties.

Arms control treaties of various sorts—from the SALT and START treaties to the biological and chemical weapons conventions to the limitations on conventional weapons in central Europe—have played a major role in reducing the interstate tensions that foment violence.

Do not overlook the potential to prevent conflict by limitations on the transfer of small arms. After all, most violence is inflicted by small, not large, weapons.

Regional organizations—the Organization of American States, the Organization of African Unity, the ASEAN Regional Forum, and others—can play a part in preventing conflict as well.

These organizations should assume more responsibility for economic development and integration, the promotion of good governance, and the prevention of conflict within their specific regions.

The problems within a particular region should be handled by states within that region, if possible. It is better, for example, if Africans deal with African problems, and Latin Americans with Latin American problems.

Regional organizations should support confidence-building measures to increase military transparency, communication, and cooperation. They should develop the capability to apply pressure, offer assistance, and deploy regional forces to prevent conflict.

Multilateral organizations, such as the United Nations, the International Monetary Fund, and the World Bank, can help prevent conflict.

To help these international institutions be effective in preventing conflict, the international community needs to develop a better system of early warning and response. The genocides of Bosnia, Cambodia, and Rwanda caught us unaware and unprepared. Yet conflict seldom arises without warning. Persons knowledgeable about countries are rarely surprised when long-simmering problems escalate into full-scale conflict.

President Clinton recently announced the creation of a Genocide Early Warning Center. This is an initiative to be cheered and encouraged.

But early warning must be followed by timely action. The international community needs a capability for preventive action. This means the ability to deploy civilian personnel—to mediate problems, to provide emergency economic relief, and to address the long-term issues that give rise to conflict.

The United Nations can play a key role here. But this will require that the nations which make up the UN give a higher priority to conflict prevention. And this is unlikely to occur unless the United States takes the lead.

Most fundamentally, the international community, using these and other multilateral institutions, must address the underlying political and economic causes of conflict.

That means the world community must support political reform and the development of responsive and accountable government. Helping to establish and promote institutions of civil society such as political parties, trade unions, independent media, and the rule of law provides important safeguards for protecting human rights, fighting corruption, and fending off political demagoguery.

The United States should work with the international community, especially the international financial institutions, to support long-term development assistance to achieve economic growth and promote economic opportunity and equality. Working through institutions such as the World Bank, the IMF, and the World Trade Organization, the U.S. should support market reform and regional economic integration to bolster growth.

3. MILITARY INTERVENTION

Military intervention is another tool in our prevention arsenal.

We know that traditional diplomacy sometimes fails to prevent conflict, and that military intervention, if skillfully employed, can prevent conflict.

There are, of course, many problems in developing the appropriate mechanisms for an international military capability to intervene in areas of potential or actual conflict. Answers to the difficult questions of ''when,'' ''how,'' ''who,'' ''how long,'' and ''for what purposes'' are often elusive.

So the international community must improve its ability to respond militarily to conflicts once they reach the crisis stage.

There is no inherent contradiction between the prevention of violence and the use of military force. To the contrary, the use of armed personnel has played a constructive role in Haiti, Bosnia, Macedonia, Western Sahara, Cyprus, and elsewhere.

Military intervention can be either: 1) peacekeeping (after violence occurs and an agreement has been reached by the parties), or 2) preventative—as in Macedonia where American troops and others were introduced to prevent the spread of conflict from Bosnia.

A multinational ''fire brigade'' is a well-tested idea with a demonstrated record of success. Used with discretion, it can be a highly effective tool for the prevention of conflict.

The UN coordinates efforts by governments to train military forces and set aside necessary resources for future peacekeeping missions. The U.S. should support these efforts, so that the international community can act rapidly and effectively if a military response is required.

I have come to the view that the international community needs some means of responding militarily to deteriorating situations in order to prevent conflicts, some kind of multinational, multi-functional rapid reaction standby capability, probably within the U.N. I do not underestimate the difficulties of this task, but I believe we must begin to explore ways and means to achieve that capacity. If we do not, the U.S. will be called on again and again as the power with the most developed intervention capabilities.

Sometimes the threat of the use of force can be an effective deterrent— though it may be a gamble and must be managed with great skill.

4. PRIVATE SECTOR

The private sector can also play a key role in conflict prevention.

Just think for a moment about the helpful and talented contributions made toward peace and the prevention of violence by private groups from non-governmental organizations such as the Carter Center, or human rights groups around the world. From our religious and moral leaders. From schools. From the scholarly and intellectual communities. From the media. From the business

community. And from influential non-governmental opinion leaders such as those here this evening.

In recent years, this so-called Track II diplomacy has flourished. These efforts should be further encouraged.

Unless the private sector engages itself in the business of conflict prevention and resolution, the task of moderating strife and violence will become infinitely more difficult.

III. CONGRESS AND PREVENTIVE DIPLOMACY/DEFENSE

Let me conclude with a few remarks about the role of the U.S. Congress in matters of preventive diplomacy and preventive defense.

I have been struck by how little of the literature—at least that which I have seen—mentions the American Congress. And yet, if the United States is to take a leading part in international efforts at conflict prevention, then the Congress is going to have to be brought in as a full-fledged partner in this effort.

It seems to me that Congress might usefully take action in three areas:

First, Congress must support the infrastructure of preventive action. This means that the Hill must be prepared to provide adequate funding for the State Department and the other agencies that promote American interest overseas. It also requires that Congress be willing to pay for the programs that are most likely to prevent conflict. This means money for economic development, for programs promoting the rule of law, for the creation and nourishment of the political, economic, and legal institution through which tensions can be addressed in ways short of conflict.

Second, Congress must overcome its resistance to participation in multinational organizations, both civilian and military. When military force is called for, the presidents and the secretaries of state and defense who seek to persuade Congress to support preventive defense must emphasize the U.S. national interest that dictates such use of our armed forces.

Members of Congress are above all hardheaded pragmatists. Show them how a military intervention serves the national interest and you are much closer to persuading them of the wisdom of such action.

Third, and perhaps most fundamentally, Members of Congress are going to have to do better in adapting their mindsets to changed circumstances.

There are Members of Congress today who are unable to utter the word ''China'' without preceding it with the adjective ''communist'' or ''Red.'' This inability to move beyond old Cold War views that have more to do with Stalinist Russia than with the China of the late 1990s have frequently led to congressional action that makes conflict with China more rather than less likely.

Unless Members of Congress are prepared to look at old problems from a fresh perspective, the legislative branch is unlikely to be of much assistance in fostering a new ethos of preventive action.

And without congressional participation, the United States will not play the leading role in conflict resolution that its strength and position in the global community demands.

IV. CONCLUSION

Where does all this leave us?

We know the odds. We cannot eliminate all war and violence, any more than we can eliminate human folly.

We know the United States cannot and should not be responsible for addressing all the ills of the world.

We know that devoting more resources and greater attention to conflict prevention is a long-term investment that serves the U.S. national interest. Conflict prevention saves lives, saves money, and forestalls the human misery that lead to conflict.

We know that conflict prevention requires the participation of the entire international community. No one leader, no one country, no one institution can carry the load. Conflict prevention responses must be tailored to fit each situation, with a plan, close coordination of the tools of response from among all the actors, internal and external, regional and international, civilian and military, public and private, official and non-official.

The prevention of conflict is a great and worthy challenge.

In our bones we know that it deserves a far higher priority from U.S. policy makers and from international organization, especially the U.N., than it has historically received. The problem is not so much in our lack of knowledge of what to do, but in our political will and commitment to do those things we know can and have prevented conflict.

As I close, let me express my concern that the U.S. leadership needed to strengthen our conflict prevention capabilities is being eroded by budget cuts from the U.S. Congress and a general tendency among the American public to draw back from international responsibilities. It is a situation that demands political leadership of the highest order from the President and the Congress.

Every president, every Cabinet official, every member of Congress should insist that conflict prevention constitute a central component of U.S. diplomatic and defense strategy—and moreover, do a better job of educating the American people about this.

We soon complete the 20th Century. It is a century of wars—the first in which world wars were fought. It is the first century also in which men and women of good will, drawing on the impact of world wars, have wrestled with the idea of conflict prevention and world peace. We have glimpsed that peace is possible because it is necessary. We have not won the day, but we have begun the understanding of what peace and conflict prevention can mean—quite simply it can change the course of history and the life of man more than anything we know or can do.

We may not be able to rid the world of conflict. We *can* make it more livable.

What more important task do you have on your agenda?

Thank you.

INTRODUCING THE DAVIS-BACON REPEAL ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. PAUL. Mr. Speaker, I rise today to introduce the Davis-Bacon Repeal Act of 1999. The Davis-Bacon Act of 1931 forces contractors on all federally-funded contraction projects to pay the ''local prevailing wage,'' defined as ''the wage paid to the majority of the laborers or mechanics in the classification on similar projects in the area.'' In practice, this usually means the wages paid by unionized contractors. For more than sixty years, this congressionally-created monstrosity has penalized taxpayers and the most efficient companies while crushing the dreams of the most willing workers. Mr. Speaker, Congress must act now to repeal this 61-year-old relic of an era during which people actually believed Congress could legislate prosperity. Americans pay a huge price in lost jobs, lost opportunities and tax-boosting cost overruns on federal construction projects every day Congress allows Davis-Bacon to remain on the books.

Davis-Bacon artificially inflates construction costs through a series of costly work rules and requirements. For instance, under Davis-Bacon, workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate. Thus, a general laborer who hammers a nail must now be classified as a ''carpenter,'' and paid as much as three times the company's regular rate. As a result of this, unskilled workers can be employed only if the company can afford to pay the government-determined ''prevailing wages'' and training can be provided only through a highly regulated apprenticeship program. Some experts have estimated the costs of complying with the paperwork imposed on contractors by Davis-Bacon regulations at nearly *$200 million* a year. Of course, this doesn't measure the costs in lost job opportunities because firms could not afford to hire an inexperienced worker.

Most small construction firms cannot afford to operate under Davis-Bacon's rigid job classifications or hire the staff of lawyers and accountants needed to fill out the extensive paperwork required to bid on a federal contract. Therefore, Davis-Bacon prevents small firms from bidding on federal construction projects, which, unfortunately, constitute 20 percent of all construction projects in the United States.

Because most minority-owned construction firms are small companies, Davis-Bacon keeps minority-owned firms from competing for federal construction contracts. The resulting disparities in employment create a demand for affirmative action, another ill-suited and ill-advised big government program.

The racist effects of Davis-Bacon are no mere coincidence. In fact, many original supporters of Davis-Bacon, such as Representative Clayton Allgood, bragged about supporting Davis-Bacon as a means of keeping ''cheap colored labor'' out of the construction industry.

In addition to opening up new opportunities in the construction industry for smaller construction firms and their employees, repeal of Davis-Bacon would also return common sense and sound budgeting to federal contracting which is now rife with political favoritism and cronyism. An audit conducted earlier this year by the Labor Department's Office of the Inspector General found that inaccurate data were frequently used in Davis-Bacon wage determination. Although the Inspector General's report found no evidence of deliberate fraud, it did uncover material errors in five states' wage determinations, causing wages or fringe benefits for certain crafts to be overstated by as much as $1.08 per hour!

The most compelling reason to repeal Davis-Bacon is to benefit to the American taxpayer. The Davis-Bacon Act drives up the cost of federal construction costs by as much as 50 percent. In fact, the Congressional Budget Office has reported that repealing Davis-Bacon would save the American taxpayer almost three billion dollars in four years!

Mr. Speaker, it is time to finally end this patently unfair, wildly inefficient and grossly discriminatory system of bidding on federal construction contracts. Repealing the Davis-Bacon

Act will save taxpayers billions of dollars on federal construction costs, return common sense and sound budgeting to federal contracting, and open up opportunities in the construction industry to those independent contractors, and their employees, who currently cannot bid on federal projects because they cannot afford the paperwork requirements imposed by this act. I, therefore, urge all my colleagues to join me in supporting the Davis-Bacon Repeal Act of 1999.

STATEMENT ON K–12 EDUCATION EXCELLENCE NOW (KEEN) ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SALMON. Mr. Speaker, I am reintroducing the K through 12 Education Excellence Now (KEEN) Act, which would offer tax credits to families and businesses of up to $250 annually for qualified K through 12 education expenses or activities. Senator KYL has reintroduced the companion in the Senate, where it has been included in the Coverdell-Lott education reform bill (S. 277).

Over the last 30 years, the Federal Government has steadily increased its monetary commitment to education. Unfortunately, we have not seen a corresponding improvement in the quality of the education our children receive. The results of the Third International Mathematics and Science Study (TIMSS), released last year, revealed that U.S. 12th graders scored next to last in advanced math and dead last in physics. The Department of Education, which promised that the United States would lead the world in math and science by the year 2000, can't even claim bragging rights over war-torn Slovenia. As to reading, which was not measured by TIMSS, 40 percent of fourth graders can't read at the basic level.

The legislation I am introducing addresses the problem of falling education scores by giving families and businesses a tax incentive to provide children with a higher quality education. Specifically, it offers every family or business a tax credit of up to $250 annually for any K through 12 education expense or activity. This tax credit could be applied to home schooling, public schools (including charter schools), or parochial schools. Allowable expenses would include tuition, books, supplies, tutors, and computer equipment.

Further, the tax credit could be given to a ''school-tuition organization'' for distribution. To qualify as a school-tuition organization, the organization would have to devote at least 90 percent of its income per year to offering grants and scholarships for parents to use to send their children to the school of their choice. How would this work? A group of businesses in any community could join forces to send sums for which they received tax credits to charitable ''school-tuition organizations'' which would make scholarships and grants available to low-income parents of children in non-functional schools.

Unlike the big government proposals being peddled by President Clinton and Vice-President GORE, KEEN credits would offer families control over the expenditure of these education dollars, not centralized bureaucrats. Moreover, the bill would provide an ''emergency blood transfusion'' to improve America's schools immediately. In Arizona, where a limited version of this operates, inner-city schools are already profiting from an infusion of contributions from area businesses. I encourage my colleagues to enact the K–12 tax credit proposal as expeditiously as possible.

TRIBUTE TO MATT LANGLEY BELL III

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SCARBOROUGH. Mr. Speaker, on October 15, 1998, the citizens of Pensacola and the State of Florida lost a man who dedicated his career to the pursuit of excellence in all aspects of life. This gentleman distinguished himself as a community leader, a dedicated philanthropist, and the model of an honest and effective leader. The man that I speak about today is Matt Langley Bell III.

It is natural to remember Matt Langley Bell III for his nearly 22 years of tax collecting, during which he served on the Board of Directors of the Florida Tax Collectors Inc. and the National Association of County Treasurers. I could mention the countless awards he has received for effective leadership, especially the Meritorious Service Award that was presented to him by the President's Committee on Employment of the Handicapped. Or I could applaud his involvement with the March of Dimes and the United Way where he helped raise funds and increase awareness concerning the plight of handicapped citizens. But I am sure that if Matt was with us today he would say that those accomplishments were simply part of his job.

However, in my opinion Mr. Speaker, Matt went above and beyond the call of duty by dedicating his life to helping others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a professional who always went the extra mile to represent the under-represented and to promote awareness within the community, the State of Florida, and the nation. During his distinguished career, Matt Bell III came to know and respect our rights of justice and he never forgot how important that right is to the American way of life.

Matt's overall attitude and dedication to public service has been a model in the lives of the public servants that he has trained, supervised, and encouraged. His legacy will be a constant reminder that one person can make an extraordinary difference in the lives of many.

As we remember the life of Matt Langley Bell III, we can take pride in knowing that he has influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office. I can't think of a better way to be reminded of that fact than in honoring of life of the late Matt Langley Bell III.

INCOME EQUITY ACT OF 1999

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SABO. Mr. Speaker, the American economy continues to grow at a remarkable rate and to defy the troubles striking many other parts of the world. Yet despite the strength and prosperity of our economy, the income gap between rich and poor in this country is still on the rise. The benefits of the past 20 years of growth are being shared very unevenly—the richest 20% of households now earn as much as everyone else in America put together. It was not always this way. In the years from the end of World War II through the 1970s, economic growth brought with it greater equality. But in the past two decades this progress has been reversed, and our country now has a more unequal economy than we did in the 1940s.

As the income gap grows, working Americans are finding it harder to make ends meet. The dark secret of the 1990s expansion is that almost half of all American families have not seen their incomes return to the same purchasing power as they had before the 1990 recession. With so many people having stagnant incomes and only a few reaping most of the gains from the economy, we risk splitting our society in two.

Although many forces lie behind the growing inequality of income and wealth in America, it is clear that both government and corporate America have roles to play in narrowing the gap. For this reason, I am introducing the Income Equity Act of 1999. This legislation addresses the problem by encouraging corporate responsibility. For too many years, the trend in corporate America has been to pay top executives lavishly, while thinking of other employees as an expense or not thinking of them at all. My legislation will encourage companies to take a closer look at how they compensate their employees at both ends of the income ladder.

The Income Equity Act would place a new limit on our government's practice of subsidizing excessive executive pay through the tax code. My bill would enhance the current $1,000,000 cap on the tax deduction for executive compensation with a cap set at 25 times the company's lowest full-time salary. For example, if a filing clerk at a firm earns $18,000, then any amount of executive salary over $450,000 would no longer be tax deductible as a business expense. This bill will not restrict the freedom of companies to pay their workers and executives as they please. It will send a strong message, however, that in return for tax deductions, the American taxpayer expects companies to compensate their lowest-paid workers fairly.

Economic inequality is a problem that will, if not addressed, tear apart the fabric of our democratic society. Our government has every reason, and every right, to encourage responsible corporate citizenship. The Income Equity Act is not the ultimate answer to the widening gap between the rich and the poor, but it is an important step toward ensuring that all Americans can share in our nation's prosperity.

IN MEMORY OF GEORGE MONROE ALLEN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SKELTON. Mr. Speaker, on Wednesday, January 13, 1999, the State of Missouri lost a distinguished citizen. It is with great sadness that I inform the House of the death of George Monroe Allen of Harrisonville, MO.

Mr. Allen worked in the banking industry for 49 years. He served 21 years as president of the Citizens National Bank and then at the Commerce Bank of Harrisonville until his retirement in 1976. After his retirement Mr. Allen was elected State Representative of the 124th District of Missouri and served there until 1986. He also served with the Harrisonville Fire Department for 55 years, including 33 years as fire chief. An Army veteran, Mr. Allen served his country with distinction during World War II, earning the Bronze Star for Valor.

Mr. Allen was an active member of the community. He was a member of the First Baptist Church, member and past commander of both the VFW Post #4409 and the American Legion Post #42, Cass Masonic Lodge #147 A.F.&A.M., past president and member of the Kiwanis Club, Harrisonville Civic Association, and the Harrisonville Area Chamber of Commerce.

I know the Members of the House will join me in extending heartfelt condolences to his wife, Kathleen; his son, Nelson; his daughters, Linda and Trudy; his three grandchildren; and his great-grandson.

HINDU NATIONALISTS CONTINUE TO ATTACK CHRISTIANS IN ''SECULAR'' INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, I was disturbed by recent reports that there has been renewed violence against Christians in India. First a missionary and his two very young sons were burned to death in their jeep, then another nun was raped. Now the bodies of two more Christians have been found in the state of Orissa. Hindu nationalism is on an out-of-control rampage in India!

The Sunday, February 7 issue of the Washington Times reported that the Archbishop of New Delhi, Alan de Lastic, blamed ''mercenaries'' for these hate crimes. He called on the government to take strong action to stop these things from occurring. These ''mercenaries'' are associated with organizations like the Vishwa Hindu Parishad (VHP), a militant Hindu organization that comes under the militant, extremist Rashtria Swayamsevak Sangh (RSS). The Bharatiya Janata Party (BJP), the party that leads the governing coalition, is also part of the RSS.

Several Christian churches, prayer halls, and religious missions were destroyed in the last couple of months by Hindu extremists affiliated with the VHP. How can the Indian government be expected to take strong action against the perpetrators of these vicious acts when the perpetrators are part of their own political network?

The violence forced many Christian congregations to cancel New Year's celebrations for fear of offending the Hindu militants, which could lead to further violence. Is this the secularism that India boasts about? Clearly, there is no religious freedom for these Christians in India.

Unfortunately, these are just the latest incidents of violence against Christians in India. Four nuns were raped last year by a Hindu gang. The VHP described the rapists as ''patriotic youth'' and called the nuns ''antinational elements.'' To be Christian in secular India is to be an antinational element! At least three priests were killed in 1997 and 1998, and in 1997 police opened fire on a Christian festival that was promoting the theme ''Jesus is the Answer.''

Apparently, the Hindu Nationalists are afraid that the Dalits, or ''Untouchables'', the aboriginal people of South Asia who are at the bottom of the caste structure, are switching to other religions, primarily Christianity, thus improving their status. This undermines the caste structure which is the foundation of the Hindu social structure.

The Indian government has killed more than 200,000 Christians since 1947 and the Christians of Nagaland, in the eastern part of India, are involved in one of 17 freedom movements within India's borders. But the Christians are not the only ones oppressed for their religion.

India has murdered more than 250,000 Sikhs since 1984 and over 60,000 Muslims in Kashmir since 1988, as well as many thousands of other people. The holiest shrine in the Sikh religion, the Golden Temple in Amritsar, is still under occupation by plainclothes police, some 14 years after India's brutal military attack on the Golden Temple. The previous Jathedar of the Akal Takht, Gurdev Singh Kaunke, was killed in police custody by being torn in half. The police disposed of his body. He had been tortured before the Indian government decided to kill him.

The Babri mosque, the most sacred Muslim shrine in the state of Uttar Pradesh, was destroyed by the Hindu militants who advocate building a Hindu temple on the site. Yet India proudly boasts that it is a religiously tolerant, secular democracy.

This kind of religious oppression does not deserve American support. We should take tough measures to ensure that India learns to respect basic human rights. All U.S. aid to India should be cut off and we should openly declare U.S. support for self-determination for all the peoples of the subcontinent. By these measures we can help bring religious freedom and basic human rights to Christians, Sikhs, Muslims, and everyone else in South Asia.

Mr. Speaker, I submit an article on the archbishop's statement from the February 7 Washington Times into the RECORD.

[From the Washington Times, February 7, 1999]

MERCENARIES BLAMED FOR ATTACKS IN INDIA

NEW DELHI—A prominent Catholic archbishop yesterday blamed ''mercenaries'' for a spate of attacks on Christians here and blamed the Indian government or tardy action against the perpetrators.

New Delhi Archbishop Alan de Lastic, in a scathing attack on national and state governments, called for justice for the growing number of Christian victims of murder, rape and battery in India.

A nun was raped Wednesday night in the eastern state of Orissa where Australian missionary Graham Staines and his two young sons were burnt to death in their car by a Hindu mob on January 22.

The rape and the Staines' murders followed a spate of anti-Christian violence in the western state of Gujarat over Christmas.

Radical Hindu groups linked to Prime Minister Atal Behari Vajyapee's ruling BJP party have been blamed for inciting the attacks.

IN HONOR OF THE 25TH WEDDING ANNIVERSARY OF JAMES AND CLARE CLARK

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to acknowledge the 25th wedding anniversary of my life-long friend, James Clark, and his wife, Clare. Jimmy and Clare Clark were married on February 15, 1974.

Jimmy and I grew up together in Marcus Hook, Pennsylvania, and his wife, Clare, grew up just a few blocks away from my wife, Mary, in Wilmington, Delaware.

Jimmy and Clare have devoted many years of their lives to public service. Jimmy and I served together as members of the Viscose Fire Company in Marcus Hook, Pennsylvania. We fought fires together, and established a bond of friendship and trust that can never be broken. He followed in my footsteps, first as a member of the fire company, and later as chief of the company. He later went on to become Chief of the Borough of Marcus Hook Fire Department.

Clare previously worked for the Wilmington, Delaware Bureau of Police, and served the Viscose Fire Company for many years as a member of the Ladies Auxiliary.

Jimmy currently is employed by Epsilon Products Company in Marcus Hook, Pennsylvania, and Clare is employed by Christiana Care in Wilmington, Delaware.

Jimmy and Clare are terrific people, dedicated to their family and concerned for their neighbors and friends. They are leaders in their community. America needs more people like them.

Mr. Speaker, in this era where we seem to have rediscovered the importance of marriage and family, it is all together fitting and proper for us to honor this couple on the achievement of this significant milestone. I am proud to represent the Clarks in the United States Congress, and I ask you and my colleagues to join with me in congratulating them on the 25th wedding anniversary.

CONGRATULATIONS TO PAMELA CRUZ AND MATTHEW COPUS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mrs. WILSON. Mr. Speaker, I rise today to congratulate Pamela Cruz and Matthew Copus, who have achieved national recognition for exemplary volunteer service in their

community. Pamela and Matthew have been named New Mexico's top two student volunteers in the 1999 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. This program is the nation's largest youth recognition effort based solely on community service, with more than 50,000 young people participating.

I applaud Pamela and Matthew for their initiative in seeking to make their community a better place to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

I am proud that these two outstanding young people are from the district which I represent, the first district of New Mexico and encourage them to continue to be leaders involved in the improvement of their community.

STATEMENT ON THE IMPEACHMENT PROCEEDINGS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I don't think I need to say anything about the facts of this case. The thousands of pages from the Independent Council say it all, and anyone who still thinks there's enough in there to convict the President on Purgery or Obstruction of Justice charges should read them again. I can't add anything to the case the White House council presented, so I won't try. I'm not going to talk about Constitutional Law, except to say that I don't see how the President can be removed from office in this case even if the charges could be proven. While President Clinton is guilty of bad behavior and lack of moral judgment in this issue, he didn't put the country in jeopardy. Instead, I'll tell you about the political lynching that's been going on, how we got here, and why we can't seem to get back to the issues of the people of America.

Ever since I can remember, I have regarded the United States House of Congress with a kind of awe. Throughout my political career I've been impressed by the Representatives on both sides of the House and held them in very high regard. That is, until I was elected as a member of the House, walked through it's doors for the first time, and became witness to the most hateful and vicious attack on our Democracy that this country has ever seen; the hijacking of the American Government. The Conservative Republicans wanted nothing less than the total destruction of their political enemy, the nationally elected President of our United States. Maybe this sounds partisan, but I'm not here to make friends or win any popularity contests with my fellow Congressmen, I'm here to do what my people asked me to do—represent them. I won't pretend that I am not a staunch Democratic supporter of the President. I'll just give you a little history, tell you what I've seen, you be the judge.

It started in 1992, when a Southern, prochoice, environmentally minded moderate won the Presidency. The Republican minority in Congress were stunned. This Democratic President did not attempt to win their approval by advocating their issues. In fact, he made hard and fast enemies while he picked apart their proposals and vetoed them. They shouldn't have taken it so personally because the reality is, he didn't make friends with the Democrats either! But it was back then that they decided they had to get rid of him.

In 1994, the Republicans succeeded in taking over the Congress with huge amounts of soft money from large corporations, rich special interest groups, and other ultra-conservative organizations. Even with their new Majority in the House, the President continued to win the political fights and continued to gain favor in the hearts and minds of the voters. While the new Majority tried to shut down the government, the President stood for issues of National concern such as education and social security. In effect, even though they had the House, they still lost. Now, they decided, it was time to make a move for the political assassination of their enemy.

With the right wing organization behind them, the House Conservatives tried a variety of tactics, each one unsuccessful. They sought to indict him as a criminal. They proceeded to dredge up and spin allegations of illegal involvement by either President or First Lady, (whitewater, travelgate, filegate, etc. . . .) They knew that with the right amount of pressure and enough fuel, they could get the Attorney General to grant their request for a Special Prosecutor (a Republicans zealot of their choice) to ''get him''. With the help of the media, (there's no news like bad news involving the President), they succeeded.

Just short of four years and forty million tax dollars later, not a single shred of indictable evidence was uncovered. This is incredible when you consider that EVERY stone had been unturned. This was also a serious problem for the Republican since they spent all that time and money with nothing to show for it and, in spite of the media storm they produced, the President's job approval rating was still climbing! Then BINGO! They got lucky.

In walks that paragon of American virtue that we all know and love, Ms. Linda Tripp, with juicy tales of her illegally taped conversations with the now famous Monica. Although this wasn't exactly the stuff that ''High Crimes and Misdemeanors'' are made of, it's still all they had, so they had to make it work. The new leader of the effort to destroy the President, the so-called ''independent'' council, devised a plan to work with the lawyers on the Jones civil case and use the illegally obtained information to set a trap for the President! By now, you know the rest of the story, so I won't get into the details except to say that no other citizen of this country would ever be subject to such an outrageous and illegal bastardization of the American system of justice. It is only the right wing conspiracy, in justification of their destructive pursuit, who would have you believe this is simply ''equal justice under the law''.

From almost the minute the case was placed in the hands of the Congress it became clear to me that I was no longer part of a ''Representative'' body. The American people, the people who voted and sent us here, were left completely out of the process. Their ''Representatives'' decided to pursue their OWN agenda instead and, with the approval of their counterparts in the Senate, used their majority muscle and pushed it through the House. No debate, no opposing arguments considered, no witnesses needed. Don't be fooled by the political theater you saw on C-Span. That was just a show to have you think we were doing our constitutional duty. In fact, Mr. HYDE even told you at one point that we shouldn't be concerned with the President's ''removal from office''. He said that's not what impeachment means, and that a vote in favor of the Articles didn't mean that we thought the President should be removed from office. Did you believe that? Well it may be true. They don't have to actually remove him to destroy his presidency, and that IS their primary goal.

To be fair, some of my colleagues on the other side of the aisle were interested in doing the right thing and giving this issue the level of consideration it warranted. You might have heard about this ''secret evidence'' that was ''shown'' to those undecided voters that ''convinced'' them to vote in favor of the Impeachment Articles. I can tell you that there was no evidence, but it certainly was secret. They were presented with threats that they would lose their special committee positions unless they towed the Party line. They obeyed, and two Articles of Impeachment were pushed through the House on a strictly partisan vote in spite of the President's consistently high job approval ratings.

Into the House of the Senate marched the 13 Conservative Managers, with their own special ''rule of law'' and their own version of ''truth and justice'', as self proclaimed ''Representatives of the People''. What people? Certainly not the majority of the American people. They continued to support the President. They don't want him removed from office. They know his character is flawed, and while the scandal is fund to watch on TV, they trust him to do his job because they know he has the best interests in his heart. In spite of the very best efforts to ruin him, the Conservative Republicans have failed.

This brings us to our current dilemma. The Conservatives have a problem. We need to end this and gain back the respect of the American people but how can THEY get out of this gracefully? How can the Conservative Senators save face for their Congressional counterparts? It seems that the Republicans finally have their exit strategy. They will refuse to exit. They will take their chances and keep this going as long as they possibly can with the hope that they will publicly destroy the President and the Democratic party. Even now, knowing that the President will not be removed from office by the required ⅔rds margin, they will attempt to use their 51% majority to continue beating their dead horse, allowing the House managers to run the show. If this goes on long enough, it doesn't matter if the

final vote is not enough to remove Clinton or not. Before they are finished, they will have gone as far as they can by any means possible (witnesses, furthering the independent investigation into any other areas they can find and lots and lots of press) to publicly destroy and defame Clinton.

We have a problem, because with the 51% that the Senate requires to pass each step of the way short of the removal vote, the same railroading that took place in the Congress will take place in the Senate. My fear is that this can only be stopped by the next election but by then, the ensuing media storm and the Republican spin doctors will have swayed too many innocent American minds. They have clearly demonstrated their power today by forcing a private citizen to be interviewed by the House Managers under threat of imprisonment according to her agreement with the OIC (who is now acting as a 14th House Manager). They will insist on closed door sessions for the debates regarding dismissal and witnesses and muscle the Senate in the very same way they succeeded in the Congress. The bottom line is, the Democrats want an up or down vote now, and the Republicans want to drag this on and keep the government in a state of paralysis so they can continue to humiliate the President.

They worked so hard at making war that they forgot how to make peace. They drew their line in the sand and it can't even be washed away by the tide of public outrage. The longer this goes on, the more ground we all lose, and still the President's approval ratings continue to rise. I say, NOW is the time to get over it and get back to doing our jobs. We have wasted too much time already in not representing the interests of our public. We must make peace among the parties and the branches of our government and get back to work on the PEOPLE'S agenda of education, social security reform, Medicare, the Patient's Bill of Rights, housing, anti-crime, and other issues that are important to the people who put us here to serve them.

CONGRATULATIONS TO WAXAHACHIE HIGH SCHOOL AND ENNIS HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate Waxahachie High School in Waxahachie, Texas and Ennis High School in Ennis, Texas. Both of these schools were recently recognized by U.S. News & World Report magazine as two of the top 96 high schools in the entire country. I am pleased to represent these excellent schools in Congress.

Waxahachie and Ennis each met the magazine's rigorous criteria for ''outstanding'' schools. The magazine found that outstanding schools share several characteristics, including a challenging core curriculum, high expectations of the students, highly qualified teachers, effective training for new teachers, strong academic standards and expectations, strong parental involvement and support, teachers and administrators who know their students well, and high levels of student attendance.

Both of these North Texas high schools represent the best in public education. Congratulations to Waxahachie High School Principal John Aune and Ennis High School Principal Linda Pirtle and the faculty, parents, and students of both schools for attaining this tremendous recognition.

I hope the standard of excellence set by Waxahachie and Ennis High Schools will serve as an example to schools across Texas and across the country. These outstanding schools are proof positive that if we hold our students and educators to high standards, they will achieve academic excellence.

A TRIBUTE TO SAN DIEGO POLICE CHIEF JERRY SANDERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the career and record of one of San Diego's finest citizens and my friend, Police Chief Jerry Sanders. On April 15, Chief Sanders will leave the San Diego Police Department to become President and CEO of the United Way of San Diego County.

During his tenure, crime rates in San Diego have fallen to 25 year lows. This tremendous achievement has been made possible only through the hard work, dedication to duty and personal sacrifice of the entire San Diego Police Department.

His community policing program is recognized as a model for American police forces, and for safer communities around the world. He will take with him a remarkable ability to integrate local community volunteers into the police force structure to help combat crime. And it is this trait which will ensure his success in his new role at the United Way.

I submit for the record an article from the January 13, 1999, San Diego Union Tribune which further describes Chief Sanders' outstanding achievements.

While Chief Sanders will be sorely missed at our Police Department, all citizens of San Diego should take comfort that he will continue to use his remarkable talents to better our community.

I want to thank Chief Sanders for his service to our fine city, and wish the best of success in meeting his new opportunity to continue serving our community through the United Way.

[From the San Diego Union Tribune, Jan. 13, 1999]

SAN DIEGO POLICE CHIEF WILL BE STEPPING DOWN

HE'LL BECOME LEADER OF UNITED WAY HERE

(By Kelly Thornton)

It was a nagging voice inside Jerry Sanders, telling him he had lost too much time with his young daughters to 75-hour work weeks and phone calls in the middle of the night.

Sanders, San Diego's beloved and nationally renowned police chief for almost six years, announced his retirement yesterday to stunned colleagues during an emotional meeting at police headquarters.

The 48-year-old chief, who joined the department 26 years ago and at 42 became the department's youngest top cop, said he will step down April 15 to become president and chief executive officer of United Way of San Diego County.

''It was by far the most difficult decision of my life, bar none,'' said a teary-eyed Sanders at a news conference at United Way headquarters. The ever-affable chief, not usually one for formality, prepared remarks and distributed a videotaped message to his troops to avoid an emotional outburst.

''I got a little choked up and it was hard to read,'' Sanders said. ''I think a lot of people are in shock. There was a stunned silence after I told them.''

Sanders said his decision was not related to health problems, although he has struggled with digestive ailments and gout.

''I look forward to spending time with my wife and daughters,'' Sanders said, looking at photos of Jamie, 12, and Lisa, 15, when they were young. ''I haven't seen a lot in between.''

Sanders' decision was a well-kept secret. He called mayor Susan Golding, City Manager Michael Uberuaga and District Attorney Paul Pfingst early yesterday to inform them. He confided only in his wife and four friends.

Everybody else was in the dark.

Capt. Adolfo Gonzales, who attended Sanders' morning meeting, said it took a moment for the words to sink in. ''I was stunned. When he asked if there were any questions, you could hear a pin drop in the room. . . . We as captains didn't have a clue.''

Mayor Golding praised Sanders for bringing the community and police officers closer together. ''He's done an unqualifiedly superb job as police chief and I will miss him . . . He is genuinely loved within the community and by members of the police force, and that's rare accomplishment,'' Golding said.

Sanders will not be able to collect retirement until he turns 50 on July 14, 2000. At that time, he will be eligible to receive 65 percent of his annual $128,004 salary—less than if he had remained with the department until age 50, said Lawrence Griffom, city retirement director.

As head of the United Way, Sanders will receive $165,000 a year.

Sanders was recruited by other police departments before he was approached by Untied Way in October. He interviewed for the job in December and was officially offered the position yesterday. The chance to continue working with the community outside of law enforcement was ''an opportunity I couldn't pass up,'' he said.

City Manager Uberuaga was already preparing yesterday to select a recruiting firm to conduct a national search for Sanders' replacement, though he and Golding said members of the department are encouraged to apply. The city manager will make a recommendation to the City Council, which must confirm the selection.

Among the most likely contenders for the job of overseeing 2,058 sworn officers and more than 1,000 civilians and reserve officers are assistant chiefs George Saldamando and Rulette Armstead, who competed with Sanders for the post in 1993, and David Bejarano, considered by many in the department to be a front-runner.

Bejarano coordinated security for the 1996 Republican National Convention, the 1998 Super Bowl and the recent World Series.

Whoever is chosen will have big shoes to fill.

Under Sanders' tenure, crime rates fell to their lowest levels in 25 years, mirroring a nationwide trend. The ranks of volunteers swelled to unprecedented levels. The entire beat system was restructured so that areas are patrolled as 21 communities, rather than 68 arbitrarily drawn sections.

But Sanders' legacy will be his work as a pioneer of community-oriented policing, the philosophy that pairs residents with officers and other city agencies, such as code enforces, to fight crime.

Because Sanders implemented this strategy so successfully, the department has received millions of dollars in grants and has become an international model.

''Sanders has a national reputation as one of the most progressive, innovative and compassionate leaders in the country,'' said Chuck Wexler, executive director of the Police Executive Research Forum, a non-profit Washington think tank. Sanders serves as treasurer and board member.

The chief has been popular among officers and community members since taking the helm in 1993, even in the face of a few unpopular decisions.

Sanders, a gregarious leader with an easy smile, once sued the department for declining to promote him 13 times. He began his law enforcement career at 22 in 1973, fulfilling his life's dream to follow in his father's footsteps.

He was promoted through the ranks and served as SWAT commander during the San Ysidro massacre at McDonald's in 1984, when James Huberty methodically executed 21 people.

After his appointment as chief in May 1993, his first speed bump was contending with allegations of institutional racism, but the problem subsided after Sanders met with black leaders. He eventually required all members of the department to attend diversity training.

Perhaps his most unpopular decision was forbidding officers to moonlight as security guards. The Police Officers Association took him to court, and the group won.

Still, his popularity remained constant. The chief endeared himself by occasionally riding with patrol officers, showing up whenever an officer was wounded, addressing his officers by first name, and even trading a coveted indoor parking spot for an outdoor space so he could interact with the ranks.

And Sanders was beloved for reaching out to the community, often attending meetings, serving on boards and even playing Santa Claus for needy children.

Sanders often revealed his soft side, appearing tearful when announcing the recent suicides of two officers or the arrests of two others for on-duty burglaries.

As news of his impending departure spread through the department and across the nation, regret over the loss of a chief known as one of the country's most avant-garde law enforcers was the prevailing reaction.

''What Tony Gwynn means to the Padres is what Jerry Sanders means to law enforcement,'' said District Attorney Paul Pfingst. ''He is the same professional, day in and day out, and he has a great attitude, day in and day out. And if they're not in the lineup, there's a big hole to fill.''

Even Councilman George Stevens, who sometimes criticized the department for its interaction with African-Americans, raved about Sanders.

''He put the Police Department out with the people and managed to implement programs that banned alcohol in parks and a 10 p.m. curfew without a lot of reaction from our young people of harassment or illegal search complaints. Not one lawsuit. He get the credit for that,'' Stevens said.

Sheriff Bill Kolender joined the chorus.

''I believe he is a leader not only within this county and this state, but within the nation when it comes to community involvement, problem-solving and compassion,'' said Kolender, who served as San Diego policy chief for 15 years.

Sanders said it will be hard for him to leave law enforcement. But his energy was waning and he wanted to move on before burnout set in.

''It's going to be very weird to go to work without a badge and gun,'' he said. ''I think what I feel is a tremendous sense of sadness to leave something I've been doing since I was 22 years old.''

TRIBUTE TO A LADY LYDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, Mrs. Lyda Lee Williams Saunders Whyte or *Lady Lyda,* the title bestowed on her by the pastors of the Brooklyn's Bridge Street A.M.E. Church, is a valiant community and church leader.

Lady Lyda the oldest child of Mr. and Mrs. Henry Williams was born on February 8, 1909, in Emborden VA. Early on her parents instilled in her the importance of obtaining an education. At the age of 10, she and her sister would walk for miles through woods just to attend school. When she was 13, she taught religious education at Mount Sinai Baptist Church and years later she earned her degree from Virginia State College, currently known as Virginia State University.

In 1932 Lady Lee married the late Harry Arthalia Saunders and shortly thereafter they became members of Bridge Street A.M.E. Church. They were blessed to have two daughters, Delores and Walean. In 1973, after the death of her husband, she married Mr. Raymond Edward Whyte and immediately inherited 2 stepdaughters and 15 grandchildren. She now has a total of 21 grandchildren and 3 great-grandchildren.

In her capacity as a church and community leader *Lady Lyda* has served in various capacities: Twenty-four years as the secretary of the Official Board and Church Conference; secretary for the Senior Citizens Club, Lay Leadership, Church Anniversary Commission, and the Virginia Club of Membership and Evangelism. She also extended her reach into politics by running for State Assembly in New York State and has found time to travel extensively in the United States and abroad including; the Holy Land, England, Hawaii, Jamaica, and Canada.

Lady Lyda is very proud of her family and their accomplishments. Her mother was a teaching specialist and her father was a hard worker and good provider. Her brothers and sisters are all educated and involved in church activities. *Lady Lyda*'s daughter serves as an assistant administrator at Cabrini Hospital in New York.

HONORING THE LIFE OF LEON ''PAPPY'' SELPH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GREEN of Texas. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual, Leon ''Pappy'' Selph. Pappy passed away earlier this month after leading a long and distinguished musical career.

Pappy, one of Western swing's first generation, carved out a unique, important niche in country music while maintaining close ties with his hometown of Houston, Texas. In 1933 Pappy formed the Blue Ridge Playboys in a cooperative effort with other local musicians. By the band's second recording session in June 1937, Pappy's innovative fiddle playing had emerged as the driving force of the band. Soon they recorded such smash hits as ''It Makes No Difference Now.''

In 1940, Pappy was signed by Columbia's Vocalion-Okeh subsidiary and built a tight, inventive lineup of new musicians. Their acclaimed 1940 session truly showcased Pappy's talent in such swinging instrumentals as ''Texas Take-Off'' and ''Polecat Stomp.'' The band's 1941 recording showcased Pappy's innovative fiddling as he truly came into his own.

The band was stalled in 1942 by World War II when Pappy entered the Navy. He bravely served his country during the war and returned home to work for the Houston Fire Department. Despite this break, Pappy never stopped playing, and when he returned to Houston he continued to play and teach music throughout the community.

With Pappy's passing, we have truly lost a legend of first generation Western swing. Pappy had a profound musical influence on his peers, and his Blue Ridge Players served as a training ground for such important musicians as Floyd Tillman, Moon Mullican, and Ted Daffan. His music will remain a legacy for years to come. Pappy's kind soul and innovative music will be sorely missed.

Mr. Speaker, once again, please join me in paying tribute to the life of Leon ''Pappy'' Selph. Those of us who were fortunate enough to have known him are truly blessed.

TRIBUTE TO MORRIS B. SCHNAPPER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in paying tribute to the memory of noted publisher and free press advocate Morris B. Schnapper. Mr. Schnapper, who passed away last week at the age of 86, was a distinguished editor and author, a man devoted to providing the American people with more information about their government and its policies. The Public Affairs Press, founded by Schnapper, published more than 1,000 books and 500 pamphlets during his years at its helm. However, his most meaningful legacy rests in his unflinching commitment to providing information to the public, frequently in the face of intense resistance from government officials.

In the 1950's, decades before the cloak of secrecy was lifted from many government actions, Schnapper passionately fought to allow the unrestricted publishing of speeches by government officials. In arguing that these addresses merited wide distribution to a larger audience he used a wealth of methods, from the courts to the newspapers. He affirmed his cause with a determination that originated out of his rise from a New York orphanage to one of Washington's most respected men of letters. Morris Schnapper's commitment to the First Amendment and his recognition of its inherent protections deserve the appreciation

and gratitude of all Members of Congress and of all Americans.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the Washington Post's obituary of Mr. Schnapper, published on February 7, 1999.

I ask my colleagues to join me in offering our condolences to Morris Schnapper's family and friends.

[From the Washington Post, Feb. 7, 1999]

BOOK PUBLISHER MORRIS SCHNAPPER DIES AT AGE 86

(BY LOUIE ESTRADA)

Morris B. Schnapper, 86, a longtime Washington book publisher and a tenacious challenger of high-level government officials' practice of copyrighting their public speeches, died of renal failure Feb. 5 at the Carriage Hill Nursing Home in Silver Spring.

He closed his publishing firm, Public Affairs Press, in the mid-1980s but continued until recent years to write articles on government copyright policies. It was a subject he first addressed in the late 1950s, when he sought to publish a series of speeches written and delivered by Navy Vice Admiral Hyman G. Rickover, who had played a major role in the development of the atomic submarine.

Rickover denied permission for Mr. Schnapper to publish two of his speeches, saying that the texts were copyrighted and that he had made printing arrangements with another publisher. Mr. Schnapper filed suit in Federal District Court, arguing that the speeches were an official act and therefore public property. He lost the court case but pressed ahead anyway, once placing an advertisement in The Washington Post attacking government copyright claims as an infringement of constitutional guarantees of free speech and a free press.

Before beginning his campaign against government-copyrighted publications, which earned him a reputation in some circles as a gadfly, Mr. Schnapper had been known primarily as a publisher of books and pamphlets on government affairs and social issues such as race relations.

From a one-room office in a dilapidated town house near Capitol Hill, Mr. Schnapper operated his firm with a small staff that often included university professors who served as editors. He began forming the foundation of his business during his lunch hours and at night while working as a press spokesman for the U.S. Housing Authority in the 1930s.

Born in New York City, he grew up in an orphanage there and later worked as a copy boy for the New York World and the New York Journal-American.

Over the years, Public Affairs Press published more than 1,000 books and 500 pamphlets, including its biggest seller, an autobiography of Indian leader Mohandas K. Gandhi. With the help of his wife, Blanche, who died in 1974, he published his first book, ''Rival Unionism,'' by his friend Walter Gallenson.

Public Affairs Press printed works by sociologist Vannevar Bush, journalist Dorothy Thompson, financier Bernard Baruch and historian Arnold Toynbee. Mr. Schnapper was the author of several books, including ''Constraint by Copyright,'' which he published in 1960, and ''American Labor: A Bicentennial History,'' published in 1975.

Survivors include his companion, Esther Potash of Silver Spring; two children, Eric Schnapper of Bellevue and Amy Schnapper of Ashland, Ore.; and a grandson.

INTRODUCTION OF THE U.S.-CNMI HUMAN DIGNITY ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today forty seven of our colleagues join Mr. SPRATT and myself in introducing the Insular Fair Wage and Human Rights Act of 1999 which will permit the U.S. territory of the Commonwealth of the Northern Mariana Islands (U.S./CNMI) to be treated more like a state under certain provisions of law.

Along with the privilege of flying the American flag, the CNMI has the responsibility to live within the mores of the United States; and the United States has the responsibility to assist the territory with its growth in becoming a strong member of the American family. The taxpayers of America have supplied the U.S./CNMI with tens of millions of dollars in assistance over the years. The U.S./CNMI has failed to live up to its pledge to create a responsible government and a just society.

The U.S./CNMI has morphed into an offshore sweatshop, wrapping itself in the American flag to circumvent quota restrictions and escape payment of hundreds of millions of dollars in duties on imported garments. The Congress cannot continue to irresponsibly ignore the worsening crisis or the exploitation of tens of thousands of foreign workers on American soil.

The local U.S./CNMI government was granted temporary control over immigration and minimum wage in the 1970s. The U.S./CNMI has exploited this temporary authority to import tens of thousands of low-paid, contracted, destitute, workers from Asian nations to staff garment factories and virtually all other private sector jobs. The contract workers now substantially outnumber the number of local U.S. residents.

These foreign workers pay between $3,000—$7,000 to recruiters in their homelands for promised jobs. They are led to believe they are coming to work at good jobs in ''America'' only to arrive in the U.S./CNMI to find the jobs are not what they believed and in many cases that the jobs never even existed. Over 90 percent of all private sector jobs are held by foreign contract workers.

The bill I introduce today will crack down on the enormous, mostly foreign-owned garment industry that employ thousands of foreign workers to sew foreign fabric into garments bearing the ''Made in USA'' label which is then shipped to the U.S. mainland quota and duty free. There is nothing about the U.S./CNMI garments that is made in America yet this year well over $1 billion worth of garments will flood the U.S. market, depriving the U.S. Treasury of $300 million and unfairly competing with stateside garment factories that pay the U.S. minimum wage to workers who work in safe factories under the protections of all U.S. labor and immigration laws.

Numerous reports by journalists and the media, human rights workers, Federal agencies, religious organizations, and the administrations of Presidents Reagan, Bush and Clinton have documented widespread human rights abuses suffered by indentured workers in the U.S./CNMI. After traveling to the U.S./CNMI last year and meeting with local government representatives, federal officials, private business owners, and foreign workers, I issued my own report, Beneath the American Flag, which details systematic exploitation that would be tolerated no where else in this country. That report can be found on the Resource Committee Democrats' web page at www.House.Gov/Resources/105Cong/Democrat/Democrat.htm.

And yet, despite this mountain of evidence, repeated requests to Chairman YOUNG of the Resources Committee, and over 80 cosponsors, we have been unable to secure even a hearing on my reform legislation, let alone a markup.

No Member of Congress would permit this situation to exist in his or her congressional district for one day. Yet we stand by, year after year, report after report, expose after expose, as the problems persist in the U.S./CNMI.

The legislation I have introduced today will extend Federal immigration and minimum wage laws to the U.S./CNMI as well as require that the integrity and intent of the ''Made in USA'' label and duty and quota waivers be reinstated. Additionally, this bill will permit U.S. Customs agents the authority to inspect cargo and persons entering the U.S./CNMI for suspected illegal activity.

I am hopeful that the delegation led by Congressman YOUNG, which leaves for the U.S./CNMI and other Pacific destinations tomorrow, will meet with those who have experienced these deplorable conditions and that, upon the Chairman's return, he will finally agree to conduct impartial hearings on my legislation. We owe it to the taxpayers of the United States, to the textile workers of this country who are enduring unfair competition, and to the garment workers and other foreign workers in Saipan who are being forced to experience a distasteful and unrepresentative side of America.

RECOGNIZING THE ENVIRONMENTAL RESEARCH AND EDUCATION FOUNDATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. PETRI. Mr. Speaker, I rise today to recognize the Environmental Research and Education Foundation. This Foundation is dedicated to helping society plan environmental solutions for the future. It was created by visionary leaders in the waste services and equipment industry who recognized the critical importance—now and for future generations—of properly managing our wastes, creating sustainable recyclying markets, conserving resources and protecting the environment. Our nation has the best waste-management infrastructure that it has ever had, with widespread access to recycling and highly engineered disposal facilities. Nevertheless, the sheer volume of our garbage dictates the need for first-rate research into new and better ways to manage wastes. The Foundation serves this need. it has raised millions of dollars thanks to the generosity of its leaders and other contributors. I expect the fruits of the Foundation's research to have substantial impact on the policies and practices that we evolve over time.

TRIBUTE TO GARY KADOW

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Gary Kadow, President of Local 3367 of the American Federation of Government Employees, on the occasion of his retirement.

In 1987, Gary Kadow began his career with the Department of Housing and Urban Development in the Buffalo office as temporary Single-Family Loan Specialist in the Housing Division, and joined the union at that time. He eventually gained a permanent position as a Project Manager, and then Senior Project Manager in the Multi-Family section.

Gary's advocacy on behalf of the working men and women of our community is truly legendary. In recognition of that effort, Gary was elected President of Local 3367 in 1989. He was successfully re-elected every year since, and served nine years, to 1999. His tenure, the longest of any president in Local 3367's history, is one of tremendous accomplishment. On behalf of his membership, Gary Kadow brought in a viable dental plan, set up an effective leadership team including stewards in all the divisions, developed an active Albany Office unit, and organized an operating local Labor-management Participation Council. As a result of that leadership, membership tripled during his presidency.

In addition to his outstanding performance as a local president, Gary was elected a Regional Vice President of the National Council of HUD locals #222, serving in the New York-New Jersey region.

In 1993, The Honorable Henry Cisneros, Secretary of the Department of Housing and Urban Development, selected Gary to serve as a member of his NPR Task Force for the reinvention of HUD. During that year here in our Nation's Capital, Gary became the union contact with the Secretary, bringing his unique labor perspective, advocacy, and dedicated commitment to working men and women to the national forefront. He appeared before Congressional committees, participated in the national Labor-Management Partnership Council, and played a vital role in negotiating labor-management agreements.

In addition to the many awards and citations he has been honored with throughout his career, he was chosen as a founding member of the HUD Training Academy Board of Directors. Further, Gary was elected by the National Council of HUD Locals to Executive Vice President in 1995 and again in 1997.

Mr. Speaker, today I would like to join with the Kadow family, the Department of Housing and Urban Development, the American Federation of Government Employees, the National Council of HUD Locals, Local 3367, the AFL–CIO, and the countless working men and women of our entire Western New York community in tribute to Mr. Gary Kadow.

With retirement come many new opportunities. May Gary meet each new opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career, and many those opportunities be as fruitful as those in his past.

Thank you, Gary, for your advocacy, tireless effort and personal commitment to our community, and for your friendship.

IN MEMORY OF ELVIS J. STAHR, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Elvis J. Stahr, Jr., governor emeritus of the Sigma Chi Foundation, scholar, war veteran, attorney, and public servant, passed away on November 11 after a battle with cancer. He was 82.

Stahr earned 4 years of straight A's as an undergraduate at the University of Kentucky (UK), was named a Rhodes Scholar, then studied at Oxford University for three years. He returned to the United States briefly before serving in the U.S. Army infantry in North Africa, India, and China during World War II. After serving in the Army, he practiced law for eight years and served as Grand Praetor for the Eastern province.

After serving as dean of the UK law school and university provost, Stahr was appointed as special assistant to the Secretary of the Army during the Korean war, and in 1956–57, he was executive director of President Eisenhower's committee on education beyond high school.

Stahr became vice chancellor of the University of Pittsburgh in early 1957, and in August 1958 he was named president of West Virginia University. In 1961, President Kennedy appointed him Secretary of the Army, a post in which he served until the summer of 1962 when he resigned to become the 12th president of Indiana University.

In 1968, the Audubon Society named Stahr its president, a position he maintained until 1979. After stepping down from the Audubon presidency, he served on several boards and committees, including those for the Acacia Mutual Life Insurance Company, the Chase Manhattan Bank, the Committee on the Constitutional System, and the Washington Conservation Round Table, of which he also served as chairman. He also continued to practice law in Washington, DC.

Stahr is survived by his wife of 52 years, Dorothy Howland Berkfield Stahr, three children and two grandchildren.

Mr. Speaker, Elvis J. Stahr, Jr's, contributions to his family, his country, and his fraternity make him a role model for young civic leaders. I am certain that the Members of the House will join me in honoring this fine American.

A TRIBUTE TO WILLIAM ''BILL'' GORTON CREEL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. RADANOVICH. Mr. Speaker, it is with great privilege to rise today to honor an outstanding American, Bill Creel. Bill is a civic leader and pipeliner, who is beloved by his family, friends, and state. He is a man whose devotion to family, friends, church and business of Bartlesville, Oklahoma is legendary. Bill is turning 70 years old on February 19th.

Born in Bartlesville in 1929, Bill has devoted his life to bettering the town he so loves. His untiring work and generosity have earned him countless awards and recognition throughout his city and state.

Bill was a pioneer in oil exploration and pipelining. His career took him from Bartlesville to oil fiends throughout the world including North America, Europe, the Middle East, and Australia. After 29 years of service, Bill retired in 1979 as President of H.C. Price Company International.

Rather than enjoying a much-deserved retirement, Creel began his second career, turning his business and managerial skills toward helping his hometown of Bartlesville. Bill distinguished himself while serving as the President of the Bartlesville Area Chamber of Commerce by providing the necessary leadership to recruit new industries, develop tourism, and pass new sales tax legislation to fund economic development. His efforts on behalf of the Chamber of Commerce, the Girl Scouts, the Public Library, the Oklahoma Mozart Festival, Junior Achievement, the Rotary Club, Jane Phillips Hospital, Woolaroc, and St. Johns Catholic Church as well as several historical sites throughout the area earned him statewide recognition through a dedicated ''Bill Creel Day'' in the state of Oklahoma. In addition, Bill was awarded the Governor's Art Award, Outstanding Citizen Award, membership in the Piepliner's Hall of Fame, Girl Scouts Green Angel, Boy Scout's Eagle Award, Civitan International Citizen of the Year Award, Junior Achievement Leadership Award, Centennial Award and Historian of the Year.

Bill Creel is a great man, husband, father, friend and proud American. He deserves special recognition for the many contributions he has made to the advancement of civic improvement through the arts and education, commercial and economic development, and for accomplishing his lifelong goal of making the world a better place.

EXTENDING THE PRODUCTION TAX CREDIT FOR HIGH TECHNOLOGY WIND POWER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. THOMAS. Mr. Speaker, today I am reintroducing legislation to extend the placed in service date for the Production Tax Credit (PTC) for wind power for an additional 5 years. The present credit will expire on June 30, 1999. Wind equipment installed after that date will not qualify for the credit unless we act to extend the PTC now.

My bill will allow new high technology wind turbines installed during an additional five years to qualify for the 1.5 cent per kilowatt-hour PTC created under the bi-partisan Energy Policy Act of 1992.

The wind power industry's potential in the United States is enormous. Wind generating costs have fallen 80% over the past decade and further efficiencies are achievable. States like the Dakotas, Iowa, Maine, Minnesota, Texas and Colorado offer enormous generating potential. Americans are developing new wind technologies that will give us a competitive edge as this market expands.

In addition, wind offers one technology we can promote to achieve reductions in climate-

changing emissions. The America Wind Energy Association has estimated that under an extension of the PTC, working in conjunction with a set of policies aimed at further reducing costs, wind energy can achieve 30,000 megawatts of generating capacity in our country by 2010. Doing so would reduce CO_2 emissions by up to 100 million metric tons, contributing 18% of the reduction that the electric industry must achieve to reduce emissions back to 1990 emissions levels while producing new jobs. That is a goal we can support.

MADE IN AMERICA INFORMATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to establish a toll-free phone number consumers can call to get information on products made in America. Similar legislation I authored was approved unanimously by the House in the 103d, 104th and 105th Congresses. Unfortunately, in each of the last three Congresses, the other body did not act on the bill.

My bill, the ''Made in America Information Act,'' directs the Federal Trade Commission (FTC) to contract out the program to a private company. The toll-free number will provide consumers with information on products made in this country. The bill uses the same definition for an American-made product that the FTC uses in determining uses of ''Made in the USA'' labels. Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to federal penalties. One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

The bill will not require the FTC to hire more people or create a new unit. The only expense to the commission would be to prepare language for the Federal Register and to prepare bid documents.

Let me reemphasize that the program will be contracted out and run by a private company. Companies would participate in the program on a voluntary basis. The program would not promote or favor one product over another. It would simply provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to ''Buy American.'' This program will help them make an informed and patriotic decision. Best of all, it won't cost taxpayers a dime. I urge my colleagues to cosponsor the ''Made in America Information Act.''

JOHN DILLON WAS THE FACE OF LAW ENFORCEMENT IN CENTRAL NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WALSH. Mr. Speaker, I ask my colleagues to join me today in paying tribute to a man whose passing has left my community, and our nation, with one less hero. Former Onondaga County Sheriff John Dillon died January 14, 1999 and Central New Yorkers will grieve the loss for a long time to come.

The quintessential ''Irish cop'', John Dillon was known far and wide as a man of great humor, deep compassion and innate fairness. It should also be said that he was tough. Throughout his four-decade career, he was the epitome of the public safety provider. In fact, to many he was the face of law enforcement in Central New York.

John Dillon was a personal friend, so I know his attributes well, among them natural leadership. He was greatly respected by the men and women in uniform.

A devout Catholic and loving family man, John Dillon was fiercely proud of his Irish ancestry. When the Irish Ambassador at the time, Dermot Gallagher, visited Syracuse in 1997, it was John Dillon who regaled the Ambassador with the history of the West End of Syracuse, the home to many immigrant families.

With great pride and his characteristic dry wit, John Dillon recalled the layout of the neighborhood and, using nicknames for the colorful characters of his youth, told a touching story of an entire generation of Irish immigrant families.

He told of the Stonethrowers, the young men who defied city officials by repeatedly breaking the red light over the green on the traffic light at the main intersection of Tipperary Hill on the West End.

Never would the English red sit atop the Irish green, he told Ambassador Gallagher with fervor. And today, he pointed out, the green sits atop the red in one traffic light in America, Tipperary Hill in Syracuse, the birthplace of John Dillon.

The man we came to respect and so deeply admire served 25 years with the Syracuse Police Department before retiring as the First Deputy Police Chief. He was elected Onondaga County Sheriff later that year and held that post until retirement in 1994.

I want to add my sincere condolences to John's wonderful wife Ginny and their children. And I ask my colleagues to join me in this moment of recognition for a public official who served his community well.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WEYGAND. Mr. Speaker, on Tuesday, February 9, 1999, I was speaking at Columbia University in New York and was not present for rollcall votes 12, 13, and 14. Had I been present, I would have voted ''yes'' on rollcall vote 12, ''yes'' on rollcall vote 13, and ''yes'' on rollcall vote 14.

TRIBUTE TO DR. MICHAEL PLADUS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a man whose accomplishments in the field of public education are limitless. Dr. Michael Pladus, principal of Interboro High School since only 1994, recently received the 1999 National Principal of the Year Award in the shortest time ever recognized by its sponsors, MetLife and the National Association of Secondary School Principals. Richard Riley, U.S. Secretary of Education, presented Dr. Pladus with the award on January 28, 1999 at the Renaissance Mayflower Hotel in Washington, DC. Dr. Pladus received this honor in recognition of his exceptional role in improving the school's student activities, standardized testing scores, and overall climate of academia.

Before going to Interboro High School four years ago, Dr. Pladus, holding a Masters Degree from both Temple University and the University of Scranton and a doctorate from Columbia University, served as a Middle School Principal in the Upper Merion School District. Since assuming his position at Interboro, he has worked vigorously to install innovative programs which will help our students. Besides establishing closer relations between parents, teachers, students, and administration at Interboro, Dr. Pladus re-designed the academic curriculum and up-graded the math advanced placement program. Moreover, he has implemented a co-teaching pilot program for special education students and developed a proactive strategy to deal with the needs of ''at risk'' teens. Through his commitment and success, Dr. Pladus helped the school earn ''blue ribbon'' status from the Commonwealth of Pennsylvania.

In a nation toiling to upgrade educational standards, people like Dr. Pladus yield hope. As a former school teacher, I know well the difficult challenges facing today's educators, and commend those who overcome them. With the innovating ideas and continual resolution of people like Dr. Pladus, our nation and its children will become much closer to the educational system they deserve.

FAMILY FRIENDLY TAX RELIEF ACT OF 1999

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WOLF. Mr. Speaker, today I am introducing the Family Friendly Tax Relief Act of 1999. This legislation will increase the child tax credit for children under age 5 to $1,000. I believe this is an important step toward easing the tax burden for American families with young children.

Child development experts agree that a child's interest in learning, sense of security, behavior, and curiosity about the world are deeply rooted in the child care that he or she receives between the ages of 0–5. When children get off to a good start in life and have high-quality child care (either at home or in a child care program), they have the best opportunity to flourish and they have all the necessary tools to start school. Children who are cared for well from birth have a distinct advantage over those who are in low-quality, overcrowded, or under-staffed child care programs or those who come from homes where money is scarce and parents are forced to chose between spending time with their children or putting food on the table.

Increasing the tax credit by $500 for children under age 5 will help all parents in providing care for their children. Frequently, parents of young children lack the income and seniority in their careers that parents of older children enjoy, and they often cannot afford high-quality child care. In addition, child care is more expensive for young children than it is for older children and parents of young children are sometimes hit with a double whammy: more expensive child care and less income to contribute toward the care of their children. Unfortunately, many, if not most, working parents have to choose between financial security and spending time with their children during the important development years of age 0–5.

Single parent families and families with a stay-at-home parent also face financial dilemmas and can experience much hardship associated with the fact that they are dependent on one source of income. If the employed parent loses his or her job or has a reduction in salary, the family's financial security can be wiped out in a matter of days. There are also many communities in the United States where cost-of-living is so high that it can be nearly impossible to survive on only one income. Some single parents have to work two jobs just to make ends meet.

In addition, parents who choose to sacrifice income in order to stay home with their children sometimes have to make other sacrifices based on finances that affect their children's living environment, physical well-being, or sense of security. More and more parents are facing time constraints and financial constraints that make it impossible for them to choose the type of child care that they would prefer if given all the options.

Be providing an increase in the child tax credit for young children, parents will have the opportunity to keep more of their hard-earned incomes for family needs. Having as little as 500 extra dollars a year per young child may make a significant difference. Parents who work outside the home may use the extra income to enroll their child in a child care program that is better matched to their child's needs. Some working parents may have the ability to reduce their work hours so that they can spend more time with their children. Single parent families or families who choose to get by on one income will also have more income to help make ends meet.

While President Clinton has proposed an increase in the child care tax credit for children under age 1 (by $250 depending on income), I believe that more needs to be done to help parents of young children. My legislation goes beyond President Clinton's proposal and will help all parents who are struggling with raising their children in an increasingly complex, threatening, and busy world. Helping our nation's youngest children is the key to ensuring the future of our country.

H.R. —

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 ''Family Friendly Tax Relief Act of 1999''.

SEC. 2. $1,000 CHILD TAX CREDIT FOR CHILDREN UNDER AGE 5.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) $1,000 CREDIT FOR QUALIFYING CHILDREN UNDER AGE 5.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '$1,000' for '$500' with respect to any qualifying child who has not attained the age of 5 as of the close of the calendar year in which the taxable year of the taxpayer begins.

''(2) COORDINATION WITH DEPENDENT CARE CREDIT.—This subsection shall apply to a taxpayer for a taxable year only if the taxpayer elects not to have section 21 apply for such year.''

(b) CONFORMING AMENDMENT.—Subparagraph (I) of section 6213(g)(2) of such Code is amended by striking ''section 24(e)'' and inserting ''section 24(f)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. CHILD TAX CREDIT ALLOWED IN DETERMINING ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended by inserting ''(other than the credit allowed by section 24)'' after ''credits allowed by this subpart''.

(b) CONFORMING AMENDMENT.—Section 24 of such Code is amended by inserting after subsection (f) (as added by section 2) the following new subsection:

''(g) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate credit allowed by this section for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowed by sections 21, 22, 23, 25, and 25A, plus

''(2) the tax imposed by section 55 for such taxable year.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

COMPENSATION FOR PRIVATE PROPERTY OWNERS—NOT GOVERNMENT!

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to ask this Congress to restore to our citizens their basic constitutional rights under the 5th Amendment of our United States Constitution and to ask Congress to insure that the rural areas of our country are treated fairly. On Wednesday, February 3, 1999 I chaired a hearing of the Committee on Resources on the impacts of the Minneapolis-St. Paul, Minnesota airport expansion on one of our premier national wildlife refuges, the Minnesota Valley National Wildlife Refuge.

This refuge is home to a broad range of wildlife species which deserve every bit as much protection as do the species that live in other national refuges, including in Alaska refuges such as the Arctic National Wildlife Refuge and the Izembek National Wildlife Refuge. Species living in this refuge include threatened bald eagles, 35 mammal species, 23 reptile and amphibian species, and 97 species of birds including Tundra Swans migrating all the way from Alaska.

The new runway expansion will cause so much noise and disturbance to visitors that most of the facilities under the path of the runway will have to be relocated. In fact, the refuge will be so impacted by the noise, that the FAA has agreed to pay the Fish and Wildlife Service over $20 million to compensate them for the ''taking'' of their property by virtue of the noise and the impact on visitors to the refuge.

Yet, even with this level of disturbance, the Fish and Wildlife Service and the FAA found that the wildlife would not be disturbed so much that the airport expansion should be stopped. They also found no impact on the threatened bald eagle and no need for the protections of the Endangered Species Act in this case. They found that the wildlife in the refuge would adjust to the noise. They found that there is little scientific evidence that wildlife will be seriously harmed by over 5,000 takeoffs and landings per month at less than 2,000 feet above these important migratory bird breeding, feeding and resting areas. In fact, over 2,000 flights will be at less than 500 feet above ground level.

I am not surprised that the Fish and Wildlife Service found that wildlife habituates to human noise and disturbance. Most of us know that wildlife adjusts to human presence and in some cases actually thrive. The abundant deer, bird, and fox populations in the highly developed northeastern United States can attest to that.

Certainly, I would agree that our airports must be safe and that human life and safety come first. However, how many times have the Members of this Congress been told by the Clinton Administration that important safety projects cannot go forward because it might and I stress, might, impact wildlife? This excuse has been used many times in Alaska to oppose vital public safety and health projects without any scientific justification.

I know that wildlife and humans can coexist. In the coastal plain of Alaska, oil production and caribou have coexisted and the caribou population has increased. I have a picture in my office that illustrates that point beautifully. It shows a large herd of caribou peacefully resting and grazing in the shadow of a large oil drilling rig on Alaska's north slope.

Yet some Members of Congress, including some who have agreed to allow this airport expansion in Minnesota, have introduced legislation that would preclude most human activities in the Arctic National Wildlife Refuge by designating that area as a permanent wilderness. I guess they believe that wildlife in Alaska can't adjust to human activities, but wildlife in Minnesota can.

In addition, the airport commission, by taxing passengers flying through Minneapolis, will pay over $20 million in compensation for the lost use of the refuge lands.

The 5th Amendment of the Constitution protects private property when it must be used by the public. The Clinton Administration has consistently threatened to veto good bills that have been introduced which would have reduced the burden on private property owners when they attempt to seek compensation for their lost property from the U.S. government.

The Clinton Administration and the Clinton Justice Department have made the process so expensive, so time consuming, so lenghty and so difficult that only the wealthiest landowners have any hope of obtaining the compensation guaranteed by the 5th Amendment. Yet, the Fish and Wildlife Service demanded, and received compensation for the impacts on the

refuge without having to file a lawsuit or even threatening a lawsuit.

I want to make it clear that I support our refuges. I sponsored the National Wildlife Refuge System Improvement Act in 1997, which is now the law of the land. I want refuges to be places where wildlife can thrive and I want them accessible to the public. I support adequate funding so that our refuges can be open to the public. I agree that refuges and wildlife should not be used to stop needed projects and development in nearby communities.

But let's do away with the double standard—one for the rural west and another for the rest of the country. Let's also insure that private property owners get the same fair treatment that the Fish and Wildlife Service got with respect to the Minneapolis-St. Paul airport. Let's enforce the 5th Amendment and compensate private property owners when the government must use their land for public purposes. What's good for the government is even better for the people.

INTRODUCTION OF THE FAIRNESS IN IRS DEBT PAYMENT ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, we have all heard Internal Revenue Service horror stories. Recently, the Washington Post began a series on harrowing encounters between the IRS and the average citizen. You do not have to be a Member of Congress to know that the average American deeply fears an IRS audit. This fear is not because of widespread tax fraud. The average American understands that tax revenue is the gasoline in the engine of our society. They do not balk from paying their fair share of taxes, but they fear that innocent mistakes or misunderstandings of complex laws will result in a large bill from the government. They know that it is not unusual for the penalty and interest payments to be two to three times higher than the actual tax owed. They know that it is not unusual for the agency to compound interest in such a way that the actual interest rate paid by the consumer is 40 percent. And they know that once they start paying they may never stop.

Current IRS reforms have centered on administrative structure instead of agency practices. Taxpayers are more concerned about IRS tax assessment practices than its organizational structure. Inequitable or coercive collection practices not only diminish respect for the government but cause hardship in individual lives. This legislation will bring much needed fairness to IRS collection practices and prevent the unjustifiable financial ruin of so many working American families. After discussing this measure with several of my colleagues, I am truly optimistic about the opportunity for expediting this legislation through the legislative process.

Mr. Speaker, today I am pleased to introduce the Fairness in IRS Debt Payment Act of 1999, which will require the Internal Revenue Service to compound interest annually (instead of daily); apply payments equally, and cap penalty accumulation. Additionally, the bill will prohibit the IRS from re-auditing an account or unilaterally suspending a payment plan. Finally, the bill will require the agency to issue written guidelines on penalty abatement and provide the taxpayer with a written explanation for refusal of a penalty abatement request.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. CARSON. Mr. Speaker, due to official business in my district, I was unavoidably absent on Tuesday, February 9, 1999, and Wednesday, February 10, 1999, and as a result, missed rollcall votes 12–18. Had I been present, I would have voted ''yes'' on rollcall vote 12, ''yes'' on rollcall vote 13, ''yes'' on rollcall vote 14, ''yes'' on rollcall vote 15, ''yes'' on rollcall vote 16, ''no'' on rollcall vote 17, and ''yes'' on rollcall vote 18.

TRIBUTE TO REVEREND FATHER ARMANDO BALADO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute today to an outstanding citizen and great man of God, the Reverend Father Armando Balado who will celebrate his golden 50th anniversary in the order of priesthood on March 24.

Born in Havana, Cuba, Fr. Balado entered seminary at the young age of eighteen and was ordained by Cardinal Manuel Arteaga Betancourt and performed pastoral responsibilities in a number of Cuban towns for the next 12 years. Fr. Balado was one of thousands of Cubans tormented and persecuted by Fidel Castro and his imposed communist regime. By 1961, he and 100 Brothers of the Order of La Salle became some of the thousands of religious leaders who were forcibly driven to leave Cuba due to their faith.

The U.S. granted Fr. Balado the opportunity of continuing his holy calling to the order of priesthood as he performed duties in Catholic churches of Los Angeles, Puerto Rico and Miami. Fr. Balado soon pastored a variety of churches throughout the state of Florida and assisted in the building of a parochial school in Miami. He remains in Miami as the appointed Pastor of St. Raymond of Penyafort where he has served for 11 years and where he is loved and respected by parishioners and the South Florida community.

TRIBUTE TO ''GRANNY D''

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BROWN of California. Mr. Speaker, last month, I had the distinct pleasure of meeting in my congressional district with Doris Haddock, known nationally now as Granny D, and a former Member of this body and current Secretary of State in West Virginia, Ken Hechler.

Granny D, an 89-year-old youngster from New Hampshire, began a cross-country journey in Los Angeles in January. She is walking across America to bring attention to the need for meaningful campaign finance reform, On January 12, 1999, she visited me in my district office in Colton, California.

Granny D is spritely and passionately opinionated on the issue of campaign finance reform. So spritely and so passionate, in fact, that she will walk 3,055 miles this year through 210 cities and towns from Pasadena to Washington, DC. I hope that many of my colleagues will have the pleasure of meeting her and listening to her message as she walks through their congressional districts.

Public interest in and support for her cause is swelling. As we stood outside my office in Colton, passersby recognized Granny D and rushed forward to speak with her. In the homes where she stays on her trek, enthusiastic neighbors and community groups gather to hear her message.

Granny D's effort is non-partisan and inclusive. She wants more ordinary citizens to become aware of campaign financing and remedies for soft money intrusions into electoral politics. She supports the Shays-Meehan bill, which I co-sponsored.

I ask my colleagues to join me today in saluting this remarkable women and in agreeing to at last seriously take up the issue of campaign finance reform in this Congress.

COMMEMORATING THE HONORABLE ROBERT K. PUGLIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DOOLITTLE. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, Justice Robert K. Puglia. Robert K. Puglia, Presiding Justice of the Court of Appeal in the Third Appellate District of California, has brought credit and distinction to himself through his illustrious record of public service, and it is appropriate at this time to commemorate the valuable leadership and dedicated service he has provided to his community and the people of the State of California.

Robert Puglia was born in 1929 in Westerville, OH. He completed his undergraduate work at Ohio State University in 1952. After serving 3 years in the U.S. Army as an infantryman, Bob Puglia enrolled in law school at the University of California at Berkeley and earned his law degree in 1958.

Bob became a member of the California State Bar in 1959, upon passing the bar exam, and began working as a Deputy Attorney General for the State of California. Later that same year he became Deputy District for the County of Sacramento. While serving in the Sacramento District Attorney's office until 1969, including over 5 years as Chief Deputy, Bob found time to teach law at McGeorge School of Law and government at California State University.

Bob then joined the private law firm of McDonough, Holland & Allen in Sacramento until Governor Ronald Reagan tapped him in

1971 to be judge of the Superior Court, Sacramento County. In 1971, Governor Reagan appointed Justice Puglia to the California Court of Appeal in the Third Appellate District. Later that same year, he was elevated from Associate Justice to Presiding Justice. He has served there ever since.

In recognition of his skills as attorney and judge, and for his service to his community, state, and to the legal profession, Justice Robert Puglia has received honorary doctorates in law from Lincoln Law School and the McGeorge School of Law. Justice Puglia was also active in numerous state and local bar activities, including service on several committees on the California Judges Association as well as serving as its president, and as a member of the California Judicial Council. In 1984 he was President of the American Bar Association.

Outside of his long and distinguished career, Robert Puglia is husband to Ingrid, and father to four children, Susan, Peter, David, and Thomas.

I take great pleasure in commending the Honorable Robert Puglia for his outstanding record of judicial leadership, his long and distinguished record of public service, and his outstanding display of civic leadership. He is indeed a man worth emulating and one who exemplifies the standards those in his chosen profession seek to uphold.

TRIBUTE TO RUBY ''ALICE'' FINN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding life of a friend from my district, Mrs. Ruby ''Alice'' Finn of Campo, California. Alice recently passed away and I would like to take a moment to commend the dedication she had for her family and country.

Alice married John W. Finn in 1933 while he was serving in the U.S. Navy. They were stationed all over the country and world, including San Diego, Alaska, Hawaii, Panama, Japan and China. On December 7, 1941, John was a Chief Aviation Ordnanceman at Kaneohe Bay on the windward side of Oahu, when the Japanese military attacked on their way to Pearl Harbor. During this attack, John was seriously wounded but refused medical treatment and would not leave his position until ordered to do so, earning him the prestigious Congressional Medal of Honor. With Alice by his side, John was given this honor by Admiral Chester Nimitz aboard the *U.S.S. Enterprise,* making her the first woman ever allowed aboard a ''U.S. Man of War'' during a wartime situation and in a war zone. Alice stayed with John during the remainder of his tour of duty in Hawaii working as a military mail-censor.

Alice and John came to the beautiful backcountry of San Diego in 1958. On their ranch, they raised one son and took the time to help those in need by serving as foster parents to several of the local Native-American Indian children who were alone. When Alice passed away this last December, she was laid to rest in this area amongst the surroundings she helped make beautiful and near the people she loved.

Mr. Speaker, in a time where indifference is often chosen over concern, Alice exemplified the meaning of caring for those around you. Whether it be standing beside her husband during time of war or reaching out to those in need, Alice was a person who put others before herself. Thank you Alice for giving us an example of the type of person we all should strive to be.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FOSSELLA. Mr. Speaker, during rollcall No. 18, I was unavoidably detained. Had I been present, I would've voted ''aye'' on S. Con. Res. 7.

FREEDOMS IN PERU

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GILMAN. Mr. Speaker, I introduced this resolution in the 105th Congress to express concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru. I am reintroducing this resolution today because my concerns have not been allayed.

I have been one of Peru's strongest supporters in Congress. Under President Alberto Fujimori's presidency, Peru has also become a good partner in the war against drugs. Now that coca prices in Peru have dropped to historically low levels, there is a real chance to help farmers grow legitimate crops. I have been pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

Nonetheless, I am concerned that the independence of Peru's legislative, judicial and electoral branches is being increasingly compromised. We must, of course, continue to fully engage Peru in our important bilateral relationship, particularly in our shared fight against drugs and terrorism. However, despite these very positive aspects in our relationship, the United States should not be expected to turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. It is chilling that these acts of blatant intimidation were precipitated by Channel 2's exposes of abuses—including alleged torture and murder—by Peru's intelligence service.

Recently, President Fujimori overruled his military-run Interior Ministry and publicly supported a decision to issue a new Peruvian passport to Mr. Ivcher. While the Peruvian government says this is a positive step, Mr. Ivcher and members of his immediate family are still being subjected to arbitrary criminal prosecutions. It is time for President Fujimori to exercise the decisive leadership that is his hallmark and properly resolve this very troubling case.

This resolution resolves that the erosion of the independence of judicial and electoral branches of Peru's government and the intimidation of journalists in Peru are matters for concern by the United States. It would be very unfortunate if these trends were to undermine Peru's hard won stability and progress.

This resolution also calls for an independent investigation and report on threats to press freedom and judicial independence in Peru by the Inter-American Commission on Human Rights of the Organization of American States. I believe that it is most appropriate for the Inter-American community to look into these matters.

I am pleased that the distinguished ranking Democratic member of our Committee, the gentleman from Connecticut, SAM GEJDENSON, has joined me in co-sponsoring this resolution.

I am including for insertion at this point in the CONGRESSIONAL RECORD a recent opinion column by Mr. Baruch Ivcher published on February 4 in the New York Times and an editorial by The Washington Post published on the same day.

[From the New York Times, Feb. 4, 1999]

PERU'S ENDANGERED DISSIDENTS

(By Baruch Ivcher)

On July 13, 1997, the Government of Peru took my Peruvian citizenship away. Now it is asking Interpol to arrest me, my wife and my daughter. What was my crime? Believing in freedom of the press.

When Channel 2 in Lima, of which I was the majority shareholder, broadcast reports on the use of torture by the intelligence service, military involvement in drug trafficking and—this was the piece de resistance—the million-dollar income of the head of the intelligence service, the Government of President Alberto Fujimori apparently decided the station had to be silenced and I had to be punished.

I was a foreign-born Jew, and that seemed to be all the ammunition they needed. I was accused of treason and of selling Israeli arms to Ecuador when it was having border clashes with Peru. Within days, the Government ''discovered'' that my naturalization 13 years before had been a ''fraud.'' It took my nationality, and with it all my rights in Channel 2 (now a reliable supporter of the regime).

I fled the country and have been sentenced to 12 years in prison in absentia. Peru has issued Interpol warrants for my arrest and—as if that weren't enough—the arrest of my wife and daughter, and the Government is now prosecuting my defense lawyers. The Government is deaf to appeals from Peru's Cardinal and groups like the Inter-American Human Rights Commission.

Why won't President Fujimori listen? Why has the persecution against me and others instead gotten worse?

It is possible that the military and the intelligence service have so much control now that Mr. Fujimori is hamstrung. But it is also true that Mr. Fujimori wants to be elected to an unconstitutional third term next year. When Peru's Constitutional Tribunal ruled in May 1997 that he could not run again, he had the judges who voted against him removed. To win that third term, Mr. Fujimori seems determined to blast away any obstacle.

One method is Government-orchestrated campaigns of harassment and intimidation, like the current one against Angel Paez, an investigative reporter. Jose Arrieta, who was head of Channel 2's investigative unit, suffered the same abuses and has been granted asylum in the United States. Vicious smears

and even death threats are common weapons against such journalists.

A key tool Mr. Fujimori uses against his opponents is the intelligence service, which was built up to combat terrorism. Wire-tapping of the President's critics is a specialty. Then there is the use of politically inspired prosecutions, like the trumped-up tax case against Delia Revoredo. She was dean of the Lima Bar Association and a member of the Constitutional Tribunal; her troubles began when she cast her vote there against a third term for Mr. Fujimori. She and her husband lived in exile for a year, until an arrest order against them was dropped. Bogus charges were about to be filed against Mr. Arrieta as well, and have been made in my case and others.

To get away with these types of things, the Government needs to control the entire judicial system. Today two-thirds of Peru's judges have only temporary status, meaning that they hold their positions at the pleasure of the Government and cannot act independently. In addition, the National Magistrates' Council, an autonomous body established in the Constitution to appoint and dismiss judges and prosecutors, has been largely gutted.

Mr. Fujimori is eliminating the checks and balances that make democracy possible. This is a disastrous course, for him and for Peru. Without the rule of law and freedom of expression, democracy in Peru will wither, foreign investors will be scared away, and instability will be guaranteed. True friends of Peru like the United States should be driving that message home to Mr. Fujimori during his visit to Washington this week.

[From the Washington Post, Feb. 4, 1999]

MORE THAN A BORDER TREATY

The presidents of Peru and Ecuador are in town to celebrate the signing of a border treaty that is a lot more than a border treaty. It enables them to ask Americans not just to recognize their diplomacy but also to invest in their growth and stability. The two countries need development as well as friendship. Settling what has been called the oldest and most contentious conflict in South America lets the peacemakers advertise themselves as serious modernizers. The new agreement was designed precisely as an instrument of modernization for both of them.

Border disputes come from more than the lapses of surveyors. This one came from historical and emotional roots deep enough to touch basic sources of identity as well as interest on both sides. The tenacity of nationalistic feelings made it risky but essential for Ecuador's president, Jamil Mahuad, and Peru's Alberto Fujimori to grasp the nettle. This is how an agreement came to be negotiated that marks a border and provides Ecuador a patch of Amazonian land to honor its soldier dead. The agreement also provides a plan to develop and integrate the two economies, especially in the impoverished border region. Initial funding is what the presidents seek in Washington.

For all their psycho-diplomatic exertions, Peru and Ecuador needed help from their friends, Argentina, Brazil, Chile and the United States. The four arbitrated the final settlement that the two had bound themselves to accept. Ecuador and Peru deserve congratulations. Mr. Fujimori could build on the spirit of the occasion by moving all the way to undo his manipulation of the powers of the state against television proprietor Baruch Ivcher, in a case with international resonance. The dispute on that ''border'' needs to be resolved, too.

1999 CONGRESSIONAL OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH—FRANCE EXPRESSES GRATITUDE TO UNITED STATES VETERANS OF WORLD WAR I

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. RANGEL. Mr. Speaker, as we celebrate African American History Month, I would like to take this opportunity to offer a particular tribute to two great African American World War I Veterans, who are residents of Harlem. Both served on active duty in France.

Although 80 years later, Mr. Herbert W. Young, now 112 years old, and Mr. Robert Thomas, now 103 years old, will receive the French Legion of Honor Medal on February 22, 1999, during a special ceremony in their honor. The ceremony will be held at the French Consulate in New York. Both men plan to attend. Mr. Young is recognized as the oldest living veteran.

Mr. Young served in the United States Army, Company E, 807th Pioneer Infantry from August 1, 1918 through July 11, 1919, and attained the rank of Corporal. Mr. Thomas served in the United States Army, Company A, 815th Pioneer Infantry from July 11, 1917, through August 7, 1919, and attained the rank of Private.

The French government will mark the upcoming 80th anniversary of the Armistice of World War 1 by conferring the Legion of Honor on Americans, in particular, and other allied veterans of the Great War. The Legion of Honor is France's highest decoration, and is being awarded to veterans who took part in the 1914–1918 war on French soil.

The United States entered World War 1 ''to make the world safe for democracy.'' Although African Americans were denied democratic rights in the United States, they supported the war effort in surprising numbers. W.E.B. Du Bois, editor of The Crisis, called on African Americans to ''close ranks'' despite segregation, hoping that military participation would earn African American civil rights after the war. Upon demobilization, African Americans returned to their homes to face continued segregation, discrimination and racial violence.

All Americans owe a special debt of gratitude to these two men. Despite segregation, discrimination, and bitter disappointment, they defended American's freedom and democracy with their very lives. We salute them, we honor them, we thank them for the unselfish and extraordinary sacrifices, and contributions they made to the country and the world.

INTRODUCTION OF THE MEDICARE SUBSTITUTE ADULT DAY CARE SERVICES ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STARK. Mr. Speaker, I am pleased to rise with a number of my colleagues to introduce The Medicare Substitute Adult Day Care Services Act. This bill would improve home health rehabilitation options for Medicare beneficiaries and simultaneously assist family caregivers with the very real difficulties in caring for a homebound family member.

As Congress turns needed attention to modernizing the Medicare program, this bill is an important step in that direction. It would update the Medicare home health benefit by allowing beneficiaries the option of choosing an adult day care setting for the provision of home health benefits rather than confining the provision of those benefits solely to the home.

More specifically, the Medicare Substitute Adult Day Care Services Act would incorporate the adult day care setting into the current Medicare home health benefit. It would do so by allowing beneficiaries to substitute some, or all, of their Medicare home health services in the home for care in an adult day care center (ADC).

To achieve cost-savings, the ADC would be paid a flat rate of 95 percent of the rate that would have been paid for the service had it been delivered in the patient's home. The ADC would be required, with that one payment, to provide a full day care to the patient. That care would include the home health benefit AND transportation, meals and supervised activities.

Above the 95 percent reimbursement limitation there are additional inherent cost savings in the ADC setting. In the home care arena, a skilled nurse, a physical therapist, or any home health provider must travel from home to home providing services to one patient per site. There are significant transportation costs and time costs associated with that method of care. In an ADC, the patients are brought to the providers so that a provider can see a larger number of patients in a shorter period of time. That means that payments per patient for skilled therapies can be reduced in the ADC setting compared to the home health setting.

As an added budget neutrality measure, the bill includes a provision that would allow the Secretary of Health and Human Services to change the percentage of the payment rate for ADC services if growth in those services were to be greater than current projections under the traditional home health program.

This bill is not an expansion of the home health benefit. It would not make any new people eligible for the Medicare home health benefit. Nor would it expand the definition of what qualifies for reimbursement by Medicare for home health services.

In order to qualify for the ADC option, a patient would still need to qualify for Medicare home health benefits just like they do today. They would need to be homebound and they would need to have a certification from a doctor for skilled therapy in the home.

All the bill would do is recognize that ADC's can provide the same services, at lower costs, and include the benefits of social interaction, activities, meals, and a therapeutic environment in which trained professionals can treat, monitor and support Medicare beneficiaries who would otherwise be at home without professional help. All of these things aid the rehabilitation process of patients.

The bill includes important quality and antifraud protections. In order to participate in the Medicare home care program, adult day care centers would be required to meet the same standards that are required of home health agencies. The only exception to this rule is

that the ADC's would not be required to be ''primarily'' involved in the provision skilled nursing services and therapy services. They would have to provide those services, but because ADC's provide services to an array of patients, skilled nursing services and therapy services may not always be their primary activity. Otherwise, all the home health requirements would apply to ADC's.

Here is an example of how the system would work if this bill were law. A patient is prescribed home care by his or her doctor. At that time the patient and his or her family decide how to arrange for the services. They could choose to receive all services through the home, or could choose to substitute some adult day care services. So, if the patient had 3 physical therapy visits and 2 home health aide visits, they could decide to take the home health aide visits at home, but substitute 3 days of ADC services for the physical therapy visits. On those days, the patient would be picked up from home, taken to the ADC, receive the physical therapy, and receive the additional benefits of the ADC setting (group therapy, meals, socialization, and transportation). All of these services would be incorporated into the payment rate of 95 percent of the home setting rate for the physical therapy service. It is a savings for Medicare and an improved benefit to the patient—a winning solution for everyone.

Adult day care centers (ADC's) are proving to be effective, and often preferable, alternatives to complete confinement in the home. States are taking advantage of their services for Medicaid patients today. Homebound people can utilize these centers because they provide door-to-door services for their patients. ADC's send special vehicles and trained personnel to a patient's home and will go so far as to get the patient out of bed and transport them to the ADC site in specially equipped vehicles. Without this transportation component, homebound patients would not be able to utilize such a service.

For certain patients, the ADC setting is far preferable to traditional home health care. The ADC can provide skilled therapy like the home health provider, but also provide therapeutic activities and meals for the patients. These centers provide a social setting within a therapeutic environment to serve patients with a variety of needs. Thus, patients have the opportunity to interact with a broad array of people and to participate in organized group activities that promote better physical and mental health. Rehabilitation can be enhanced in such a setting.

Again, it is important to note that ADC care provides an added benefit to the caregivers for frail seniors or disabled individuals. When a Medicare beneficiary receives home health services in the home, these providers are not in the home all day. They provide the service they are paid for and then leave. Many frail seniors cannot be left alone for long periods of time and this restriction prevents their caregivers from being able to maintain employment outside of the home. If the senior were receiving ADC services, they would receive supervised care for the whole day and the primary caregiver would be able to maintain a job and/or be able to leave the home for longer periods of time.

This is a small step forward for rehabilitation therapy for seniors and disabled individuals. Eligibility for the home health benefit is not changed so it is not an expansion of the benefit. Patients would greatly benefit from the option of an adult daycare setting for the provision of home health services. I look forward to working with my colleagues to enact this incremental, important Medicare improvement.

MR. AMIGO 1998

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to commend the 1998 ''Mr. Amigo,'' Jorge Ortiz de Pinedo, chosen recently by the Mr. Amigo Association of Brownsville, Texas, and Matamoros, Tamaulipas, in Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of ''Mr. Amigo,'' and that person acts as a goodwill ambassador between our two countries.

Brownsville and Matamoros hold an annual Charro Days Festival, a pre-Lenten festival, much like Marti Gras in New Orleans. Charro Days festivities will last for several days; this year they will be February 25–28. There will be parades and appearances by Ortiz, who, incidently, is not related to me, and who is an international actor, producer and director. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

During Charro Days, South Texas celebrate the food, music, dances and traditions of both the United States and Mexico. The U.S.-Mexican border has a unique, blended history of cowboys, bandits, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace, we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future.

Ortiz, the 1998 Mr. Amigo, is widely known in Mexican-Latin American entertainment circles. He has performed in 75 theater productions, 23 feature films, 24 soap operas, nine comedies, and a host of other theater events and productions. He has directed hundreds of productions for Televista and produced over 35 theater events.

The Mr. Amigo Award was conceived in 1964 as a annual tribute to an outstanding Mexican citizen. Each year, the Mr. Amigo selection highlights a man or woman who has made a lasting contribution to international solidarity and goodwill.

I urge my colleagues to join me in commending Jorge Ortiz de Pinedo, the 1998 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

TRIBUTE TO ST. FRANCES DE SALES SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the St. Francis de Sales School in celebration of its 50th anniversary. In recognition of this occasion, the students, staff, teachers, parents, alumni, administration and clergy members are deserving of the heartiest congratulations and highest commendations.

Since its founding in 1948 by the Archdiocese of Los Angeles, St. Francis de Sales has established a proud tradition of encouraging students to study and live the Catholic tradition of proclaiming gospel values, community involvement, and of giving service to those in need.

The students of St. Francis de Sales should be commended for their contributions to the poor and less fortunate, by organizing regular food and donation drives benefitting needy organizations in the area.

It is because of the awareness and dedication of responsible citizens in our country, exemplified by the students of St. Francis de Sales School, that today's true role models can become more well known.

I take great pleasure in recognizing St. Frances de Sales School upon the occasion of its 50th anniversary, and I commend the students, staff, teachers, parents, administrators, and clergy members for the outstanding contribution they have made to the community over the years.

Please join me, on this monumental day, in saluting the very important contribution to excellence made by St. Frances de Sales School.

HOME TO STAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BILIRAKIS. Mr. Speaker, I would like to share a poem with my colleagues that was written by one of my constituents, Stanley Karczeuski. Stanley wrote this poem while he was serving aboard the SS *John Ainsworth* during World War II.

HOME TO STAY

I won't rejoice or boast or brag,
On that eventful day,
I'll just thank God I'm still alive,
And going home to stay.

I've counted days and months and years,
Since I have been away,
But now my counting days are done,
I'm going home to stay.

They wanted us to do a job,
Which was all work, no play,
And now the job is done, and I
Am going home to stay.

There'll be parades for heroes all,
And services to pray,
For both those men returning home,
And those who had to stay.

It's these thoughts while homeward bound,
Upon my mind do prey,
While those who fought and died remain,
I'm going home to stay.

So let us all in silence kneel,
And to our God we pray,
For lasting peace to those who fell,
While we go home to stay.

TAX TREATMENT OF TAX-EXEMPT BONDS UNDER ELECTRICITY DEREGULATION

HON. J.D. HAYWORTH
OF ARIZONA
HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HAYWORTH. Mr. Speaker, today my colleague Mr. MATSUI and I are introducing the Bond Fairness and Protection Act of 1999, a bipartisan compromise approach to addressing the tax consequences of electricity deregulation for tax-exempt bonds issued by municipally- or state-owned (''publicly-owned'') utilities for the generation, transmission and distribution of electricity.

Despite the lack of federal legislation in the 105th Congress in this area, 18 states have already gone forward and begun to deregulate electricity at the state and local level. The era of competition has already started both for publicly-owned and investor-owned utilities operating in these states. Our home states of Arizona and California have taken significant steps down the road to deregulation. In Arizona, Salt River Project, a Phoenix-based municipal utility, has already opened up its territory to competition. While deregulation faced a setback last month, the Arizona Corporation Commission continues to work on a deregulation plan for all Arizona utilities that will benefit all ratepayers. In California, a statewide deregulation plan is already in operation.

Publicly-owned utilities have operated until now under a strict regime of federal tax rules governing their ability to issue tax-exempt bonds. These rules were enacted in an era that did not contemplate electricity deregulation. These so-called ''private use'' rules limit the amount of power that publicly-owned utilities may sell to private entities through facilities financed with tax-exempt bonds. For years, the private use rules were cumbersome but manageable. As states deregulate, however, the private use rules are threatening many communities that are served by public power with significant financial penalties as they adjust to the changing marketplace. In effect, the rules are forcing publicly-owned utilities to face the prospect of violating the private use rules, or walling off their customers from competition, and in either case raising rates to consumers—the precise opposite of what deregulation is supposed to achieve. The consumer can only lose when this happens.

The legislation that we are introducing today would protect all consumers by grandfathering outstanding tax-exempt bonds, but only if the issuing municipal or state utility elects to terminate permanently its ability to issue tax-exempt debt to build new generating facilities. Such an election would not affect transmission and distribution facilities, which generally would still be regulated under most deregulation schemes. Publicly-owned utilities that do not make this irrevocable election would continue to operate under a clarified version of existing law, thus remaining subject to the private use rules.

This legislation attempts to balance and be fair to the interests of all stakeholders in electricity deregulation while keeping the interests of the consumer paramount. It strikes a compromise between publicly-owned utilities and investor-owned utilities by providing an option for publicly-owned utilities to address the problem of how to comply with private use restrictions in a deregulated world, an option that involves significant trade-offs for the publicly-owned utilities that seek to utilize it. For investor-owned utilities, requiring publicly-owned utilities to forego the ability to issue tax-exempt debt for new generation facilities should mitigate any potential or perceived competitive advantage in the new deregulated world. At the same time, it honors promises made to bondholders under contract and existing tax law, thereby avoiding the inequitable consequence of applying old rules to the new deregulated world of electricity.

In addition, for those concerned about the environment, it provides incentives to deliver electricity efficiently and encourages the retrofitting of aging facilities. Most importantly, for consumers, it allows competition to thrive while protecting local choice and local control.

We point out to our colleagues that identical legislation, S. 386, has been introduced in the other body by Senators GORTON, KERREY, JEFFORDS, HOLLINGS, THURMOND, HARKIN, MURRAY, SMITH of Oregon, JOHNSON, WYDEN, LEAHY and HAGEL.

Mr. Speaker, we plan to work with all interested parties, and most importantly American consumers, to ensure that we end up with the fairest, most reasonable solution to this complex problem. We want electricity deregulation to be a good deal for everyone involved, especially the American consumer, who certainly deserves the lower electric bills that a competitive marketplace is supposed to provide. We believe this legislation addresses all of these concerns and promotes fair competition in the electricity industry. We urge our colleagues to join us in cosponsoring this legislation.

Mr. Speaker, I submit the text of the bill to be printed in the RECORD.

H.R.—

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 ''Bond Fairness and Protection Act of 1999''.

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following:

''(C) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'private business use' shall not include a permitted open access transaction.

''(ii) PERMITTED OPEN ACCESS TRANSACTION DEFINED.—For purposes of clause (i), the term 'permitted open access transaction' means any of the following transactions or activities with respect to an electric output facility (as defined in subsection (f)(4)(A)) owned by a governmental unit:

''(I) Providing open access transmission services and ancillary services that meet the reciprocity requirements of Federal Energy Regulatory Commission Order No. 888, or that are ordered by the Federal Energy Regulatory Commission, or that are provided in accordance with a transmission tariff of an independent system operator approved by such Commission, or that are consistent with State-administered laws, rules, or orders providing for open transmission access.

''(II) Participation in an independent system operator agreement (which may include transferring control of transmission facilities to an independent system operator), in a regional transmission group, or in a power exchange agreement approved by such Commission.

''(III) Delivery on an open access basis of electric energy sold by other entities to end-users served by such governmental unit's distribution facilities.

''(IV) If open access service is provided under subclause (I) or (III), the sale of electric output of electric output facilities on terms other than those available to the general public if such sale is to an on-system purchaser or is an existing off-system sale.

''(V) Such other transactions or activities as may be provided in regulations prescribed by the Secretary.

''(iii) DEFINITIONS; SPECIAL RULES.—For purposes of this subparagraph—

''(I) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person who purchases electric energy from a governmental unit and whose electric facilities or equipment are directly connected with transmission or distribution facilities that are owned by such governmental unit.

''(II) OFF-SYSTEM PURCHASER.—The term 'off-system purchaser' means a purchaser of electric energy from a governmental unit other than an on-system purchaser.

''(III) EXISTING OFF-SYSTEM SALE.—The term 'existing off-system sale' means a sale of electric energy to a person that was an off-system purchaser of electric energy in the base year, but not in excess of the kilowatt hours purchased by such person in such year.

''(IV) BASE YEAR.—The term 'base year' means 1998 (or, at the election of such unit, 1996 or 1997).

''(V) JOINT ACTION AGENCIES.—A member of a joint action agency that is entitled to make a sale described in clause (ii)(IV) in a year may transfer that entitlement to the joint action agency in accordance with rules of the Secretary.

''(VI) GOVERNMENT-OWNED FACILITY.—An electric output facility (as defined in subsection (f)(4)(A)) shall be treated as owned by a governmental unit if it is owned or leased by such governmental unit or if such governmental unit has capacity rights therein acquired before July 9, 1996, for the purposes of serving one or more customers to which such governmental unit had a service obligation on such date under State law or a requirements contract.''.

''(b) ELECTION TO TERMINATE TAX-EXEMPT FINANCING.—Section 141 of the Internal Revenue Code of 1986 (relating to private activity bond; qualified bond) is amended by adding at the end the following:

''(f) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

''(1) IN GENERAL.—An issuer may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the issuer makes such election, then—

''(A) except as provided in paragraph (2), no bond the interest on which is exempt from tax under section 103 may be issued on or after the date of such election with respect to an electric output facility; and

''(B) notwithstanding paragraph (1) or (2) of subsection (a) or paragraph (5) of subsection (b), with respect to an electric output facility no bond that was issued before

the date of enactment of this subsection, the interest on which was exempt from tax on such date, shall be treated as a private activity bond, for so long as such facility continues to be owned by a governmental unit.

''(2) EXCEPTIONS.—An election under paragraph (1) does not apply to—

''(A) any qualified bond (as defined in subsection (e)),

''(B) any eligible refunding bond,

''(C) any bond issued to finance a qualifying T&D facility, or

''(D) any bond issued to finance equipment necessary to meet Federal or State environmental requirements applicable to, or repair of, electric output facilities in service on the date of enactment of this subsection. Repairs or equipment may not increase by more than a de minimis degree the capacity of the facility beyond its original design.

''(3) FORM AND EFFECT OF ELECTIONS.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to the electing issuer.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

''(B) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means State or local bonds issued after an election described in paragraph (1) that directly or indirectly refund State or local bonds issued before such election, if the weighted average maturity of the refunding bonds do not exceed the remaining weighted average maturity of the bonds issued before the election.

''(C) QUALIFIED T&D FACILITY.—The term 'qualifying T&D facility' means—

''(i) transmission facilities over which services described in subsection (b)(6)(C)(ii)(I) are provided, or

''(ii) distribution facilities over which services described in subsection (b)(6)(C)(ii)(III) are provided.''.

(c) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that a governmental unit may elect to apply section 141(b)(6)(C) of the Internal Revenue Code of 1986, as added by subsection (a), with respect to permitted open access transactions on or after July 9, 1996.

(2) APPLICABILITY.—References in this Act to sections of the Internal Revenue Code of 1986 shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

(3) TRANSITION RULES.—

(A) PRIVATE BUSINESS USE.—Any activity that was not a private business use prior to the effective date of the amendment made by subsection (a) shall not be deemed to be a private business use by reason of the enactment of such amendment.

(B) ELECTION.—An issuer making the election under section 141(f) of the Internal Revenue Code of 1986, as added by subsection (b), shall not be liable under any contract in effect on the date of enactment of this Act for any claim arising from having made the election.

COMMENDING SAUL BENNETT ON THE PUBLICATION OF ''NEW FIELDS AND OTHER STONES/ON A CHILD'S DEATH''

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HINCHEY. Mr. Speaker, on August 31, 1998, the United States Senate adopted Senate Resolution 193 of the 2nd Session of the 105th Congress, as follows:

''Whereas approximately 79,000 infants, children and young adults die each year in the United States;

''Whereas the death of a child is one of the greatest tragedies suffered by a family; and

''Whereas support and understanding are critical to the healing process of a bereaved family; Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 1998 as ''National Children's Memorial Day,'' and

(2) requests that the President issue a proclamation designating December 13, 1998 as ''National Children's Memorial Day'' and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers and young adults who have died.

Against the backdrop of this Resolution, I would like to commend a constituent of mine, Mr. Saul Bennett, on the publication of his book ''New Fields and Other Stones/On a Child's Death.'' Mr. Bennett is himself a bereaved parent whose daughter Sara Bennett, died suddenly at the age of 24 from a brain aneurysm on July 14, 1994.

''New Fields and Other Stones'' is comprised of 50 poems that eloquently and chronologically address life for an American family following the loss of a child. The book already has prompted memorable favorable reviews and laudatory comments by leading bereavement counselors and therapists. In addition, numerous newspaper articles and broadcasters have commented on the book's importance and power. Moreover, on reading these articles, parents who have also lost a child, have contacted the author to express their camaraderie and gratitude.

Mr. Speaker, losing a loved one is certainly one of the most traumatic experiences many of us will face in our lives. The void left behind is often too large to fill and it is usually quite difficult to soothe the pain that we had been afflicted with. Saul Bennett has not only worked diligently to heal his own wounds, he has reached out to help others who have faced such tragedy. I would like to commend Mr. Bennett for his personal strength and compassion and I applaud his efforts to help others deal with a loss of their loved ones.

54TH ANNIVERSARY OF FLAG RAISING ON IWO JIMA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to bring to the attention of our distinguished colleagues that February 23rd will be the 54th anniversary of the raising of our American flag on Iwo Jima. It has often been said that the photograph of the flag raising on Mt. Suribachi is the most widely duplicated and famous photograph ever taken. This may or may not be true, but I do not think anyone can deny it is to this day one of the most inspirational.

It was 54 years ago this month that 70,000 American soldiers stormed the tiny Pacific island of Iwo Jima in an effort to secure a safe place for the emergency landing of American bombers en route to strategic targets in Japan. A small island in the Pacific Ocean, Iwo Jima was a vital strategic point for both the Americans and Japanese due to its location for these bombings.

I am among the Americans who participated in our war effort in the Pacific theater. I fully recall how those of us who flew bombing missions over Japan were grateful, thanks to our courageous Armed Forces, that Iwo Jima had come into our control, although with great sorrow for the tremendous sacrifice that is conquest entailed. Iwo Jima allowed us a reasonable emergency landing base to refuel and to repair our aircraft damages incurred during our missions over Japan.

It is appropriate that all Americans should join in honoring the 6,000 American lives that were sacrificed in that famous battle that helped our nation to achieve victory in the Pacific theater. The photo of the 5 Marines and 1 sailor struggling to raise the stars and strips over Iwo Jima while battling against the brutal Pacific winds has become an enduring image to all Americans of those who gave their lives so that others may live free during that long and horrible war.

Perched high atop Mount Suribachi, our nation's flag served as an instant memorial to the dead and wounded of our great nation reminding us of the expensive price we paid for that victory.

Mr. Speaker, in closing, I invite all of our colleagues to join in remembrance of that historic day and in extending our deepest condolences and gratitude to the families of the fallen soldiers of the battle of Iwo Jima.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STUMP. Mr. Speaker, Sunday, February 14, 1999, marks the eighty-seventh anniversary of statehood for my home state of Arizona. On behalf of my colleagues in the Arizona House delegation, I am pleased to introduce the following piece of legislation to mark this historic event.

Mr. Speaker, the proposed bill amends the 1910 act of Congress that granted the State of Arizona's entry into the Union. The bill makes two minor changes to the Arizona Enabling Act relating to the administration of state trust funds. This bill is supported by the Governor of Arizona, our State Treasurer, the Arizona State Legislature and most importantly the citizens of Arizona through their approval of this change through the ballot process.

Mr. Speaker, on November 3, 1998, Arizona voters passed Proposition 102 to amend the Arizona Enabling Act. The Enabling Act required the State of Arizona to establish a permanent fund for collecting the proceeds from

the sale of trust land and the land's mineral and other natural products. The principal of the fund is not expendable, but rather invested in interest-bearing securities. The interest is used to support the financial needs of the beneficiaries. With this change in the Arizona Enabling act, the State of Arizona will be provided with the opportunity to maximize these funds. In essence, this amendment to the Arizona Enabling Act will allow the State Treasurer to preserve the real value of the fund by reinvesting an amount equal to the rate of inflation, thereby providing higher payments to beneficiaries over time. This would improve management in the State and assist in the generation of more revenues for the beneficiaries by gaining authorization to invest part of the fund in stocks and to invest some earnings to offset inflation.

Mr. Speaker, this legislation will also make a change to the Arizona Enabling Act to allow the state to expend monies from the Miners' Hospital Endowment Fund to benefit the Arizona Pioneers' Home. Inadequate funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners. Since 1929, disabled miners have been cared for at the Arizona Pioneers' Home, but current law prohibits the commingling of funds associated with state trust lands. This legislation would allow the Arizona Pioneers' Home to expend monies from the Miners' Hospital Endowment Fund to continue care for miners who meet the statutory admission requirements.

DISTILLED SPIRITS TAX PAYMENT SIMPLIFICATION ACT OF 1999

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Distilled Spirits Tax Payment Simplification Act of 1999, also known as ''All-in-bond'' legislation.

This legislation streamlines the way in which the Federal Government collects the Federal excise tax on distilled spirits. Specifically, the legislation would extend the current system of collection now applicable for imported products to domestic products, thereby reducing unnecessary cash-flow costs for U.S. wholesalers of distilled spirits, most of which are family or closely held businesses. In addition, the Federal tax collection process would be simplified by providing that only one Federal agency collect the tax, not two as is currently the case.

Today, wholesalers purchase foreign bottled distilled spirits ''in-bond'' (tax free), paying the Federal excise tax directly after sale to a retailer. In contrast, when the wholesaler buys domestically bottled spirits (nearly 86 percent of total inventory) the price includes the Federal excise tax, prepaid by the distiller. Carrying costs are increased by 40 percent for U.S. goods. Freeing up working capital for reinvestment will generate more jobs and more tax revenues.

PROCLAMATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I submit the following proclamation.

Whereas, the emergence of African-American youth, especially in Houston, Texas, who choose the aerospace industries as careers continues to be of high priority; and

Whereas, in an effort to inspire, enhance and embrace information concerning African-Americans in space—NASA, Marshall, Johnson & Torrey/Television, the Boeing Company and PBS/KUHT–TV Houston Public Television have contributed to a television broadcast to educate Houston youth; and

Whereas, the focus of ''Journey: The Black Astronaut'' is to document and celebrate extraordinary African-American astronauts, both men and women, and their tremendous achievements in the United States Space Program; and,

Whereas, it is appropriate to recognize that Maj. Robert Lawrence, Jr., from Chicago, who was killed in the crash of a F–105 fighter during a training exercise on December 8, 1967, six months after he was named to the Air Force's manned orbiting laboratory program, is duly recognized as the first African-American astronaut and is etched into history on the Space Mirror at the Kennedy Space Center.

Now, therefore, I, Congresswoman Sheila Jackson-Lee, hereby honor the African-American men and women of the United States Space Program and proclaim that Wednesday, February 17, 1999 as Black Astronaut Day, in Houston, Texas and call upon all residents of this great city to join me in supporting the aerospace aims, goals, and dreams of African-American youth all over the United States.

IMF FUNDING

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. MURTHA. Mr. Speaker, I recently received the following statement by the Korea-U.S. Business Councils from U.S. Council members Dave Roderick and Tom Usher. It's encouraging and shows the difference IMF funds can make in the international economic community. I'm pleased to include the statement in the CONGRESSIONAL RECORD.

KOREA-U.S./U.S.-KOREA BUSINESS COUNCILS JOINT STATEMENT, JANUARY 19, 1999

The Korea-U.S. Business Council and the U.S.-Korea Business Council, representing business leaders from their respective countries, had their Twelfth Annual Joint Steering Committee Meeting in Hawaii, January 17–19, 1999.

The U.S. Council Members have a general feeling that the Korean government, under the strong leadership of President Kim Dae-Jung, has adopted a rational and constructive policy to overcome the financial crisis.

Only a year after South Korea had to ask for assistance from the International Monetary Fund:

Interest rates have fallen to single digits after reaching almost 30% during the height of the crisis because of improved liquidity.

Korea's stock market index continues to dramatically rise as a result of active purchasers from domestic and foreign investors; and,

Stabilization to the exchange rate has been achieved.

As a result of the combined vigorous efforts by the Korean government, with the continuing support of the U.S. and the IMF, and the private sector in pursuing financial reform, corporate restructuring and improved corporate governance, the South Korean economy is now beginning to show some signs of recovery.

Korea's foreign exchange reserves have surpassed the $48 billion mark for the first time in the nation's history.

Korea's five largest ''chaebols'' have agreed to drastically reduce the number of subsidiaries and their debt-to-equity ratios and also complete ''Big Deals'' that will greatly help to enhance the competitiveness of Korean industries.

Recently, the sovereign rating of won-denominated Korean government bonds has been upgraded and further upgrades are expected in the future.

The Korean government has begun to pay back loans to the IMF instead of exercising the option to roll-over the loans.

Despite the good news, both Councils are greatly concerned about the dramatic increase in unemployment figures in Korea and how this could negatively affect social stability. Existing ''safety net'' programs should be expanded to ensure continued support for more painful reforms.

Another area of concern for both Councils is the highly unpredictable relationship with North Korea. After being fully updated on the current situation, both sides agreed that stability between the North and the South must be ensured and that a strong united front must be maintained to serve as a deterrent against North Korea.

The Korean Council would like to acknowledge the important role played by the U.S. government and American companies in helping South Korea during the financial crisis. Based on the U.S.'s experience in dealing with their own economic difficulties during the late 1980s, the Korean Council asks the U.S. to offer continued advice and assistance.

This will be a difficult year because many agreements will have to be reached concerning trade issues affecting the U.S. and South Korea. Both Councils would like to offer their support and contributions to ensure that the completion of this process is beneficial and amicable to both nations.

Both Councils noted the progress being made by the two governments toward concluding a Bi-lateral Investment Treaty (BIT) and give their strong endorsement for its rapid implementation. A U.S.-ROK''BIT'' can make a significant contribution to the business relationship and help in restoring Korea's economy.

The U.S. side urges that efforts continue to liberalize the economy, further encourage foreign direct investment, increase transparency in financial statements, improve corporate governance, and maintain commitments to open, fair and non-discriminatory trade rules.

Although many positive things have been accomplished in a very short period of time, both Councils are cognizant of the fact that there is still much work left to be done. Accordingly, both councils would like to offer their full support for these efforts and urge all parties to remain diligent to provide the setting for eventual recovery and continued prosperity.

INTRODUCTION OF THE MEDICARE HOME HEALTH CASE MANAGER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Home Health Case Manager Act of 1999. The Medicare home health benefit has received much attention in recent years. The reason for that attention has been the dramatic growth of home health services over the past decade.

The Balanced Budget Act of 1997 (BBA) made a number of changes to the home health benefit to help stem that growth. However, much more needs to be done.

The Medicare Home Health Case Manager Act is a double winner. It would simultaneously reduce Medicare spending on home health while improving the quality of the benefit. It does this by introducing a new component to the benefit: an independent case manager.

Today, home health care is prescribed by a patient's physician, but then the actual plan of care is executed by the home health agency treating the patient. This creates incentives that have nothing to do with quality or appropriateness of care. Under the cost-based reimbursement system that existed before passage of BBA, the incentive to home health agencies was to over-utilize services for patients because that is how the agency made more money. In the BBA's prospective payment system (PPS) of the future, the incentive will be the opposite and there are real concerns about potential under-utilization of services.

The Medicare Home Health Case Manager Act would ensure that home health care decisions for long-stay patients were being made by an independent case manager who in no way financially benefited by the length or type of home care provided to a patient. They would be paid by a Medicare fee-schedule that would in no way be influenced by the amount or type of care they recommend. The legislation would also provide the Health Care Financing Administration (HCFA) with the flexibility to investigate the effectiveness of reimbursing home health case managers on a competitively bid basis in certain regions where that would prove appropriate.

The creation of a home health case manager for long-stay patients is endorsed by the Medicare Payment Advisory Commission (MEDPAC), a Commission appointed by Congress to provide expert advice on Medicare and Medicaid policy. In their March 1998 report to Congress they recommended that such a case manager be adopted for the home health benefit.

Their report states: ''Such an assessment would help to minimize the provision of services of marginal clinical value, while ensuring that patients receive appropriate care. Requiring case management of long-term home health users could improve outcomes for individuals with long-term home health needs and at the same time slow the growth of Medicare home health expenditures.'' (Emphasis added).

There is also a new Massachusetts Medical Society study in which two-thirds of the physicians who participated in the study stated that ''on occasion, they thought their patients didn't have enough home health coverage,'' even as 90% of them said that they routinely prescribe home health. They also expressed concern about ''the difficulty of getting information about the condition of patients receiving home care,'' noting that some information does not reach the doctors until ''it's well out of date.'' A home health case manager would remedy those concerns.

In addition, there are real-life examples of case management systems saving money and improving care. For example, Maryland's Medicaid program has a high cost user initiative which in FY 96 saved the state $3.30 for each $1 spent—a savings of 230%. The Health Insurance Association of America also commissioned a study of its member plans and found that rehabilitation/case management programs return an investment of $30 for every $1 spent.

History has shown us that simply throwing more money into home health is not the answer for assuring that patients receive appropriate care. Let's use this opportunity to make a real, tangible improvement in the quality of care obtained by Medicare patients and simultaneously save Medicare spending by reducing inappropriate visits. I look forward to working with my colleagues for passage of this important legislation.

PAYING TRIBUTE TO HENRY KLEIN FOR HIS MANY YEARS OF COMMUNITY INVOLVEMENT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HINCHEY. Mr. Speaker, I would like to pay tribute today to a constituent of mine and a dear friend, Henry Klein. I have known Henry for nearly thirty years and relied heavily on his wisdom and guidance throughout my many years in public service.

I am sometimes called upon to pay homage to one of our great national heroes on the day set aside for their remembrance, and it is always a pleasure to retrace their accomplishments, the obstacles they had to overcome, and the dedication they gave to their chosen areas of endeavor. These public heroes, whether they be in the area of military or civic affairs, or the arts or sciences, are a proud part of our democratic heritage.

But what about those unsung heroes, those citizens we meet in our own communities who are also worthy of special recognition for their dedication to the preservation of our democratic heritage? In all the years that I have known him, Henry Klein has been the exemplar of what a public citizen should be—fair and open-minded, and fearless whenever confronted with injustice or the ugliness of mob violence.

Born in Brooklyn, he graduated from City College in New York, earned his masters degree at Columbia University, and then became a member of the armed forces in World War II, serving first as an educational instructor, helping recruits to better understand the demographic principles for which the free world was fighting, and later serving as a sergeant for three years in the European theater. After his return he did not abandon his interest in teaching the social and economic goals which were needed to ensure America's future.

When he moved upstate to the Town of Rochester in the early seventies, he became active with the Concerned Consumers, an organization promoting social and economic issues affecting Ulster County communities.

No one who knows Henry Klein would ever think of him as a member of a political party. He was an uncommon citizen, seeking rational and just solutions. He did not court controversy but neither did he shirk his responsibility to respond when he encountered it. At town meetings, at public forums, in letters-to-the-editor, and on call-in talks shows, when sometimes wild and exaggerated charges were being hurled back and forth between partisan groups and there was much heat but little illumination, it was Henry who would eventually provide the voice of reason and the enlightenment that was needed.

Mr. Speaker, I feel a deep debt of gratitude to Henry Klein for the role he has played in raising the level discourse on public policy issues through the logic and common sense of his augments and his unwavering loyalty to high democratic ideals. Without public citizens like Henry, a healthy democratic society could not long survive.

THE SOCIAL SECURITY BENEFIT RESTORATION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation addressing a serious issue for retired teachers and government employees across America. These public servants, after a lifetime of educating our youth and working for the taxpayers of America, find that their reward is a significant reduction in their Social Security benefits. It is time to end this penalty and give these retirees the benefits they are due.

Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? We should be encouraging able and intelligent people to teach our children and work for the government, not discouraging them by slashing their retirement benefits. We must bring equity to the Social Security benefits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits.

I urge my colleagues to join me in cosponsoring this legislation. For every retired government employee and retired teacher in your district experiencing reduced Social Security benefits, I urge your support for this bill.

MANDATES INFORMATION ACT OF 1999

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Ms. PELOSI. Mr. Chairman, the Waxman amendment to H.R. 350 would provide equal protection under the law.

If we can protect the private sector, surely we can take the same step to protect the public welfare.

H.R. 350 is dejavu all over again—it is the same tired ''Contract with America'' attempt to lessen the burden of federal mandates on private business. It would provide a procedural advantage to legislation where costs of more than $100 million might be imposed by Congress on the private sector. Under this procedure, a point of order could be raised on any bill the Congressional Budget Office (CBO) determines would cost the private sector more than $100 million a year. The point of order could trigger a 20-minute debate and vote on the cost of the legislation.

Who saves and who pays under this plan?

Protection of public health and safety and the environment would seem the logical answer and, yet, H.R. 350 defies logic. Remember, in this Congress the financial interests of business outweigh protection of the public good.

As an example: what if legislation on environmental compliance for a business cost $100 million or more? The legislation would be subject to a point of order and debate. But, if it were defeated, the public would suffer, in effect repealing federal environmental protection.

Why would we give this type of advantage to business at the expense of the public? Why would Congress put the interests of business over protection of the public good?

The American Lung Association states, ''This legislation will create new procedural hurdles on legislation designed to safeguard public health and the environment.'' The Association cites as examples legislation to regulate tobacco or clean air that might be defeated as a result of this procedural protection.

The Waxman amendment would provide equal footing to legislation that might weaken or repeal mandates on the private sector which protect the public's health and safety, or the environment. It would open the debate and require a vote to provide the balance needed to afford protection of the public interest, along with the protection of business interests. The Waxman amendment would require the CBO to identify whether or not a bill contains any such provisions that might threaten existing environmental law and protection of the public. A point of order could be raised, providing an opportunity for debate and a vote where members would be held accountable for their position.

Over the past four years, we have experienced repeated attempts to attach anti-environment ''riders'' to critical legislation. There has been a concerted plan by the Majority to weaken or repeal the environmental progress of the past two decades. In most cases, debate has been closed and votes have not resulted on these individual measures which have threatened our forests, drinking water and clean air. The Waxman amendment would provide the same procedural obstacle to anti-environmental legislation as proposed to protect business under H.R. 350. It would give Congress an opportunity to open the debate on issues with health and environmental consequences.

H.R. 350 asks us to think twice about imposing a burden on the private sector and think not once about the consequences for the rest of society.

Think again—support the Waxman amendment—vote ''yes'' to protect the public health and our environment.

IN HONOR OF LITHUANIA'S INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. KUCINICH. Mr. Speaker, as Co-chair of the Baltic Caucus I am particularly honored to commemorate the 81st anniversary of the restoration of Lithuania's independence together with the 746th anniversary of the establishment of the Lithuanian kingdom.

Lithuania is rich in history. This country has continually been occupied by regimes which exploited its natural resources and its people. However, the seed of democracy continued to grow within the Lithuanian people. In 1990, after four decades of suppression, Lithuania finally achieved freedom and re-established the independent Lithuanian state.

This hard-fought victory for independence and democracy stands as a testament to the courage, endurance and strength of the Lithuanian people. I am honored today as we commemorate not only the original declaration of Lithuanian independence, but the ongoing sacrifices which these people endured to secure their freedom. The Lithuanian struggle stands as a symbol of the need to fight repression and unjust domination throughout the world.

I commend the people of Lithuania for their vigilance through the many difficult years. There is much cause to celebrate in Lithuanian communities everywhere. Lithuanian Independence Day in Cleveland will be celebrated with a ceremony and arts programs at our Lady of Perpetual Help Church.

I urge my colleagues to join me in commemorating the 81st anniversary of Lithuanian Independence.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. CASTLE. Mr. Speaker, I rise today to support H.R. 435, the ''Miscellaneous Trade and Technical Corrections Act of 1999''. This bill is one of the most closely scrutinized pieces of legislation that ever comes to the House floor. Numerous agencies review its provisions to make sure they duty suspensions it contains do not prejudice any domestic producers of a good. This pre-legislative scrutiny is the main reason similar omnibus trade bills pass the Congress and are signed by the President without controversy.

This legislation is intended to reduce consumers' cost of important products. These include cancer-fighting drugs and organic substances that can substitute for other chemicals which are more harmful to the environment. I am the sponsor of several of the duty suspension provisions in this bill, including Resmethrin, used in an environmentally sensitive home and garden pesticide that controls flying and crawling insects. In addition, I sponsored a duty suspension for Diclofop-methyl, a herbicide for wheat and barley. Unlike many other herbicides, Diclofop-methyl does not need to be tilled into the soil, which promotes soil conservation.

Thidiazuron is another useful chemical included in this legislation. It is a defoliant that causes green bolls to drop to the ground enabling cotton pickers to harvest clean whit cotton with a green stain that reduces the value of the crop. It also shed immature bolls which are often the host sites for boll weevil infestation, a major threat to cotton production. Again, it is environmentally superior to other cotton defoliants because it requires less active ingredient than other chemicals to provide the same result. AgrEvo, the Delaware company that manufactures the defoliant, packages it in a water soluble bag in order to reduce exposure of the chemical to the skin of farmers and farm workers who apply it.

Also included in a duty suspension for Deltamethrin, an environmentally safer pesticide used to kill fire ants, fleas, roaches, and ticks. Without these duty suspensions, not only would products cost more, but foreign producers of the product who do not have to pay tariffs on their ingredients would have an advantage over American producers. That means hundreds of fewer jobs for Delawareans and thousands of other U.S. citizens.

In order to make cancer-fighting drugs more affordable, promote a cleaner environment, and protect American jobs, I encourage every Member to support this bill and move it quickly to the Oval office for President Clinton's signature.

RECOGNIZING DALY JOSEPH ''CAT'' DOUCET

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. JOHN. Mr. Speaker, I rise today to recognize the late Sheriff Daly Joseph Doucet, affectionately known to those in Louisiana as the ''Cat,'' who was recently inducted into the Louisiana Political Hall of Fame.

First elected Sheriff of St. Landry Parish in 1936, Cat Doucet quickly earned admiration and respect as the top law enforcement officer in the area. He would go on to serve 20 years in this office—the longest in the rich history of this parish. On January 30, 1999, he was recognized for this service with his induction into

the Louisiana Political Hall of Fame. A letter from the selection committee would go on to explain this high honor to Mr. Doucet's family in the following manner: ''The statewide selection committee bases its selection on the impact that an individual has had on the politics of Louisiana; a distinction for which your Father certainly qualifies for.''

Mr. Speaker, in a state where colorful and savvy politicians are probably the highest density per square mile than any where in the land, Cat Doucet will indeed be remembered as a legend. He will long be remembered for his gifted political skills and remarkable zest for campaigning. One story that I would like to briefly share with you I believe illustrates this legendary talent.

Upon one of his re-election bids, Sheriff Doucet came up with the clever idea to place a P.A. speaker on a crop duster and paid a pilot to fly the crop duster around the various farms of St. Landry Parish the weekend before the election. The pilot, yelling ''Vote for Cat Doucet for Sheriff,'' hit almost every farmer that clear day. The following weekend a massive turnout was reported for the election and a young reporter was anxious to know why so many citizens turned out to support the legendary Sheriff. The reporter quickly grabbed a farmer exiting the voting booth and asked him point blank, ''Sir, could you explain what appears to be a massive turn out for Sheriff Doucet?'' The farmer replied to the reporter: ''Well sir, all I can tell you is this. I was working in the sugar cane fields last weekend and all of a sudden I saw the clouds open up and voice from the sky say 'vote for Cat Doucet for Sheriff' and I said to myself, anybody that can get God to come down and campaign for you, has got to be good!'' While Cat went on to win this race, he would sometimes lose others. However, his gracious demeanor did not leave him even on these rare occasions. Upon losing one of these elections in 1940, Cat was quoted in the newspapers as stating: ''Before the election I was a friend of the newly elected sheriff and I am sure he knows that I'll always be his friend. I hold no malice towards anyone.'' I share these stories with my colleagues today as they help to describe this extraordinary figure who meant so much to so many in our state.

Most important, Mr. Speaker, his love for public service so often manifested itself through his common acts of human kindness. Whether it was buying needed medicines for the impoverished, chauffeuring the critically ill to charity hospitals, or paying the funeral expenses for the poor, he stood ready to help his fellow man in times of crisis. His recent induction into the Louisiana Political Hall of Fame along with four other deserving public servants: Former Lt. Gov. James Fitzmorris, the late Commissioner of Elections Douglas Fowler Sr., the political pollster Ed Renwick, and Iris Kelso, veteran reporter for the Times-Picayune, stands as a true testament to his dedicated career he loved so dearly. It is a fitting tribute that his inscription eternally reads ''for outstanding accomplishments and service to the citizens of the state of Louisiana.''

Mr. Speaker, with his death in 1975, Cat Doucet's storied past lives on far beyond the famous bayous of our state. His acts of goodness and great sacrifices have inspired many in St. Landry Parish to serve in the public body. His legacy will now forever survive in their hearts and in the hearts of those who knew him best.

REV. FRANKLIN A. DORMAN'S ''TWENTY FAMILIES OF COLOR'', PRESERVING THE LEGACY OF AFRICAN-AMERICANS WHO FOUGHT IN THE CIVIL WAR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. LEE. Mr. Speaker, I rise today to pay special appreciation to an individual who has made a significant contribution to the civil rights movement. Through the recent publication of his book entitled, ''Twenty Families of Color'', Rev. Franklin A. Dorman continues to ensure that the legacy of all of those African-Americans who generously gave of their time, energy and spirit by serving in the Civil War is acknowledged and preserved in perpetuity.

During his 22-year ministry with the United Church of Christ, the Rev. Franklin A. Dorman, now retired, was greatly concerned with the struggle for civil rights. He participated in hundreds of marches, vigils and nonviolent demonstrations, some of which led to his imprisonment. Dorman has had a longtime interest in history and genealogy. In 1994, after retiring, he published a two-volume book about his family's history. Among other things, he discovered that 36 members of his family fought in the Civil War.

After seeing the movie, ''Glory'', starring Denzel Washington and Morgan Freeman, about a regiment of black soldiers who also fought in the Civil War, ''Something clicked in me,'' Dorman recalled. ''I said, 'Who are these guys?' They didn't just come from nowhere—they had parents and grandparents, wives, children and grandchildren.''

That interest, according to the September 1998 issue of ''United Church News'', led Dorman to write Twenty Families of Color in Massachusetts, published in 1998 by the New England Historic Genealogical Society in Cambridge, MA. Dorman hopes the book will help establish for the record the important roles African-Americans have played in American society during the last 250 years.

Twenty Families of Color traces the ancestors and more than 1,000 descendants of a group of African-American Civil War soldiers and sailors who fought in the Massachusetts 54th and 55th Colored Infantries, the 5th Cavalry, and the Union Navy. The descendants live throughout the United States. Several live in the Oakland, CA area and will attend an event in Oakland on Saturday, February 13, 1999 during which Dorman will speak about his work and his experiences.

The engagement, ''Finding Your Roots: African American Family History Research'', will take place from 3–5 p.m., at the Interfaith Center of the Oakland Mormon Temple on Temple Hill in Oakland. Dorman will explain how he did the research for his book and how others can research and write their own family histories.

Temple Hill houses a Family History Center, which provides access to the largest genealogical records library in the world. During the program, C. Malcolm Warner, president of the Oakland Mormon Mission, will invite residents of the Oakland area, including African-American residents, to become acquainted with the Center in order to research their family histories. Warner traced his own roots back to Canada, where during the 18th Century, his family provided a stop on the ''Underground Railroad'' for African Americans who escaped from slavery and made their way to safety across the international border.

''Rarely do compiled genealogies make interesting reading,'' wrote Henry B. Hoff in the New England Historical and Genealogical Register. Twenty Families of Color, however, ''is an exception. . . . Many descendants [of the black Civil War soldiers and sailors] have taken an active role in bettering their communities.''

As we enter the 21st Century, African-Americans are still struggling to gain equal opportunity in American life. Yet the individuals portrayed in his book ''are not movie stars, presidents or generals. They are the kind of people who made history in a most concrete sense—they built this country, farmed it, gave [it] birth. I call them ''real people.''

I am proud that many of the subjects of this history live in and around the City of Oakland and the 9th Congressional District of California. On behalf of the citizens of Oakland and my district, I welcome Reverend Dorman to the district and commend him for the significant work he has done.

MANDATES INFORMATION ACT OF 1999

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes:

Mr. DELAY. Mr. Chairman, I rise today to voice my support for the Mandates Information Act. We are a government by, for and of the people. This legislation simply informs the America people of the costs of their government.

There are many ways the federal government spends the hard-earned money of American families. The most notorious of course is direct taxation. But just as burdensome are unfunded mandates pushed on businesses and state and local governments—and right now there is no consistent accounting for how much these cost.

Unlike most bills that create and then hide expenses, this one simply satisfies the right to know what the government is forcing others to spend. This bill exposes all the hidden taxes of government. It is purely informational. There is no language in the bill that affects environmental laws, or health and safety standards. In short, it says to each and every Member of Congress: think before you spend.

It has become somewhat unfashionable for congressmen to be spend-crazy. But rather than changing their ways, many simply vote to dump the cost on others. This bill makes congressmen think twice about voting for hidden government costs because it will chronicle those costs.

Everyone likes to say that less control should be wielded by Washington and more work should be done on the private and local level. Even Bill Clinton claimed the era of big government is over. Now we need to do something about it. We need to get the federal government off the backs of businesses and state and local governments. I urge my colleagues to pass the Mandates Information Act without amendment.

Thursday, February 11, 1999

Daily Digest

HIGHLIGHTS

House Committees ordered reported 11 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S1437–S1455

Measures Introduced: Sixteen bills and four resolutions were introduced, as follows: S. 410–425, S. Res. 34–36, and S. Con. Res. 9. **Pages S1438–39**

Measures Passed:

Authorizing Chamber Photographs: Senate agreed to S. Res. 36, authorizing the taking of photographs in the Chamber of the United States Senate. **Pages S1437–38**

Impeachment of President Clinton: *In closed session,* the Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against William Jefferson Clinton, President of the United States. **Page S1437**

A unanimous-consent agreement was reached providing that if Senator Feinstein offers her motion to suspend the rules in order to attempt to consider a censure resolution and immediately following the reading of the motion by the clerk, Senator Gramm be recognized to offer a motion to postpone the Feinstein motion indefinitely.

Further, that immediately following the reporting of the Gramm motion by the clerk, the Senate proceed to a vote on the Gramm motion.

Further, that following the vote, if two-thirds of the Senate fail to defeat the motion to postpone, then the motion to suspend is withdrawn and that no further motions relative to censure be in order prior to this week's adjournment of the Senate. **Page S1455**

A unanimous-consent agreement was reached providing for the appointment of a committee of Senators to escort the Chief Justice out of the Senate Chamber at the conclusion of the Court of Impeachment. **Pages S1454–55**

Senate will continue to sit as a Court of Impeachment on Friday, February 12, 1999.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report concerning Emigration Laws and Policies of Mongolia; referred to the Committee on Finance. (PM–8). **Page S1438**

Nominations Received: Senate received the following nominations:

Leonard R. Page, of Michigan, to be General Counsel of the National Labor Relations Board for a term of four years.

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003. **Page S1455**

Messages From the President: **Page S1438**

Messages From the House: **Page S1438**

Executive Reports of Committees: **Page S1438**

Statements on Introduced Bills: **Pages S1439–50**

Additional Cosponsors: **Pages S1450–51**

Additional Statements: **Pages S1453–54**

Adjournment: Senate convened at 10:07 a.m., and adjourned at 7:06 p.m., until 9:30 a.m., on Friday, February 12, 1999.

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 313, to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999; and

An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial

regulatory agency actions, to provide for improved consumer credit disclosure.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

The nominations of William Clyburn Jr., of South Carolina, and Wayne O. Burkes, of Mississippi, each to be a Member of the Surface Transportation Board, Department of Transportation; and routine nominations for promotion in the United States Coast Guard; and

S. 82, authorizing funds for the Federal Aviation Administration, Department of Transportation, with amendments.

EDUCATION BUDGET

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the proposed budget request for fiscal year 2000 for the Department of Education, focusing on special education costs, Individuals with Disabilities Education Act, vocational-technical education, career preparation programs, military children, and higher education, after receiving testimony from Vermont State Representative Albert J. Perry, Richford; Paul Marchand, Education Task Force/Consortium for Citizens with Disabilities, Betsy Brand, American Youth Policy Forum, Edward Kealy, Committee for Education Funding, Anthony Samu, United States Student Association, and William D. Hansen, Education Finance Council, all of Washington, D.C.; H. Allen Gilbert, Worcester School Board, Worcester, Vermont; John F. Deegan, Bellevue Public Schools, Bellevue, Nebraska, on behalf of the National Military Impacted Schools Association; and Dunbar Brooks, Baltimore County Public Schools, Towson, Maryland, on behalf of the National School Boards Association.

House of Representatives

Chamber Action

Bills Introduced: 54 public bills, H.R. 2, 705–757; 2 private bills, H.R. 758–759; and 14 resolutions, H.J. Res. 29, H. Con. Res. 32–33, and H. Res. 53–63, were introduced. **Pages H641–44**

Reports Filed: Reports were filed as follows:

H.R. 171, to authorize appropriations for the Coastal Heritage Trail Route in New Jersey (H. Rept. 106–16). **Page H641**

Small Business Paperwork Reduction Act Amendments: The House passed H.R. 391, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses by a recorded vote of 274 ayes to 151 noes, Roll No. 20. **Pages H595–H613**

Agreed to the McIntosh amendment that specifies that a fine may be imposed for a first time paperwork violation if it has the potential to cause serious harm or present a danger to public health or safety; and adds two representatives from the Department of Health and Human Services, including a member from the Health Care Financing Administration, to the task force on streamlining information requirements. **Pages H603–05**

Rejected the Kucinich amendment that sought to strike provisions which waive a fine for a first time paperwork violation and establishes a policy or program for Federal agencies, except the IRS, to eliminate, delay, or reduce fines in appropriate circumstances and take into account the seriousness of the violation, public health and safety, consumer and worker protections, the environment, and previous compliance history (rejected by a recorded vote of 210 ayes to 214 noes, Roll No. 19). **Pages H605–12**

Earlier, agreed to H. Res. 42, the rule that provided for consideration of the bill by a voice vote. **Pages H590–95**

Presidential Message re Mongolia: Read a message from the President wherein he transmitted his updated report concerning the emigration laws and policies of Mongolia—referred to the Committee on Ways and Means and ordered printed (H. Doc. 106–19). **Page H613**

Presidential and Executive Office Financial Accountability Act of 1999: The House passed H.R. 437, to provide for a Chief Financial Officer in the Executive Office of the President by yea and nay vote of 413 yeas to 2 nays, Roll No. 21. **Pages H615–19**

Earlier, agreed to H. Res. 44, the rule that provided for consideration of the bill by a voice vote. **Pages H613–15**

Monthly Reports by the Postmaster General: The House passed H.R. 705, to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives. **Page H620**

Majority Leader Remarks: The Majority Leader announced the schedule for the remainder of February. **Pages H619–20**

Resignations and Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, February 23, 1999, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H620**

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 24, 1999. **Page H620**

George Washington's Birthday Observance: Agreed that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 22, 1999. Subsequently, the Chair announced the Speaker's appointment of Representatives Wolf and Moran of Virginia to represent the House. **Pages H620–21**

United States Group of the North Atlantic Assembly: The Chair announced the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly: Representative Bereuter, Chairman, and Representatives Bateman, Bliley, Boehlert, Regula, Roukema, Gillmor, Goss, Deutsch, Borski, Lantos, and Rush. **Page H621**

Canada-United States Interparliamentary Group: The Chair announced the Speaker's appointment of Representative Houghton as Chairman of the Canada-United States Interparliamentary Group. **Page H621**

Mexico-United States Interparliamentary Group: The Chair announced the Speaker's appointment of Representative Kolbe as Chairman of the Mexico-United States Interparliamentary Group. **Page H621**

House of Representatives Page Board: The Chair announced the Speaker's appointment of Representatives Kelly and Kolbe to the Page Board. Subsequently, read a letter from the Minority Leader wherein he announced his appointment of Representative Kildee to the Board. **Page H621**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 23, 1999. **Page H621**

Woman's Progress Commemoration Commission: Read a letter from the Minority Leader wherein he announced his appointment of Representative Slaughter, Ms. Clayola Brown of New York, New York, and Ms. Barbara Haney of Irvine, New Jersey. **Page H621**

National Council on the Arts: Read a letter from the Minority Leader wherein he announced his appointment of Representative Lowey to the National Council on the Arts. **Page H621**

Trade Deficit Review Commission: Read a letter from the Minority Leader wherein he announced his appointment of Mr. George Becker of Pittsburgh, Pa., Mr. Kenneth Lewis of Portland, Or., and Mr. Michael Wessel of Falls Church, Va. to the Trade Deficit Review Commission. **Page H621**

Web-Based Education Commission: Read a letter from the Minority Leader wherein he announced his appointment of Representative Fattah and Mr. Doug King of St. Louis, Mo. **Pages H621–22**

Quorum Calls—Votes: One yea and nay vote and two recorded votes developed during the proceedings of the House today and appear on pages H611–12, H612–13, and H619. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 6:09 p.m.

Committee Meetings

AGRIBUSINESS CONSOLIDATION

Committee on Agriculture: Held a hearing to review agribusiness consolidation. Testimony was heard from Mark Drabenstott, Vice President and Director, Center for the Study of Rural America, Federal Reserve Bank, Kansas City, Missouri; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Inspector General. Testimony was heard from Roger C. Viadero, Inspector General, USDA,

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Export and Trade Financing Agencies. Testimony was heard from James A. Harmon,

President and Chairman, Export-Import Bank; George Munoz, President and CEO, Overseas Private Investment Corporation, U.S. International Development Cooperation Agency; and J. Joseph Grandmaison, Director, Trade and Development Agency.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Energy Conservation. Testimony was heard from Dan Reicher, Assistant Secretary, Energy, Efficiency, and Renewable Energy, Department of Energy; and Susan Kladiva, Associate Director, Energy, Resources, and Science Issues, GAO.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration and the Agency for Health Care Policy and Research. Testimony was heard from the following officials from the Department of Health and Human Services: Jeffrey P. Kopanda, M.D., Director, Center for Disease Control; Nelba Chavez, Administrator, Substance Abuse and Mental Health Services Administration; and John M. Eissenberg, M.D., Administrator, Agency for Health Care Policy and Research.

PROTECTION EQUIPMENT AND COUNTERMEASURE DEVICES

Committee on Armed Services: Subcommittee on Military Procurement held a hearing on protection equipment and countermeasure devices. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Paul J. Kern, USA, Military Deputy to the Assistant Secretary, (Research, Development, and Acquisition); Patrick Neary, Senior Executive Analyst, Deputy Chief of Staff, Intelligence, both with the U.S. Army; Vice Adm. Conrad C. Lautenbacher, Deputy Chief of Naval Operations, (Resources, Warfare Requirements, and Assessments); Rear Adm. Lowell E. Jacoby, Director, Naval Intelligence; and Lt. Jack Daly, Amphibious Group Three, all with the U.S. Navy; Lt. Gen. John E. Rhodes, USMC, Commander, Combat Development Command; Michael Decker, Deputy Assistant Chief of Staff, (Intelligence), both with the U.S. Marine Corps; and Lt. Gen. Gregory S. Martin, USAF, Principal Deputy Assistant Secretary, (Aquisition); and Maj. Gen. Richard R. Paul, USAF, Commander, Air Force Research Laboratory Command, Air Force Material Command, both with the U.S. Air Force.

FINANCIAL SERVICES ACT

Committee on Banking and Financial Services: Continued hearings on H.R. 10, Financial Services Act of 1999. Testimony was heard from Alan Greenspan, Board of Governors, Federal Reserve System; and public witnesses.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES; COMMITTEE BUDGET; COMMITTEE OVERSIGHT

Committee on Commerce: Ordered reported the following bills: H.R. 5l4, Wireless Privacy Enhancement Act of 1999; and H.R. 438, amended, Wireless Communications and Public Safety Act of 1999.

The Committee also approved the following: Budget for the 106th Congress and Oversight Plan for the 106th Congress.

NURSING HOME RESIDENT PROTECTION AMENDMENTS

Committee on Commerce: Subcommittee on Health and Environment held a hearing on H.R. 540, Nursing Home Resident Protection Amendments of 1999. Testimony was heard from Representative Davis of Florida; Mike Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Humans Services; and public witnesses.

ADMINISTRATION'S EDUCATION PROPOSALS AND PRIORITIES FISCAL YEAR 2000

Committee on Education and the Workforce: Held a hearing on the Administration's Education Proposals and Priorities for fiscal year 2000. Testimony was heard from Richard Riley, Secretary of Education.

2000 CENSUS OVERSIGHT

Committee on Government Reform: Subcommittee on Census held a hearing on Oversight of the 2000 Census: Examining the Benefits of Post-Census Local Review. Testimony was heard from Representatives Petri and Sawyer; Everett Ehrlich, member, U.S. Census Monitoring Board; Kenneth Blackwell, Secretary of State, State of Ohio; Timothy M. Kaine, Mayor, Richmond, State of Virginia; and public witnesses.

POSTAL MODERNIZATION ACT

Committee on Government Reform: Subcommittee on Postal Service held a hearing on H.R. 22, Postal Modernization Act of 1999. Testimony was heard from William J. Henderson, Postmaster General and CEO, U.S. Postal Service; the following officials of the Postal Rate Commission: Edward J. Gleiman, Chairman; W.H. LeBlanc III, Vice Chairman; George A. Omas, Ruth Y. Goldway and Dana B. Covington, all Commissioners; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following bills: H.R. 434, amended, African Growth and Opportunity Act; and H.R. 669, Peace Corps Expansion Act.

The Committee also approved its Oversight Plan for the 106th Congress.

AFRICAN GROWTH AND OPPORTUNITY ACT

Committee on International Relations: Subcommittee on Africa held a hearing on H.R. 434, African Growth and Opportunity Act. Testimony was heard from Susan Rice, Assistant Secretary, African Affairs, Department of State.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 39, Neotropical Migratory Bird Conservation Act. Testimony was heard from John Rogers, Deputy Director, Fish and Wildlife, U.S. Fish and Wildlife Service, Department of the Interior; Robert McDowell, Director, Division of Fish, Game and Wildlife, Department of Environment Protection and Energy, State of New Jersey; and public witnesses.

OVERSIGHT—GETTYSBURG VISITOR CENTER

Committee on Resources: Subcommittee on National Parks and Public Lands held an oversight hearing on Gettysburg general management plan and visitor center. Testimony was heard from Denis P. Galvin, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

BUDGET REQUEST—SCIENCES AT NASA

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Fiscal Year 2000 Budget Request: The Sciences at NASA. Testimony was heard from the following officials of NASA: Edward Weiler, Associate Administrator, Space Science; Ghassem Asrar, Associate Administrator, Earth Science; and Arnauld Nicogossian, Associate Administrator, Life and Microgravity Sciences and Applications; and Claude Canizares, Chairman, Space Studies Board, National Research Council.

BUDGET REQUEST—TECHNOLOGY ADMINISTRATION

Committee on Science: Subcommittee on Technology held a hearing to review the Fiscal Year 2000 Budget Request for the Technology Administration. Testimony was heard from the following officials from the Department of Commerce: Gary Bachula, Acting Under Secretary, Technology; Raymond Kammer, Director, National Institute of Standards and Technology; and Johnnie E. Frazier, Inspector General.

SBA'S WOMEN'S BUSINESS CENTER PROGRAM

Committee on Small Business: Held a hearing to review the SBA's Women's Business Center Program. Testimony was heard from Betsy Myers, Associate Deputy Administrator, Office of Entrepreneurial Development, SBA; and public witnesses.

MISCELLANEOUS MEASURES; COMMITTEE ORGANIZATION AND OVERSIGHT PLANS

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 92, to designate the Federal building and United States courthouse located at 251 North Main Street in Winston Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse''; H.R. 158, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse''; H.R. 233, to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building''; H.R. 396, to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''; H.R. 603, to amend title 38, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act''; and H.R. 661, to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels in the European Union adopts certain aircraft noise regulations.

The Committee also approved the following: further Committee organization and the Oversight Plan for the 106th Congress.

FINANCIAL NEEDS OF AIRPORTS, FAA AND AVIATION SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Aviation concluded hearings on the financial needs of airports, the FAA, and the aviation system, focusing on the benefits to passengers and private pilots from increased funding for airport improvements and air traffic control modernization. Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation; Fred Vogt, Director, Aeronautics Division, Department of Transportation, State of Tennessee; and public witnesses.

COAST GUARD AND FEDERAL MARITIME COMMISSION BUDGETS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Coast Guard and Federal Maritime Commission fiscal year 2000 Budgets. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Transportation: Adm. James M. Loy, USCG, Commandant; and Master Chief Petty Officer Vincent Patton, III; Edward P. Walsh, Managing Director, Federal Maritime Commission; and John H. Anderson, Jr., Issue Area Director, Transportation Issues, GAO.

CAPITOL COMPLEX—FIRE SAFETY ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation held a hearing on fire safety issues within the Capitol Complex. Testimony was heard from John W. Lainhart, Inspector General, U.S. House of Representatives; Herb Franklin, Executive Assistant, Architect of the Capitol; and a public witness.

OVERSIGHT—OFFICE OF MOTOR CARRIERS

Committee on Transportation and Infrastructure: Subcommittee on Ground Transportation held a hearing on oversight of the Office of Motor Carriers: Part One. Testimony was heard from the following officials of the Department of Transportation: Jack Basso, Assistant Secretary, Budget and Programs, Chief Financial Officer; Kenneth R. Wykle, Administrator, and Julie Anna Cirillo, Program Manager, Motor Carrier and Highway Safety, both with the Federal Highway Administration.

VA BUDGET

Committee on Veterans' Affairs: Held a hearing on the Fiscal Year 2000 Budget of the Department of Veterans Affairs. Testimony was heard from Togo D. West, Jr., Secretary of Veterans Affairs; and representatives of veterans organizations.

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT; SOCIAL SECURITY REFORM LESSONS LEARNED; COMMITTEE BUDGET AND OVERSIGHT PLANS

Committee on Ways and Means: Ordered reported H.R. 416, Federal Retirement Coverage Corrections Act.

The Committee also hold a hearing on social security reform lessons learned in other countries. Testimony was heard from Dan Crippen, Director, CBO; James Roosevelt, Associate Commissioner, Retirement Policy, SSA; and public witnesses.

The Committee approved the following: Committee Budget; and Oversight Plans for the 106th Congress.

MEDICARE PROGRAM MANAGEMENT; COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Health held a hearing on Management of the Medicare Program. Testimony was heard from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, Department of Health and Human Services; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

Prior to the hearing, the Subcommittee met for organizational purposes.

FIGHTING FOREIGN PROTECTIONISM—IMPORTANCE OF TRADE NEGOTIATIONS

Committee on Ways and Means: Subcommittee on Trade held a hearing on the Importance of Trade Negotiations in Fighting Foreign Protectionism. Testimony was heard from Charlene Barshefsky, U.S. Trade Representative.

COUNTERNARCOTICS BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on counternarcotics. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 12, 1999

Senate

No meetings/hearings scheduled.

House

Committee on Agriculture, Subcommittee on General Farm Commodities, Resource Conservation and Credit, hearing to review agricultural credit outlook, 9 a.m., 1300 Longworth.

Committee on Banking and Financial Services, to continue hearings on H.R. 10, Financial Services Act of 1999, 10:00 a.m., 2128 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, February 12

Senate Chamber

Program for Friday: Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, February 12

House Chamber

Program for Friday: Pro Forma Session.

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